

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

MARTA CARRION CARRASQUILLO,
Individually and on Behalf of All Others Similarly
Situated,

Plaintiff,

vs.

MESSERLI & KRAMER, P.A.,

Defendant.

) Case No.: 18-cv-1094

) **CLASS ACTION COMPLAINT**

) **Jury Trial Demanded**

INTRODUCTION

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, Wis. Stats. Ch. 421-427 (the “WCA”).

JURISDICTION AND VENUE

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.

PARTIES

3. Plaintiff Marta Carrion Carrasquillo is an individual who resides in the Eastern District of Wisconsin (Milwaukee County).

4. 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, namely an alleged credit card debt.

5. Plaintiff is a “customer” as defined in the WCA, Wis. Stat. § 421.301(17), in that she is engaged in consumer credit transactions. Wis. Stat. § 421.301(10). Purchases allegedly made using a credit card are, by definition, “consumer credit transactions” under the WCA. *Id.*

6. Defendant Messerli & Kramer, P.A. (“Messerli”) is a law firm with its principal offices located at 100 S 5th Street, 1400 Fifth Street Towers, Minneapolis, MN 55402.

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

8. Messerli is engaged in the business of collecting debts owed to others and incurred for personal, family or household purposes. Messerli is a debt collector as defined in 15 U.S.C. § 1692a.

FACTS

9. On April 16, 2018, Messerli filed a small claims action against Carrasquillo in Milwaukee County Circuit Court, attempting to collect an alleged debt owed to “CACH LLC” (“CACH”). Milwaukee Co. Case No. 2018sc15057 (the “Small Claims Action”).

10. The alleged debt at issue in the Small Claims Action was an alleged credit card account, originally owed to Bank of America, N.A. (“BoA”). In the Small Claims Action, Messerli represented that BoA had assigned its interest in the account to CACH. CACH is a debt buyer that is currently in bankruptcy proceedings in the Southern District of New York, and thus, is not named as a party to this action.

11. The alleged debt that Messerli was attempting to collect was for a personal credit card, originally owed to BoA. The alleged debt was incurred for personal, family or household purposes. Plaintiff only opened and used credit cards for purchases of household goods and services.

12. In Milwaukee County, small claims lawsuits require the defendant to appear in person on the return date in order to avoid the entry of default judgment.

13. The return date for Carrasquillo in the Small Claims Action was May 16, 2018.

14. On May 16, 2018, Carrasquillo appeared *pro se* in the Small Claims Action and disputed the debt. The court adjourned the Small Claims Action for further proceedings to be held on July 25, 2018. A copy of the docket in the Small Claims Action, as printed from Wisconsin Circuit Court Access (“CCAP”) on July 13, 2018, is attached to this complaint as Exhibit A.

15. On or about June 4, 2018, Messerli mailed a document titled “Order for Financial Disclosure and Financial Disclosure Statement” (“Financial Disclosure Order”) to Plaintiff regarding the Small Claims Action. A copy of the Financial Disclosure Order is attached to this complaint as Exhibit B. A copy of the envelope in which Messerli mailed Exhibit B to Carrasquillo, postmarked June 4, 2018, is attached as Exhibit C.

16. Exhibit B is, or is a close facsimile of, the “Financial Disclosure Statement” form used in Wisconsin state courts to require a judgment debtor to disclose income and assets *after* a judgment is entered.

17. In the context of this action, Messerli’s use of Exhibit B is not only false and misleading to the unsophisticated consumer, but also a shocking abuse of the state court system.

18. Messerli mailed Exhibit B to Carrasquillo even though judgment was not entered on May 16, 2018.

19. Exhibit B falsely states that a judgment was entered against Carrasquillo on May 16, 2018:

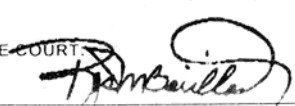
IT IS ORDERED THAT the judgment debtor within 15 days of entry of judgment either

- Pay the judgment in full, or
- Accurately complete the following Financial Disclosure Statement and mail or deliver it to the judgment creditor or attorney at the following address:

Name: Messerli & Kramer, PA
Address: 3033 Campus Drive
Suite 250
Plymouth, MN 55441

➤ Failure to comply with this order may be contempt of court and subject you to the following penalties:

- Imprisonment for up to 6 months.
- Forfeitures of not more than \$2000 per day.
- Any other order necessary to ensure your compliance
- Punitive (criminal) sanctions under Wis. Stats. Ch. 785

BY THE COURT: 

May 16, 2018 5/16/18
Judgment Date Date

20. Exhibit B includes the facsimile signature of a judge or court commissioner, and identifies May 16, 2018 as the “Judgment Date,” even though judgment was not entered on May 16, 2018.

21. Exhibit B also falsely states that Carrasquillo is ordered by the court to complete the Financial Disclosure Statement and send it to Messerli within 15 days.

22. Plaintiff is under no legal obligation to respond to Exhibit B, but the unsophisticated consumer in this situation would not know that.

23. Exhibit B requests that Carrasquillo provide personal information to Messerli, including Carrasquillo’s phone number, social security number, employer contact information, and information about Carrasquillo’s spouse.

24. Exhibit B also contains the statement: “The information on this statement is true and correct,” with a signature line for the “Signature of Judgment Debtor/Corporate Officer.”

25. Exhibit B creates the false impression that the consumer is required by law to complete Exhibit B and return it to Messerli.

26. When mailed at a time when no judgment has been entered, Exhibit B also misleads a consumer into believing that judgment has been entered and there is no point to continue contesting the debt.

27. Upon information and belief, Messerli sent Exhibit B to make the consumer believe that judgment had already been entered, and that he or she is required to respond to Exhibit B and provide the information requested in Exhibit B to Messerli.

28. Exhibit B creates in the unsophisticated consumer the concern that he or she may be required to respond to Exhibit B or risk sanctions from the court.

29. The unsophisticated consumer would be confused as to whether he or she was required to respond to Exhibit B, and is misled by the misrepresentations that a judgment had been entered.

30. Plaintiff had to spend time and money investigating Exhibit B and the consequences of any potential responses to Exhibit B.

31. Plaintiff had to take time to obtain and meet with counsel, including travel 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.

The FDCPA

32. The FDCPA creates substantive rights for consumers; violations cause injury to consumers, and such injuries are concrete and particularized. *Derosia v. Credit Corp Solutions*, 2018 U.S. Dist. LEXIS 50016, at *12 (E.D. Wis. Mar. 27, 2018) (“a plaintiff who receives misinformation from a debt collector has suffered the type of injury the FDCPA was intended to protect against’ and ‘satisfies the concrete injury in fact requirement of Article III.’”) (quoting *Pogorzelski v. Patenaude & Felix APC*, 2017 U.S. Dist. LEXIS 89678, 2017 WL 2539782, at *3 (E.D. Wis. June 12, 2017)); *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.”); *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.”); *Bock v. Pressler & Pressler, LLP*, No. 11-7593, 2017 U.S. Dist. LEXIS 81058 *21

(D.N.J. May 25, 2017) (“through [s]ection 1692e of the FDCPA, Congress established ‘an enforceable right to truthful information concerning’ debt collection practices, a decision that ‘was undoubtedly influenced by congressional awareness that the intentional provision of misinformation’ related to such practices, ‘contribute[s] to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy,’”); *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).

33. 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”). 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).

34. 15 U.S.C. § 1692e generally prohibits “any false, deceptive, or misleading representation or means in connection with the collection of any debt.”

35. 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.”

36. 15 U.S.C. § 1692e(13) prohibits a debt collector from making a “false representation or implication that documents are legal process.”

37. 15 U.S.C. § 1692f prohibits debt collectors from using “unfair or unconscionable means to collect or attempt to collect any debt.”

The WCA

38. 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).

39. 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).

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

41. “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.

42. 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.

43. 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).

44. 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).

45. 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. Nuwell 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.*

46. Wis. Stat. § 427.104(1)(g) states that a debt collector may not: “Communicate with the customer . . . in such a manner as can reasonably be expected to threaten or harass the customer.”

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

48. Wis. Stat. § 427.104(1)(j) states that a debt collector may not: “Claim, or attempt or threaten to enforce a right with knowledge or reason to know that the right does not exist.”

49. Wis. Stat. § 427.104(1)(k) states that a debt collector may not “Use a communication which simulates legal or judicial process or which gives the appearance of being authorized, issued or approved by a government, governmental agency or attorney-at-law when it is not.”

COUNT I – FDCPA

50. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

51. Exhibit B is confusing and misleading to the unsophisticated consumer.

52. Exhibit B falsely represents that judgment has been entered against Carrasquillo.

53. Exhibit B’s misleading effect is enhanced by Messerli’s inclusion of a facsimile signature of a judge or court commissioner and its use of a similar or identical form to the official one used in state courts.

54. Exhibit B misleads the unsophisticated consumer as to whether the court requires the consumer to respond to the “Financial Disclosure Order” form.

55. Exhibit B simulates judicial process. *See Exhibit C*.

56. Messerli violated 15 U.S.C. §§ 1692e, 1692e(10), 1692e(13) and 1692f.

COUNT II -- WCA

57. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

58. Exhibit B falsely represents that judgment has been entered against Carrasquillo.

59. Exhibit B's misleading effect is enhanced by Messerli's inclusion of a facsimile signature of a judge or court commissioner and its use of a similar or identical form to the official one used in state courts.

60. Exhibit B misleads the unsophisticated consumer as to whether the court requires the consumer to respond to the "Financial Disclosure Order" form.

61. Exhibit B simulates judicial process. *See Exhibit C*.

62. Messerli violated Wis. Stat. §§ 427.104(1)(k).

63. Plaintiff further seeks injunctive relief under the WCA, Wis. Stat. § 426.109(1).

64. Plaintiff and all Class members also seek punitive damages for defendants' outrageous conduct. Wis. Stat. § 895.043(3) provides that "The plaintiff may receive punitive damages if evidence is submitted showing that the defendant acted maliciously toward the plaintiff or in an intentional disregard of the rights of the plaintiff."

CLASS ALLEGATIONS

65. Plaintiff brings this action on behalf of a Class, consisting of (a) all natural persons in the State of Wisconsin (b) who were sent an "Order for Financial Disclosure and Financial Disclosure Statement" in the form represented by Exhibit B to the complaint in this action, (c) when judgment had not been entered against the class member for the alleged debt, (d)

seeking to collect a debt for personal, family or household purposes, (e) between July 13, 2017 and July 13, 2018, (f) that was not returned by the postal service.

66. The Class is so numerous that joinder is impracticable. Upon information and belief, there are more than 50 members of the Class.

67. Messerli is a high-volume collection law firm. A search of Wisconsin Circuit Court Access for small claims actions filed by Attorney Jim Kachelski – the attorney employed by Messerli who filed the Small Claims Action – returns over 3,400 cases in Milwaukee County alone and a statewide search returns an error message for too many results.

68. There are questions of law and fact common to the members of the class, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether the Defendant complied with 15 U.S.C. §§ 1692e, 1692f, or Wis. Stat. § 427.104(1)(k).

69. Plaintiff's claims are typical of the claims of the Class members. All are based on the same factual and legal theories.

70. Plaintiff will fairly and adequately represent the interests of the Class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases.

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

JURY DEMAND

72. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court enter judgment in favor of Plaintiff and the Class and against Defendant for:

- (a) actual damages;
- (b) statutory damages;
- (c) punitive damages;
- (d) injunctive relief;
- (e) attorneys' fees, litigation expenses and costs of suit; and
- (f) such other or further relief as the Court deems proper.

Dated: July 17, 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
(414) 482-8001 (fax)
jblythin@ademilaw.com
meldridge@ademilaw.com
jfruchter@ademilaw.com
bslatky@ademilaw.com

EXHIBIT A

Milwaukee County Case Number 2018SC015057 CACH, LLC vs. Marta Carrion Carrasquillo

Case summary

Filing date 04-16-2018	Case type Small Claims	Case status Open - Electronic filing
Class code description Sm Claim, Claim Under \$ Limit	Responsible official Small Claims Commissioner Court	

Party summary

Party type	Party name	Party status
Plaintiff	CACH, LLC	
Defendant	Carrasquillo, Marta Carrion	

Parties

Plaintiff: CACH, LLC

Date of birth	Sex	Race
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Address (last updated 04-16-2018)

c/o Messerli & Kramer PA, 3033 Campus Drive Suite 250, Plymouth, MN 55441 US

Attorneys

Attorney name	Guardian ad litem	Entered
Kachelski, James E	No	04-16-2018

Defendant: Carrasquillo, Marta Carrion

Date of birth	Sex	Race
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Address (last updated 04-16-2018)

3768 S HOWELL AVE APT 5, MILWAUKEE, WI 53110-2160 US

Future court activity

Date	Time	Location	Description	Type	Court official
07-25-2018	08:30 am	Room 400	Adjourned for further proceedings	Court	Small Claims Commissioner Court

Court record

Date	Event	Court official	Court reporter	AI
05-16-2018	Return date	Small Claims Commissioner Court		

[Privacy - Terms](#)

Event	Court official	Court reporter	Amount
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Additional text:

Plaintiff in court by Attorney. Defendant in court pro se. Case Adjourned for further proceedings scheduled for July 25, 2018 at 08:30 am.

05-08-2018	Affidavit of service	Small Claims Commissioner Court	
04-16-2018	Declaration of nonmilitary service	Small Claims Commissioner Court	
04-16-2018	Filing fee paid		\$118.00

Additional text:

Adjustment Number: 18A 052373, Payable Number: 689085, Receipt Number: 18RM042731, Amount: \$118.00

04-16-2018	Case initiated by electronic filing		
04-16-2018	Summons and complaint	Small Claims Commissioner Court	

Exhibit B

Creditor: CACH, LLC
-VS-

Order for Financial Disclosure
and
Financial Disclosure Statement

Debtor: Marta Carrion Carrasquilla

Case No. 18SC15057

IT IS ORDERED THAT the judgment debtor within 15 days of entry of judgment either

- Pay the judgment in full, or
- Accurately complete the following Financial Disclosure Statement and mail or deliver it to the judgment creditor or attorney at the following address:
Name: _____
Address: _____

Messerli & Kramer, PA
3033 Campus Drive
Suite 250
Plymouth, MN 55441


➤ Failure to comply with this order may be contempt of court and subject you to the following penalties:

- Imprisonment for up to 6 months.
- Forfeitures of not more than \$2000 per day.
- Any other order necessary to ensure your compliance
- Punitive (criminal) sanctions under Wis. Stats. Ch. 785.

May 16, 2018

Judgment Date

BY THE COURT:



Circuit Court Judge/Circuit Court Commissioner

5/16/18

Date

Individuals should complete items 1 - 35 and 37. Corporations should complete items 25 - 33, 36 and 37.

FINANCIAL DISCLOSURE OF ASSETS			
1. Your full name	2. Date of Birth	3. Social Security Number	4. Number of Dependents
5. Your residence address (not P.O. box)	City	State	Zip Code Phone No
6. Spouse's full name	7. Social Security Number	8. Do you have a marital property agreement? <input type="checkbox"/> Yes (Attach copy.) <input type="checkbox"/> No	
9. Spouse's residence address (if different)	City	State	Zip Code Phone No
10. Your employer's name and address		11. Gross Wages	12. Paid <input type="checkbox"/> weekly <input type="checkbox"/> biweekly <input type="checkbox"/> monthly
13. Spouse's employer's name and address		14. Gross Wages	15. Paid <input type="checkbox"/> weekly <input type="checkbox"/> biweekly <input type="checkbox"/> monthly
You must complete this information (16 - 33) for both you and your spouse.			
16. Other employers		17. Gross Wages	18. Paid <input type="checkbox"/> weekly <input type="checkbox"/> biweekly <input type="checkbox"/> monthly
19. Pension Income (Give name and address of payor.)		20. Amount	21. Paid <input type="checkbox"/> weekly <input type="checkbox"/> biweekly <input type="checkbox"/> monthly
22. Social Security/Disability/SSI (Give name and address of payor.)		23. Amount	24. Paid <input type="checkbox"/> weekly <input type="checkbox"/> biweekly <input type="checkbox"/> monthly
25. Checking, savings, financial accounts (List name and address of institution, type of account and amount.)			
26. Automobiles (Give year, make and market value.)			
27. Stocks, bonds, life insurance, IRA's and other financial investments (List name, number of shares and value.)			28. Other Income (Specify)
29. Real estate and other real property interests (List kind of property, location and market value.)			
30. Does anyone owe you money? <input type="checkbox"/> Yes (Attach details.) <input type="checkbox"/> No	31. Is anyone holding any assets or property for you? <input type="checkbox"/> Yes (Attach details.) <input type="checkbox"/> No		32. Amount of cash on hand
33. Other assets of value (Give details and values.)			

Complete both pages and sign page 2.

34. Do you believe your earnings are exempt from garnishment? Yes No
 If yes, complete lines A, B, and C as appropriate.

- A. I have received the following need-based public assistance within the last six months:
 - Medical assistance Relief funded under Wis. Stats. §59.53(21)
 - Food stamps Relief funded under public assistance
 - Supplemental security income
 - Benefits for veterans under Wis. Stats. §45.351(1) or 38 USC 501-562

- B. I have been determined to be eligible to receive the following need-based public assistance although I have not actually begun to receive those benefits:
 - Medical assistance Relief funded under Wis. Stats. §59.53(21)
 - Food stamps Relief funded under public assistance
 - Supplemental security income
 - Benefits for veterans under Wis. Stats. §45.351(1) or 38 USC 501-562

- C. My household income is below the federal poverty line. (Worksheets and schedules for this determination are available in the Clerk of Court's Office.)

- D. At least 25% of my disposable earnings are assigned by the court order for support.

35. Would the garnishment of 20% of your disposable income reduce your household income below the federal poverty line? Yes No

36. Corporations should complete questions 25 – 33, as well as the following:

Name of Corporation	Address	Taxpayer ID Number
Officers of Corporation and Title	Business Address	Home Address
1		
2		
3		
4		
Registered Agent	Address	

37. The information provided on this statement is true and correct.

 Signature of Judgment Debtor/Corporate Officer

 Date

GARNISHMENT, EXECUTIONS AND EXEMPTIONS

An unpaid money judgment against you can result in the judgment creditor satisfying the judgment by taking or selling your personal property, including income, and your real estate.

Garnishment is a separate legal proceeding used to take money in possession of another which is owed you, typically income or deposits in financial institutions, in an amount sufficient to satisfy the judgment. A separate garnishment proceeding must be commenced by a judgment creditor choosing this remedy.

Execution is a writ issued by a court directing the sheriff to seize or attach your personal property or real estate so that it may be sold to satisfy the judgment. **A writ of execution** can be issued upon the perfecting and docketing of the original judgment without commencement of a separate legal proceeding.

Exemptions are assets protected by statute from garnishment and execution. These assets are determined in part by your marital status, the number of your dependents, whether the transaction leading to the judgment was a consumer credit transaction and whether the judgment creditor had a mortgage or a security interest. Other qualifications and limitations are set forth in §815.18(3) through (13), Wisconsin Statutes.

Because your personal circumstances will determine if an asset is exempt from execution, the Judicial Conference can only inform you about the types of assets and amount of income which **MAY** be exempt and the statutes you can refer to for specific information.

Your exempt assets and income with statutory limitations may include the following:

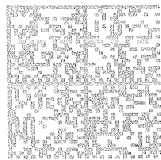
- Salary up to 10% for purchase of savings bonds [Wis. Stats. §20.921(1)(e)].
- Veteran's benefits [Wis. Stats. §45.35(8)(b)].
- Assistance grants [Wis. Stats. §49.96].
- Pension funds and benefits from 1st class cities and counties of populations over 500,000 [Wis. Stats. §62.63(4) and Ch. 201, Laws 1937, s.11].
- Worker's compensation awards [Wis. Stats. §102.27(1)].
- Unemployment compensation benefits [Wis. Stats. §108.13(2)].
- School aid moneys [Wis. Stats. §121.007].
- Partner's rights in specific partnership property [Wis. Stats. §178.21(3)(c)].
- Tenant's housing corporation lease and stock interests [Wis. Stats. §182.004(6)].
- Income, including wages and earnings [Wis. Stats. §§425.106(1)(a), 812.34(2), 812.39 and 815.18(3)(h)].
- Clothing, jewelry, household furniture and furnishings [Wis. Stats. §425.106(1)(b)].
- Homestead interest in real estate [Wis. Stats. §425.106(1)(c), 815.20 and 815.21].
- Earnings or assets required to be paid by customers as restitution [Wis. Stats. §425.106(1)(d)].
- Insurance company deposits with the State Treasurer [Wis. Stats. §601.13(7)].
- Fraternal benefits [Wis. Stats. §614.96].
- Cemetery lots, above ground burial facilities/monuments, tombstones and coffins [Wis. Stats. §815.18(3)(a)].
- Business and farm equipment, inventory, products and professional books not to exceed \$7500 [Wis. Stats. §815.18(3)(b)].
- Child support, family support or maintenance payments [Wis. Stats. §815.18(3)(c)].
- Consumer goods held primarily for personal, family, or household use not to exceed \$5000 [Wis. Stats. §815.18(3)(d)].
- State aid to county fairs and agricultural societies [Wis. Stats. §815.18(3)(df)].
- Federal disability insurance benefits [Wis. Stats. §815.18(3)(ds)].
- Fire and casualty insurance proceeds [Wis. Stats. §815.18(3)(e)].
- Fire and police pension fund benefits [Wis. Stats. §815.18(3)(ef)].
- Fire apparatus and equipment [Wis. Stats. §815.18(3)(em)].
- Life insurance contract and accrued dividends, interest or loan value not to exceed \$4000 [Wis. Stats. §815.18(3)(f)].
- Motor vehicles not to exceed \$1200 plus unused consumer goods value [Wis. Stats. §815.18(3)(g)].
- Life insurance, personal injury and wrongful death claims [Wis. Stats. §815.18(3)(i)].
- Retirement and public employee trust funds [Wis. Stats. §§40.08(1) and 815.18(3)(j)].
- Depository accounts in the aggregate value of \$1000 [Wis. Stats. §815.18(3)(k)].
- Private property to satisfy judgments against municipalities, vocational, technical and adult education and school districts [Wis. Stats. §815.18(3)(m)].
- Federal war pensions [Wis. Stats. §815.18(3)(n)].
- Crime victim award [Wis. Stats. §949.07].

Exhibit C

**MESSERLI
KRAMER**

Messerli & Kramer P.A.
3033 Campus Drive
Suite 250
Plymouth, MN 55441-2662

Marta Carrion Carrasquillo
3768 S Howell Ave Apt 5
Milwaukee WI 53110-2160



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Marta Carrion Carrasquillo
3768 S Howell Ave Apt 5
Milwaukee WI 53110-2160

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

MARTA CARRION CARRASQUILLO

(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

MESSERLI & KRAMER, P.A.

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	<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"/> 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"/> 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"/> 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	<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"/> 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"/> 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"/> 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	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	PRISONER PETITIONS	<input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 441 Voting	<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	<input type="checkbox"/> 442 Employment	<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"/> 443 Housing/Accommodations	<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"/> 444 Welfare	<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"/> 445 Amer. w/Disabilities - Employment	IMMIGRATION		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<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"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State 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
- 7 Appeal to District Judge from Magistrate Judgment

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 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

July 17, 2018 /s/ John D. Blythin

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING JEP _____ 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

MARTA CARRION CARRASQUILLO,

Plaintiff(s)

v.

MESSERLI & KRAMER, P.A.

Defendant(s)

Civil Action No. 18-cv-1094

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)
MESSERLI & KRAMER, P.A.
100 South 5th Street, 1400 Fifth Street Towers
Minneapolis, MN 55402

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

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.:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Alleges 'Context' of Messerli & Kramer Financial Disclosure Request Is Illegal Under WI Law](#)
