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

19 **IN THE UNITED STATES DISTRICT COURT**
20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

21 **KESEANA BUCHANAN**, individually
22 and on behalf of all others similarly
23 situated,

24 Plaintiff

25 -against-

26 **AARGON COLLECTION AGENCY,**

27 Defendant

Civil Case No.:

CIVIL ACTION

CLASS ACTION COMPLAINT
and
JURY TRIAL DEMAND

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

12 **INTRODUCTION/PRELIMINARY STATEMENT**

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

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

- 4
- 5 3. The rights and obligations established by section 15 U.S.C. § 1692g were
6 considered by the Senate at the time of passage of the FDCPA to be a
7 “significant feature” of the Act. See *S. Rep. No. 382, 95th Cong., 1st Sess.*
8 *4, at 4, reprinted in 1977 U.S.C.C.A.N. 1695, 1696.*
- 9
- 10 4. One of the purposes of the Rosenthal Fair Debt Collection Practices Act,
11 California Civil Code § 1788 is to prohibit debt collectors from engaging in
12 unfair or deceptive acts or practices in the collection of consumer debts.
13

14 **JURISDICTION AND VENUE**

- 15
- 16 5. The Court has jurisdiction over this class action under 28 U.S.C. § 1331, 15
17 U.S.C. § 1692 *et seq.* and 28 U.S.C. § 2201. If applicable, the Court also has
18 pendent jurisdiction over the state law claims in this action pursuant to 28
19 U.S.C. § 1367(a).
- 20 6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).
21

22 **NATURE OF THE ACTION**

- 23
- 24 7. Plaintiff brings this class action on behalf of a class of California consumers
25 seeking redress for Defendant’s actions of using false, deceptive and
26 misleading representation or means in connection with the collection of an
27 alleged debt.
28

1 8. Defendants actions violated § 1692 et seq. of Title 15 of the United States
2 Code, commonly referred to as the Fair Debt Collections Practices Act
3 (“FDCPA”), which prohibits debt collectors from engaging in false,
4 deceptive or misleading practices.

5 9. Defendant’s actions violated California Civil Code § 1788 et seq. of the
6 Rosenthal Fair Debt Collection Practices Act (“RFDCPA”), which prohibits
7 debt collectors from engaging in unfair or deceptive acts or practices in the
8 collection of consumer debts.

9 10. Plaintiff is seeking damages, and declaratory and injunctive relief.

10 **PARTIES**

11 11. Plaintiff is a natural person and a resident of the State of California and is a
12 “Consumer” as defined by 15 U.S.C. §1692(a)(3).

13 12. Defendant is a collection agency with its principal office located at 8668
14 Spring Mountain Road, Las Vegas, Nevada 89117.

15 13. Upon information and belief, Defendant is a company that uses the mail,
16 telephone, or facsimile in a business the principal purpose of which is the
17 collection of debts, or that regularly collects or attempts to collect debts
18 alleged to be due another.

19 14. Defendant is a “debt collector,” as defined under the FDCPA under 15
20 U.S.C. § 1692a(6).

21 **ALLEGATIONS OF FACT**

22
23
24 15. Plaintiff repeats, reiterates and incorporates the allegations contained in
25 paragraphs above herein with the same force and effect as if the same were
26 set forth at length herein.

27 16. Some time prior to November 2, 2017, an obligation was allegedly incurred
28 to AMEREN MISSOURI.

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

4 18.The alleged AMEREN MISSOURI obligation is a "debt" as defined by 15
5 U.S.C.§ 1692a(5).

6 19.AMEREN MISSOURI is a "creditor" as defined by 15 U.S.C.§ 1692a(4).

7 20.Defendant contends that the AMEREN MISSOURI debt is past due.

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

12 22.AMEREN MISSOURI directly or through an intermediary contracted the
13 Defendant to collect the alleged debt.

14 23.On or about November 2, 2017, the Defendant caused to be delivered to the
15 Plaintiff a collection letter in an attempt to collect the alleged AMEREN
16 MISSOURI debt. *See Exhibit A.*

17 24.The November 2, 2017 letter was sent or caused to be sent by persons
18 employed by Defendant as a “debt collector” as defined by 15 U.S.C.
19 §1692a(6).

20 25.The November 2, 2017 letter is a “communication” as defined by 15 U.S.C.
21 §1692a(2).

22 26.The Plaintiff received and read the Letter sometime after November 2, 2017.

23 27.The Letter stated in part:

24
25 “Amount Owed: \$814.24
26 Interest Accrued: \$ 0.00
27 Charges/Fees: \$ 0.00
28 Your Payments: \$ 0.00

1 Total Balance Due: \$ 814.24”

2 28.The Letter further stated:

3 “Because of interest that may vary from day to day the amount due on
4 the day you pay may be greater.”

5 29.Upon information and belief, the amount allegedly due would never
6 increase due to interest or other charges.

7 30.Upon information and belief, the amount due does not vary from day to
8 day, nor would the amount Plaintiff would be required to pay increase if he
9 was to pay in full the amount stated in the letter.

10 31.Upon information and belief, the amount due never varies from day to day
11 because of interest on any Ameren Missouri debt collected by Defendant.

12 32.The Plaintiff, as would any least sophisticated consumer read the above
13 statement and believed that the Defendant could potentially impose
14 additional charges, even though that would never actually incur. *See*
15 *e.g., Beauchamp v. Fin. Recovery Servs., Inc.*, No. 10 CIV. 4864 SAS,
16 2011 WL 891320, at *3 (S.D.N.Y. Mar. 14, 2011) (finding that a letter
17 stating that the debt balance may increase could mislead the least
18 sophisticated debtor into believing that additional charges or interest
19 would accrue).

20 33.By inputting this language, the Defendant caused the Plaintiff a real risk
21 of harm. Plaintiff, as would the least sophisticated consumer, would
22 believe that they have a financial incentive to pay this debt sooner and
23 in full, or risk owing a higher amount.

24 34.Defendants could have taken the steps necessary to bring its actions
25 within compliance with the FDCPA, but neglected to do so and failed
26 to adequately review its actions to ensure compliance with the law.
27
28

CLASS ALLEGATIONS

1
2
3 35. Plaintiff brings claims, pursuant to the Federal Rules of Civil Procedure
4 (hereinafter “FRCP”) Rule 23, individually and on behalf of the following
5 consumer class (the “Class”) consisting of: a) All debtors b) who were sent
6 a collection letter from the Defendant c) attempting to collect a consumer
7 debt owed to AMEREN MISSOURI d) that states “Because of interest that
8 may vary from day to day the amount due on the day you pay may be greater”
9 (e) where there was no interest accruing on the account (f) which letter was
10 sent on or after a date one year prior to the filing of this action and on or
11 before a date 21 days after the filing of this action.
12

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

16 37. Excluded from the Plaintiff Class are the Defendant and all officers,
17 members, partners, managers, directors, and employees of the Defendant and
18 their respective immediate families, and legal counsel for all parties to this
19 action and all members of their immediate families.

20 38. There are questions of law and fact common to the Plaintiff Class, which
21 common issues predominate over any issues involving only individual class
22 members. The principal issue is whether the Defendant’s written
23 communications to consumers, in the forms attached as *Exhibit A*, violate
24 15 U.S.C. § 1692e.

25 39. The Plaintiff claims are typical of the class members, as all are based upon
26 the same facts and legal theories.

27 40. The Plaintiff will fairly and adequately protect the interests of the Plaintiff
28 Class defined in this complaint. The Plaintiff has retained counsel with

1 experience in handling consumer lawsuits, complex legal issues, and class
2 actions, and neither the Plaintiff nor her attorneys have any interests, which
3 might cause them not to vigorously pursue this action.

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

- 8 (a) **Numerosity:** The Plaintiff is informed and believes, and on that basis
9 alleges, that the Plaintiff Class defined above is so numerous that
10 joinder of all members would be impractical.
- 11 (b) **Common Questions Predominate:** Common questions of law and
12 fact exist as to all members of the Plaintiff Class and those questions
13 predominate over any questions or issues involving only individual
14 class members. The principal issue is whether the Defendant's written
15 communications to consumers, in the forms attached as *Exhibit A*,
16 violate 15 U.S.C. § 1692e.
- 17 (c) **Typicality:** The Plaintiff's claims are typical of the claims of the class
18 members. The Plaintiff and all members of the Plaintiff Class have
19 claims arising out of the Defendant's common uniform course of
20 conduct complained of herein.
- 21 (d) **Adequacy:** The Plaintiff will fairly and adequately protect the
22 interests of the class members insofar as Plaintiff has no interests that
23 are averse to the absent class members. The Plaintiff is committed to
24 vigorously litigating this matter. Plaintiff has also retained counsel
25 experienced in handling consumer lawsuits, complex legal issues, and
26 class actions. Neither the Plaintiff nor her counsel has any interests
27 which might cause them not to vigorously pursue the instant class
28

1 action lawsuit.

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

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

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

19 **COUNT I**

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

21 **15 U.S.C. §1692e et seq.**

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

25 45. Defendant's debt collection efforts attempted and/or directed towards the
26 Plaintiff violated various provisions of the FDCPA, including but not
27 limited to 15 U.S.C. § 1692e.
28

46. Pursuant to 15 U.S.C. § 1692e, a debt collector may not use any false,

1 misleading and/or deceptive means to collect or attempt to collect any
2 debt or to obtain information concerning a consumer.

3 47. The Defendant violated said section in its letter to the Plaintiff by:

- 4 a. Using a false, deceptive, and misleading representations or means
5 in connection with the collection of a debt;
6 b. Falsely representing the amount of the alleged debt in violation of
7 1692e(2)(A);
8 c. Making a false representation or using deceptive means to collect
9 a debt in violation of 1692e(10).

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

14 **COUNT II**

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

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

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

24 47. As set forth above, Defendant violated 15 U.S.C. § 1692e(2)(A) by falsely
25 representing the amount of the debt.

26 48. As set forth above, Defendant violated 15 U.S.C. § 1692e(5) by threatening
27 to take action that was not intended to be taken.
28

1 49.As set forth above, Defendant violated 15 U.S.C. § 1692e(10) by making a
2 false representation and using deceptive and misleading means to collect a
3 debt.

4 50.As such, Defendant violated the foregoing provisions of the FDCPA and
5 RFDCPA.

6 51.As a direct and proximate result of Defendant's violations of the RFDCPA
7 and FDCPA, Plaintiff was harmed, and may recover from Defendant one
8 thousand dollars (\$1,000.00) in statutory damages in addition to actual
9 damages and reasonable attorneys' fees and costs pursuant to Cal. Civ. Code
10 § 1788.30.
11

12 **DEMAND FOR TRIAL BY JURY**

13
14
15 52.Pursuant to Rule 38 of the Federal Rules of Civil Procedure,
16 Plaintiff hereby request a trial by jury on all issues so triable.
17

18 **PRAYER FOR RELIEF**

19
20 **WHEREFORE**, Plaintiff demands judgment against Defendant as follows:

21 (a) Declaring that this action is properly maintainable as a Class
22 Action and certifying Plaintiff as Class representative and Marcus & Zelman, LLC,
23 as Class Counsel;

24 (b) Awarding Plaintiff and the Class statutory damages;

25 (c) Awarding Plaintiff and the Class actual damages;

26 (d) Awarding Plaintiff costs of this Action, including reasonable
27 attorneys' fees and expenses;
28

1 (e) Awarding pre-judgment interest and post-judgment interest;
2 and

3 (f) Awarding Plaintiff and the Class such other and further relief
4 as this Court may deem just and proper.
5

6 Dated: May 9, 2018
7

8 /s/ Jonathan A. Stieglitz
9 JONATHAN A. STIEGLITZ
10 (SBN 278028)
11 jonathan.a.stieglitz@gmail.com
12 THE LAW OFFICES OF
13 JONATHAN A. STIEGLITZ
14 11845 W. Olympic Blvd., Ste. 800
15 Los Angeles, California 90064
16 Telephone: (323) 979-2063
17 Facsimile: (323) 488-6748

18 **PRO HAC VICE MOTION TO BE FILED**

19 Yitzchak Zelman, Esq.
20 Marcus & Zelman, LLC
21 701 Cookman Avenue - Suite 300
22 Asbury Park, New Jersey 07712
23 Office: (732) 695-3282
24 Fax: (732) 298-6256
25 Email: yzelman@MarcusZelman.com
26 Website: www.MarcusZelman.com
27 *Attorneys for the Plaintiff*
28

AARGON^(R)

COLLECTION AGENCY

THE ONLY REAL SOLUTION

To Contact Us: (800) 280-1183 EXT 333
Hours of Operation:
Monday – Friday | 8:00 a.m. – 6:00 p.m.
Saturday | 8:00 a.m. – 12:00 p.m.

AARGON ACCOUNT #: [REDACTED] 8570
Letter Dated: November 2, 2017

Creditor's Name: AMEREN MISSOURI
Creditors Account Number: [REDACTED] 0333

DELINQUENT ACCOUNT	
Amount Owed:	\$ 814.24
Interest Accrued:	\$ 0.00
Charges/Fees:	\$ 0.00
Your Payments:	- \$ 0.00
Total Balance Due:	\$ 814.24

Dear KESEANA BUCHANNON,

At this time your account has not been paid in full, nor have we received notice that you require payment arrangements.



Call Spencer Davis toll free at (800) 280-1183 ext. 333 to discuss your account and set up payment arrangements. Please reference Account Number: [REDACTED] 8570



Manage your Account Online. Visit us at <http://payaargon.com>
Your User Name is: BUCHANNON | Password is: [REDACTED]



Mail a check or money order payable to Aargon Agency Inc., for the Total Balance Due using the remittance coupon below and enclosed envelope.

As of the date of this letter, you owe the Total Balance Due listed above. This amount may vary due to payments and/or accrual of interest. Because of interest that may vary from day to day the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your payment, in which event we will inform you before depositing your payment for collection. For further information you may contact our office at (800) 280-1183 ext 333.

Information regarding this account has been or may be reported to a credit reporting agency and may be reflected on your credit report.

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

Our Account Managers can find a plan that can work for you. Contact us to discuss your account. Payment options are available.

See Reverse Side for Important Consumer Information
DETACH BOTTOM PORTION AND RETURN WITH PAYMENT

68CDARAC01_DL2 582188761

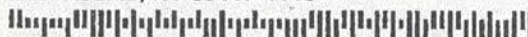
Aargon Agency Inc.
8668 Spring Mountain Road
Las Vegas, NV 89117-4113



Account #: [REDACTED] 8570
Total Balance Due: \$ 814.24
See reverse side for payment information.

RETURN SERVICE REQUESTED

AAI
8668 SPRING MOUNTAIN RD
LAS VEGAS, NV 89117-4113



KESEANA BUCHANNON



Please check box if address is incorrect or information has changed, and indicate change(s) on reverse side.

034909
10/18

Important Consumer Disclosure Information

Calls to and/or from this office are recorded and may be monitored for quality assurance. As of the date of this letter you owe the amount listed in this letter as Total Balance Due.

How to Contact Us:

TELEPHONE: (800) 280-1183
 ONLINE: <http://payaargon.com>
 EMAIL: info@aargon.com
 MAIL PAYMENTS & CORESPONDENCE TO: **AARGON AGENCY INC**
 8668 Spring Mountain Road, Las Vegas, Nevada 89117-4113

Payment Options:

You may visit our website to make a secure payment at www.payaargon.com or contact us at (800) 280-1183 EXT. 333. For your convenience an automated payment attendant is available 24 hours a day, 7 days a week. Your account number will be required.

For your convenience we accept all major credit cards, debit cards and check by phone payments using your checking account. If you use a debit card, or a check by phone to make a payment, we will convert your payment into an ACH or EFT Payment. This means the amount of your payment may be immediately withdrawn from your funding account. Sending an eligible check for payment is deemed sufficient authorization to complete the payment by electronic debit. By doing so your checking account will be debited for the amount of the check and your cancelled check will not be returned to you by your bank.

Certain States require we notify you that a fee of 2% may be assessed for using a credit card if authorized by law. Other payment options are available that do not assess this fee. Please contact our office for more information. The above terms and conditions do not apply to payments made using our online payment website, or automated payment system.

Information regarding this account may be reported to a credit reporting agency and may be reflected on your credit bureau.

We are required under state law to notify consumers of the following important rights. This list does not contain a complete list of the rights consumers have under state and federal law:

IF YOU LIVE IN CALIFORNIA, THIS APPLIES TO YOU:



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.

Information regarding this account has been or may be reported to a credit reporting agency and may be reflected on your credit report.

(**)Nonprofit credit counseling services may be available in the area.

(**) This disclosure applies only to Medical Accounts. If you are unsure if your account is related to a Medical Provider, please refer to the front of this letter, or contact us directly at (800) 280-1183 Extension 333.

Phone Toll Free: (800) 280-1183 EXT 333

We Accept All Major Credit Cards:    

<input style="width: 100%;" type="text"/> - <input style="width: 100%;" type="text"/> - <input style="width: 100%;" type="text"/> - <input style="width: 100%;" type="text"/>	Credit Card Number CVV Code
Amount Paid \$ <input style="width: 80%;" type="text"/>	Exp. Date <input style="width: 15%;" type="text"/> / <input style="width: 15%;" type="text"/>
Signature of Card Holder _____ Date _____	

Please check box if address or other information is incorrect and indicate correct information.

Address: _____

City: _____

State: _____

Daytime Phone: _____

Evening Phone: _____

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

KESEANA BUCHANAN, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) The Law Offices of Jonathan A. Stieglitz, 11845 W. Olympic Blvd Ste 800 Los Angeles 90064 323.979.2063 jonathan.a.stieglitz@gmail.com

DEFENDANTS

AARGON COLLECTION AGENCY

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 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)

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

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

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

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

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

VI. CAUSE OF ACTION

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

Brief description of cause: Defendant violated the FDCPA

VII. REQUESTED IN COMPLAINT:

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

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

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

JUDGE DOCKET NUMBER

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

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

DATE 05/09/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jonathan Steiglitz

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

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

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Claims Aargon Collection Agency Failed to Clearly State Woman's Debt Amount](#)
