

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

XIOMARA CARRILLO, individually and
on behalf of all others similarly situated

Plaintiff,

-against-

RESURGENT CAPITAL SERVICES and
LVNV FUNDING LLC,

Defendants.

Civil Case Number:

CIVIL ACTION

**CLASS ACTION COMPLAINT
AND
DEMAND FOR JURY TRIAL**

Plaintiff, XIOMARA CARRILLO (hereinafter, “Plaintiff”), a New York resident, brings this class complaint by and through the undersigned attorneys, Marcus & Zelman, LLC, against Defendant RESURGENT CAPITAL SERVICES and LVNV FUNDING LLC for its violations of the Fair Debt Collection Practices Act 15 U.S.C. § 1692 (hereinafter “FDCPA”), individually and on behalf of a class of all others similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure, based upon information and belief of Plaintiff’s counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff’s personal knowledge.

INTRODUCTION/PRELIMINARY STATEMENT

1. Congress enacted the FDCPA in 1977 in response to the “abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors.” 15 U.S.C. § 1692(a). At that time, Congress was concerned that “abusive debt collection practices contribute to the number of personal bankruptcies, to material instability, to the loss of jobs, and to invasions of individual privacy.” *Id.* Congress concluded that “existing laws . . . [we]re inadequate to protect consumers,” and that “the effective collection of debts”

does not require “misrepresentation or other abusive debt collection practices.” 15 U.S.C. §§ 1692(b) & (c).

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

NATURE OF THE ACTION

3. Plaintiff brings this action seeking redress individually and on behalf of those similarly situated, for Defendant’s actions which violate the FDCPA.
4. It was the purpose of the FDCPA to eliminate abusive debt collection practices by debt collectors. See 15 U.S.C. §1692(e).
5. The regulations under the FDCPA include prohibiting debt collectors from making any false, misleading or deceptive representations, from attempting to collect an amount they are not entitled to, and from attempting to collect an amount they were unable to verify after a dispute.
6. Plaintiff is alleging that Defendant violated several sections in the FDCPA, including 15 U.S.C. §1692e and 1692f.
7. Plaintiff is seeking statutory damages, actual damages, attorney’s fees and costs, and declaratory and injunctive relief for the violations of the FDCPA.

JURISDICTION AND VENUE

8. The Court has jurisdiction over this class action under 28 U.S.C. § 1331, 15 U.S.C. § 1692

et seq. and 28 U.S.C. § 2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. § 1367(a).

9. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

10. Plaintiff is a natural person and a resident of the State of New York.

11. Plaintiff is a “consumer” as defined by 15 U.S.C. §1692a(3).

12. Defendant Resurgent Capital Services is a collection agency with its registered office located at 601 Abbot Road, East Lansing, Michigan 48823.

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

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

15. Defendant LVNV Funding LLC (“LVNV”) is a debt collector with its registered agent located at 1703 Laurel Street, Columbia, South Carolina 29223.

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

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

ALLEGATIONS OF FACT

18. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs

numbered above herein with the same force and effect as if the same were set forth at length herein.

19. Some time prior to December 13, 2012, an obligation was allegedly incurred to Credit One Bank, N.A. ("Credit One") by the Plaintiff.
20. The Credit One obligation arose out of a transaction in which money, property, insurance or services, which are the subject of the transaction, are primarily for personal, family or household purposes.
21. The alleged Credit One obligation is a "debt" as defined by 15 U.S.C. § 1692a(5).
22. Credit One is a "creditor" as defined by 15 U.S.C. § 1692a(4).
23. On December 13, 2012, Credit One charged off the alleged debt and closed the account to any future charges, including interest.
24. As evinced from statements mailed to Plaintiff from Credit One, Credit One ceased collecting interest on the Plaintiff's alleged debt and waived its right to continue collecting interest. See **Exhibit A**.
25. In fact, Credit One did not charge interest on the December 13, 2012 statement, or anytime thereafter.
26. On or about January 10, 2013 Credit One sold the alleged debt to Defendants. See **Exhibit B**.
27. At the time the debt was sold, the balance of the debt was \$574.42.
28. Some time thereafter, at a time better known to the Defendants, LVNV added \$224.11 in interest to the alleged balance owed.
29. Upon information and belief, Defendants had no legal or contractual right to charge any interest after Credit One closed the account to any future charges.

30. On or about September 1, 2017, Defendant Resurgent Capital Services mailed the Plaintiff a collection letter in an attempt to collect the Credit One bill. See **Exhibit C**.

31. The letter was received and read by the Plaintiff.

32. The letter stated in part:

“Balance: \$798.53

Last Payment Date: 04/15/2012

Amount Due at Charge-Off: \$574.42

Interest Accrued Post Charge-Off: \$224.11”

33. Defendants’ action caused the Plaintiff real harm, by subjecting the Plaintiff to deceptive collection practices in violation of her substantive rights to be free from such practices, and by creating the risk that the Plaintiff would pay more money than she owed, in excess of what the Defendant could lawfully receive.

CLASS ALLEGATIONS

34. Plaintiff brings claims, pursuant to the Federal Rules of Civil Procedure (hereinafter “FRCP”) Rule 23, individually and on behalf of the following consumer classes:

- CLASS A: Class A consists of (a) All consumers who have an address in the state of New York (b) who were sent a collection letter from Resurgent Capital Services (c) attempting to collect a consumer debt owed to LVNV, (d) whose original creditor was Credit One Bank, N.A. (e) who LVNV charged interest after the debt was charged off by Credit One Bank, N.A. (f) which letter was sent on or after a date one year prior to the filing of this action and on or before a date 21 days after the filing of this action.

35. The identities of all class members are readily ascertainable from the records of Defendants and those companies and entities on whose behalf they attempt to collect

and/or have purchased debts.

36. Excluded from the Plaintiff Classes are the Defendants and all officers, members, partners, managers, directors, and employees of the Defendants and their respective immediate families, and legal counsel for all parties to this action and all members of their immediate families.
37. There are questions of law and fact common to the Plaintiff Classes, which common issues predominate over any issues involving only individual class members. The principal issue is whether the Defendants violated the FDCPA by (1) attempting to collect a debt which included interest after the debt was closed to any future charges by the original creditor.
38. The Plaintiffs' claims are typical of the class members, as all are based upon the same facts and legal theories.
39. The Plaintiffs will fairly and adequately protect the interests of the Plaintiff Classes defined in this complaint. The Plaintiffs have retained counsel with experience in handling consumer lawsuits, complex legal issues, and class actions, and neither the Plaintiffs nor their attorneys have any interests, which might cause them not to vigorously pursue this action.
40. 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 Plaintiffs are informed and believe, and on that basis allege, 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 issue is whether the Defendants' attempt to collect an amount they were not legally entitled to violated 15 U.S.C. § 1692e and 1692f.
- (c) **Typicality:** The Plaintiffs' claims are typical of the claims of the class members. The Plaintiffs and all members of the Plaintiff Classes have claims arising out of the Defendants' common uniform course of conduct complained of herein.
- (d) **Adequacy:** The Plaintiffs will fairly and adequately protect the interests of the class members insofar as Plaintiffs have no interests that are averse to the absent class members. The Plaintiffs are committed to vigorously litigating this matter. Plaintiffs have also retained counsel experienced in handling consumer lawsuits, complex legal issues, and class actions. Neither the Plaintiffs nor their counsel have any interests which might cause them not to vigorously pursue the instant class action lawsuit.
- (e) **Superiority:** A class action is superior to the other available means for the fair and efficient adjudication of this controversy because 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.

41. 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

Classes 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.

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

COUNT I

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692f *et seq.*

43. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.
44. Defendants' debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692f.
45. Pursuant to 15 U.S.C. § 1692f, a debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.
46. More specifically, pursuant to 15 U.S.C. § 1692f (1) a debt collector may not attempt to collect an amount (including any interest, fee, charge or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law.
47. The Defendants violated 15 U.S.C. § 1692f (1) by attempting to collect an amount that they were not legally or contractually entitled to.
48. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692f *et seq.* of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

COUNT II

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

49. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.
50. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e.
51. Pursuant to 15 U.S.C. §1692e, a debt collector is prohibited from using false, deceptive, or misleading representation in connection with the collection of a debt.
52. The Defendant violated section by:
- a. Falsely representing the character, amount, and legal status of the alleged debt in violation of 1692e(2);
 - b. Taking action that cannot legally be taken in violation of 1692e(5); and
 - c. Making a false representation in connection with the collection of a debt in violation of 1692e(10).
53. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692e *et seq.* of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

JURY DEMAND

54. Plaintiff requests a trial by jury for all claims that can be so tried.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- (a) Declaring that this action is properly maintainable as a Class Action and

certifying Plaintiff as Class representative and Ari H. Marcus, Esq and Yitzchak Zelman, Esq., as Class Counsel;

- (b) Awarding Plaintiff and the Class statutory damages;
- (c) Awarding Plaintiff and the Class actual damages;
- (d) Awarding Plaintiff costs of this Action, including reasonable attorneys' fees

and expenses;

- (e) Awarding pre-judgment interest and post-judgment interest; and
- (f) Awarding Plaintiff and the Class such other and further relief as this Court

may deem just and proper.

Dated: February 12, 2018

/s/ Ari Marcus
Ari Marcus, Esq.
MARCUS & ZELMAN, LLC
1500 Allaire Avenue, Suite 101
Ocean, New Jersey 07712
(732) 695-3282 telephone
(732) 298-6256 facsimile
Attorneys for Plaintiff

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

XIOMARA CARRILLO, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

MARCUS & ZELMAN LLC 1500 Allaire Ave Ste 101 Ocean NJ 07712 Tel: 732.695.3282 ari@marcuszelman.com

DEFENDANTS

RESURGENT CAPITAL SERVICES and LVNV FUNDING LLC

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, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (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, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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

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

VI. CAUSE OF ACTION

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

Brief description of cause: Defendant violated the FDCPA

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: X Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 02/13/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Ari Marcus

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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, Ari Marcus, counsel for Plaintiff, 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

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:

None

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? Yes 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 No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes No
 - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received: Manhattan .

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? Yes No

(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.

/s/ Ari Marcus

Signature: _____

ACCOUNT SUMMARY REPORT
 9/17/2017 12:04:03 PM

This account summary has been prepared by Resurgent Capital Services on behalf of LVNV Funding LLC. It is not a credit card or other account statement from the original creditor.

Borrower Information

Name: XIOMARA CARRILLO
 Address: [REDACTED]
 City: [REDACTED]
 State: [REDACTED]
 Zip Code: [REDACTED]

Current Account Information

Owner: LVNV Funding LLC
 Reference #: [REDACTED]
 Account Number: XXXXXXXXXXXX8688
 Original Creditor: Credit One Bank, N.A.
 Current Balance Due: \$798.53
 Date of Last Payment: 04/15/2012

Historical Account Information

The original creditor for this account was: Credit One Bank, N.A.
 The charge-off creditor for this account was: Credit One Bank, N.A.
 The origination date with original creditor was: 12/07/2011
 The account charge-off date was: 12/13/2012
 The account charge-off amount was: \$574.42
 The account was acquired on or about: 01/10/2013
 The account was acquired from: FNBM, LLC
 The account balance at time of acquisition: \$574.42

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

Ownership History

Date Of Transfer	Owner/Creditor Name
01/10/2013	Credit One Bank, N.A.
01/10/2013	FNBM, LLC
01/10/2013	Sherman Originator III LLC C/O Resurgent Capital Services LP
01/10/2013	Sherman Originator LLC C/O Resurgent Capital Services LP
	LVNV Funding LLC C/O Resurgent Capital Services LP



PO Box 510090
Livonia MI 48151-6090



P7CNJ100200034



XIOMARA CARRILLO



Account Number: *****8688
 Original Creditor: Credit One Bank, N.A.
 Current Owner: LVNV Funding LLC
 Reference ID: [REDACTED]
 Balance: \$798.53
 Last Payment Date: 04/15/2012
 Accountholder Name: Xiomara Carrillo
 Amount Due at Charge-Off: \$574.42
 Interest Accrued Post Charge-Off: \$224.11
 Non-Interest Charges/Fees Post Charge-Off: \$0.00
 Amount of Payments Made Post Charge-Off: \$0.00

September 1, 2017

We are required by Law and the regulations of the New York State Department of Financial Services to notify you of the following information. This information is NOT legal advice:

The legal time limit (statute of limitations) for suing you to collect this debt has expired. However, if somebody sues you anyway to try to make you pay this debt, court rules REQUIRE YOU to tell the court that the statute of limitations has expired to prevent the creditor from obtaining a judgment. Even though the statute of limitations has expired, you may CHOOSE to make payments. However, BE AWARE: if you make a payment, the creditor's right to sue you to make you pay the entire debt may START AGAIN. Suing on a debt for which the statute of limitations has expired is a violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.; and that if the consumer admits, affirms, acknowledges, or promises to pay a debt for which the statute of limitations has expired, the statute of limitations may restart.

If you would like to learn more about your legal rights and options, you can consult an attorney or a legal assistance or legal aid organization.

Dear Xiomara Carrillo,

Resurgent Capital Services L.P. manages the above referenced account for LVNV Funding LLC and has initiated a review of the inquiry we recently received.

For further assistance, please contact P. Holladay toll free at 1-866-464-1187.

continued on next page



Hours of Operation
8:30AM-6PM EST
Monday - Thursday
8:30AM-5PM EST Friday



Address
PO Box 10497
Greenville, SC 29603



Contact Numbers
Toll Free Phone
1-866-464-1187
Toll Free Fax
1-866-467-0960



Customer Portal
Portal.Resurgent.com



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York [dropdown icon]

XIOMARA CARRILLO, individually and on behalf of all others similarly situated,

Plaintiff(s)

v.

RESURGENT CAPITAL SERVICES and LVNV FUNDING LLC,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received 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 plaintiff's attorney, whose name and address are:

Marcus & Zelman, LLC
1500 Allaire Avenue
Suite 101
Ocean, NJ 07712

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.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons 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 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: [Resurgent Capital Services and LVNV Funding Sued for Allegedly Applying Unlawful Interest to Debt](#)
