

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

CASE NO.

GENAY GLASGO, *on behalf
of herself and all others similarly situated,*

Plaintiff,

v.

MERCHANTS CREDIT ADJUSTERS, INC.
a Nebraska Corporation,

Defendant.

CLASS ACTION COMPLAINT

1. Plaintiff alleges violations of the *Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq.* (“*FDCPA*”).

JURISDICTION AND VENUE

2. This Court has jurisdiction under the *Fair Debt Collection Practices Act*, pursuant to *28 U.S.C. §1331* and *15 U.S.C. §1692k*.

3. Venue in this District is proper because Plaintiff resides here, and Defendant conducts business in this District.

PARTIES

4. Plaintiff, Genay Glasgo, (“Plaintiff”) is a natural person, and citizen of the State of Florida, residing in Hillsborough County, Florida.

5. Defendant, Merchants Credit Adjusters, Inc., (“Defendant”) is a Nebraska Corporation engaged in the business of collecting consumer debts, which operates from offices located at 4005 South 148 Street, Omaha, Nebraska 68137.

6. Defendant regularly uses the United States Postal Service and telephone in the collection of consumer debts.

7. Defendant is licensed in the State of Florida as a consumer collection agency, license number CCA9902820.

8. Defendant regularly collects or attempts to collect consumer debts for other parties. Defendant is a “debt collector” as defined by the *FDCPA*.

9. At all times material to the allegations of this Complaint, Defendant was acting as a debt collector with respect to the collection of Plaintiff’s alleged debt.

FACTUAL ALLEGATIONS

10. Defendant sought to collect a consumer debt from Plaintiff arising from an alleged delinquency on a debt. The debt was incurred primarily for personal, household or family use, more specifically, the debt at issue was a medical debt.

11. On or about March 27, 2017, Defendant mailed Plaintiff a letter seeking payment of the alleged debt. (The “Demand Letter” is attached hereto as “Exhibit 1”).

12. The Demand Letter states in part:

Re:	Doctors Express – Tampa
Creditor Acct #:	613251
MCA Acct #:	CB850146
Balance Due:	\$90.00

XXXX

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume the debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original

creditor, if different from the current creditor. By this communication, Merchants Credit Adjusters, Inc. is attempting to collect a debt from you and any information obtained will be used for that purpose.

13. The Demand Letter was Defendant's initial communication with Plaintiff with respect to the debt alleged therein.

14. *15 U.S.C. §1692g(a)* states:

Validation of debts.

(a) Notice of debt; contents. Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing-

(1) the amount of the debt;

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

(3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;

(4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and

(5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

(Emphasis added).

15. The Demand Letter does not identify the creditor of the debt. The Demand Letter states “Re: Doctors Express – Tampa” and indicates it is in regard to¹ “Doctors Express – Tampa.”

16. In Florida there are six active registered fictitious names “Doctors Express.” As well as a “Doctors Express of St. Petersburg.” There are no registered fictitious names “Doctors Express-Tampa.”²

17. Each registered “Doctors Express” is owned by different entities.

18. “Doctors Express” is a fictitious name registered by Focus Healthcare Systems LLC.

19. “Doctors Express” is fictitious name registered by Intercoastal Urgent Care Associates, PL.

20. “Doctors Express” is a fictitious name registered by H & H Medical Associates, LLC.

21. “Doctors Express” is a fictitious name registered by Lavender Health Care, LLC, Lavender Health Care Management, LLC, and Lavender Health Care of Florida, LLP.

22. “Doctors Express” is a fictitious name registered by Lavender Retirement, Inc., and Lavender Health Care of Florida, LLLP.

23. “Doctors Express” is a fictitious name registered by Urgent Care Express LLC.

24. In Florida there are no corporations registered as “Doctors Express” or “Doctors Express – Tampa.”³

25. Defendant does not name the creditor in the Demand Letter.

¹ “re” regarding, in the matter of, Blacks Law Dictionary 1454 (10th ed.).

² <http://dos.sunbiz.org/scripts/ficregl.exe> last accessed October 23, 2017.

³ <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResults?inquiryType=EntityName&searchNameOrder=DOCTORSEXPRESS&searchTerm=doctors%20express> last accessed October 23, 2017.

26. Any potential *bona fide* error defense which relies upon Defendant's mistaken interpretation of the legal duties imposed upon it by the *FDCPA* would fail as a matter of law.

CLASS ACTION ALLEGATIONS

27. This action is brought on behalf of a Class consisting of (i) all persons with addresses in the State of Florida (ii) to whom initial communication letters were mailed, or caused to be mailed (iii) by the Defendant (iv) that did not identify the name of the creditor (v) and stated "Re: Doctors Express – Tampa" (vi) that were not returned undeliverable by the U.S. Post Office (vii) in an attempt to collect a debt incurred for personal, family, or household purposes (viii) during the one year period prior to the filing of the original Complaint in this action through the date of certification.

28. Plaintiff alleges on information and belief that Defendant's practice of mailing or causing to be mailed, initial communication letters that did not identify the creditor of the underlying debt in the initial communication letters served upon the Class is so numerous, that joinder of all members of the Class is impractical.

29. There are questions of law or fact common to the Class. The common issues predominate over any issues involving only individual Class members. The common legal and factual issue to each Class member is that each was mailed or caused to be mailed an initial communication letter by Defendant that did not identify the creditor of the debt as required by *15 U.S.C. § 1692g(a)(2)*.

30. Plaintiff's claim is typical of those of the Class members. All are based on the same facts and legal theories.

31. Plaintiff will fairly and adequately protect the interests of the Class. She has retained counsel experienced in handling actions involving unlawful practices under the *FDCPA*

and Class actions. Neither Plaintiff nor her counsel have any interests which might cause them not to vigorously pursue this action.

32. Certification of the Class under *Rule 23(b)(3)* of the *Federal Rules of Civil Procedure* is also appropriate in that:

(1) The questions of law or fact common to the members of the class predominate over any questions affecting an individual member.

(2) A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

33. Plaintiff requests certification of a Class under *Rule 23(b)(3)*, of the *Federal Rules of Civil Procedure*, for monetary damages; her appointment as Class Representative; and that her attorney, Leo W. Desmond, be appointed Class Counsel.

COUNT I CLASS CLAIM
VIOLATION OF 15 U.S.C. § 1692g(a)

34. Plaintiff re-alleges Paragraphs 1 through 26.

35. After an initial communication with Plaintiff and the Class, pursuant to *15 U.S.C § 1692g(a)* the Defendant must provide the Plaintiff and the Class with:

(a) Notice of debt; contents.

Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing-

(1) the amount of the debt;

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

(3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any

portion thereof, the debt will be assumed to be valid by the debt collector;

- (4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and
- (5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

(Emphasis added).

36. Defendant mailed, or caused to be mailed, the Demand Letter to Plaintiff in an attempt to collect a consumer debt, namely to collect a past due balance on a medical debt.

37. Pursuant to the *FDCPA*, the Demand Letter is an initial communication between Defendant and Plaintiff.

38. The Demand Letter only indicates it is in regards to "Doctors Express – Tampa."

39. There is no corporate entity in Florida called "Doctors Express – Tampa" or "Doctors Express."

40. There are six active registered fictitious names "Doctors Express" and each one is owed by different entities.

41. Defendant's Demand Letter does not identify the creditor of the debt in violation of *15 U.S.C. § 1692g(a)(2)*.

42. As a result of Defendant's conduct, Plaintiff and the Class are entitled to an award of statutory damages pursuant to *15 U.S.C. § 1692k*.

43. As a result of Defendant's conduct Plaintiff and the Class are entitled to an award of costs and attorney's fees pursuant to *15 U.S.C. § 1692k*.

COUNT II CLASS CLAIM
VIOLATION OF 15 U.S.C. § 1692e

44. Plaintiff re-alleges Paragraphs 1 through 26 and Paragraphs 35 through 41.

45. Pursuant to *15 U.S.C. § 1692g(a)(2)* the Defendant must provide the Plaintiff and the Class with:

(a) Notice of debt; contents.

Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing-

XXXX

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

46. *15 U.S.C. § 1692e(10)* states:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

XXXX

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

47. Defendant mailed, or caused to be mailed, a Demand Letter to Plaintiff in an attempt to collect a consumer debt, namely to collect the balance owed on a medical debt.

48. The Demand Letter was an initial communication used in the collection of a debt between Defendant and Plaintiff.

49. Defendant's Demand Letter is misleading and false and therefore in violation of *15 U.S.C. § 1692e(10)* as it does not identify the creditor of the debt.

50. The Demand Letter only indicates it is in regards to "Doctors Express – Tampa."

51. There is no corporate entity in Florida called “Doctors Express – Tampa” or “Doctors Express.”

52. There are six active registered fictitious names “Doctors Express” and each one is owed by different entities.

53. Defendant’s Demand Letter would be deceptive to the least sophisticated consumer with regard to his/her legal rights as it does not contain the name of the creditor of the debt.

54. As a result of Defendant’s conduct, Plaintiff and the Class are entitled to an award of statutory damages pursuant to *15 U.S.C. § 1692k*.

55. As a result of Defendant’s conduct, Plaintiff and the Class are entitled to an award of costs and attorney’s fees pursuant to *15 U.S.C. § 1692k*.

RELIEF REQUESTED

WHEREFORE, Plaintiff prays for the following relief:

- a. An Order certifying the *FDCPA* matter as a Class Action and appointment of Plaintiff as Class Representative;
- b. An Order appointing Leo W. Desmond as Class Counsel;
- c. An award of statutory damages for Plaintiff and the Class pursuant to *15 U.S.C. §1692k* for all Class claims;
- d. An award of attorney’s fees, litigation expenses and costs of the instant suit;
and
- e. Such other and further relief as the Court deems proper.

Dated: November 15, 2017.

Respectfully submitted,

By: /s/ Leo W. Desmond



Leo W. Desmond, Esq.
Florida Bar Number 0041920
DESMOND LAW FIRM, P.C.
5070 Highway A1A, Suite D
Vero Beach, Florida 32963
Telephone: 772.231.9600
Facsimile: 772.231.0300
lwd@desmondlawfirm.com
Attorney for Plaintiff

EXHIBIT 1

4005 South 148th Street
 Omaha NE 68137-5561



(888) 279-9253
 Monday – Thursday 8:00AM – 6:00PM
 Friday 8:00AM – 3:45PM
 Saturday 8:00AM – 12:00PM
 All times central

March 27, 2017

Re: Doctors Express - Tampa
 Creditor Acct #: 613251
 MCA Acct #: CB850146
 Balance Due: \$90.00



DEFAULT NOTICE

You are notified that you are in default in the payment of your account for service rendered with the balance shown above. Your default consists of failure to pay this account within reasonable time limits. You have the right to correct this default by the payment of the above balance in full or in the alternative of making satisfactory arrangements for the payment of the balance of the account.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor. By this communication, Merchants Credit Adjusters, Inc. is attempting to collect a debt from you and any information obtained will be used for that purpose.

This communication is from a debt collector.

This is an attempt to collect a debt and any information obtained will be used for that purpose.

Resolve your account online! See the reverse side to learn how!

*** * * SEE REVERSE SIDE FOR IMPORTANT INFORMATION * * ***

Enclosing the bottom portion of this notice with your payment will expedite credit to your account.

Detach Lower Portion and Return with Payment

ICU076400CB1

CU076400
 PO Box 1022
 Wixom MI 48393-1022
 CHANGE SERVICE REQUESTED




We accept VISA, MasterCard and Discover.

Please see reverse side for credit card payment.

March 27, 2017

Merchants Credit Adjusters, Inc.
 4005 South 148th Street
 Omaha NE 68137-5561

CB1 387068770

 PERSONAL & CONFIDENTIAL
 Genay Glasgo
 8106 Colonial Village Dr Apt 204
 Tampa FL 33625-3192



MCA Acct #	Balance	Payment Amt
CB850146	\$90.00	\$

Resolve your account online!

At Merchants Credit Adjusters, Inc., we strive to give you the opportunity to work with us to resolve your account without delay in a friendly way both online and over the phone. If you would prefer to resolve your account online please visit our website now at <https://cbpayments.mcaomaha.com>. You will need your MCA Acct# CB850146 and your zip code to access your file. You can also call our office and speak with a representative at (888) 279-9253.




Resolve your account online!

**For a complete list of all your payment options, please call us,
or visit our website at <https://cbpayments.mcaomaha.com>**

IF PAYING BY CREDIT CARD, COMPLETE SECTION 1, SIGN AND RETURN

A convenience fee of \$5.00 will be added to credit card payments.

INDICATE ADDRESS CORRECTIONS BELOW (Section 2)

	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/> 	NAME OF BANK ISSUING CARD	EXP. DATE	PAYMENT AMOUNT
1	CARD NUMBER	LAST 3 DIGITS ON BACK OF CARD	/	\$
	CARDHOLDER'S NAME	CARDHOLDER SIGNATURE		
2	HOME PHONE NUMBER	WORK PHONE NUMBER		
	ADDRESS	CITY	STATE	ZIP CODE

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
GENAY GLASGO
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
DESMOND LAW FIRM, P.C.
5070 HIGHWAY A1A, SUITE D, VERO BEACH, FLORIDA 32963
772.231.9600

DEFENDANTS
MERCHANTS CREDIT ADJUSTERS, INC
County of Residence of First Listed Defendant
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)
PTF DEF
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)
CONTRACT
REAL PROPERTY
PERSONAL INJURY
CIVIL RIGHTS
PRISONER PETITIONS
FORFEITURE/PENALTY
LABOR
IMMIGRATION
BANKRUPTCY
SOCIAL SECURITY
FEDERAL TAX SUITS
OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation

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 the Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ 500,000.00
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE
DOCKET NUMBER

DATE 11/15/2017
SIGNATURE OF ATTORNEY OF RECORD /s/ Leo W. Desmond FL Bar #0041920

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

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.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; **NOTE: 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 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.
 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.
- 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 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 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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit: Merchants Credit Adjusters Failed to Identify Consumer's Creditor](#)
