

**BARSHAY SANDERS, PLLC**  
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*Attorneys for Plaintiffs*  
Our File No.: 112311

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

Kara Deguardia and Diane Navas, individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

Paul Michael Associates,

Defendant.

Docket No:

**COMPLAINT- CLASS ACTION**

**JURY TRIAL DEMANDED**

BARSHAY | SANDERS PLLC  
100 GARDEN CITY PLAZA, SUITE 500  
GARDEN CITY, NEW YORK 11530

Kara Deguardia and Diane Navas, individually and on behalf of all others similarly situated (hereinafter referred to collectively as “*Plaintiffs*”), by and through the undersigned counsel, complain, state and allege against Paul Michael Associates (hereinafter referred to as “*Defendant*”), as follows:

**INTRODUCTION**

1. This action seeks to recover for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, (“FDCPA”).

**JURISDICTION AND VENUE**

2. This Court has federal subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).

3. Venue is proper under 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District.

4. At all relevant times, Defendant conducted business within the State of New York.

### **PARTIES**

5. Plaintiff Kara Deguardia is an individual who is a citizen of the State of New York residing in Suffolk County, New York.

6. Plaintiff Diane Navas is an individual who is a citizen of the State of New York residing in Suffolk County, New York.

7. Plaintiffs are “consumers” as defined by 15 U.S.C. § 1692a(3).

8. On information and belief, Defendant’s principal place of business is located in Flushing, New York.

9. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

10. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

### **ALLEGATIONS**

11. Defendant alleges each of the Plaintiffs owe a debt (“the debt”).

12. The debts were primarily for personal, family or household purposes and are therefore “debts” as defined by 15 U.S.C. § 1692a(5).

13. Sometime after the incurrence of the debts, Plaintiffs fell behind on payments owed.

14. Thereafter, at an exact time known only to Defendant, the debts were assigned or otherwise transferred to Defendant for collection.

15. In its efforts to collect the debt, Defendant contacted Plaintiff Deguardia by letter dated August 10, 2016. (“**Exhibit 1.**”)

16. In its efforts to collect the debt, Defendant contacted Plaintiff Navas by letter dated December 28, 2015. (“**Exhibit 1.**”)

17. The letter to Plaintiff Deguardia was the initial communication received from Defendant.

18. The letters are “communications” as defined by 15 U.S.C. § 1692a(2).

**FIRST COUNT**  
**Violation of 15 U.S.C. § 1692g**  
**Validation of Debts**  
**AS TO PLAINTIFF DEGUARDIA**

19. Plaintiff Deguardia repeats and realleges the foregoing paragraphs as if fully restated herein.

20. 15 U.S.C. § 1692g provides that within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing certain enumerated information.

21. One such requirement is that the debt collector provide “the name of the creditor to whom the debt is owed.” 15 U.S.C. § 1692g(a)(2).

22. A debt collector has the obligation not just to convey the name of the creditor to whom the debt is owed, but also to convey such clearly.

23. A debt collector has the obligation not just to convey the name of the creditor to whom the debt is owed, but also to state such explicitly.

24. Merely naming the creditor without specifically identifying the entity as the current creditor to whom the debt is owed is not sufficient to comply with 15 U.S.C. § 1692g(a)(2).

25. Even if a debt collector conveys the required information, the debt collector nonetheless violates the FDCPA if it conveys that information in a confusing or contradictory fashion so as to cloud the required message with uncertainty.

26. When determining whether the name of the creditor to whom the debt is owed has been conveyed clearly, an objective standard, measured by how the “least sophisticated consumer” would interpret the notice, is applied.

27. The letter fails to identify any entity by the label “account owner,” “creditor,” “current creditor,” “original creditor,” or “creditor to whom the debt is owed.”

28. The letter states, “Re: Tvr Communications.”

29. The letter fails to indicate whether the “Re:” refers to the account owner.

30. The letter fails to indicate whether the “Re:” refers to Plaintiff’s creditor.

31. The letter fails to indicate whether the “Re:” refers to Plaintiff’s current creditor.

32. The letter fails to indicate whether the “Re:” refers to Plaintiff’s original creditor.

33. The letter fails to indicate whether the “Re:” refers to the creditor to whom the debt is owed.

34. The letter states that Plaintiff’s account has been “turned over” to Defendant.

35. The letter demands Plaintiff’s check or money order be made payable to “**PAUL MICHAEL ASSOCIATES.**” (emphasis in original.)

36. The least sophisticated consumer would likely be confused as to what “turned over” means.

37. The least sophisticated consumer would likely be uncertain as to what “turned over” means.

38. Because of the aforementioned failures, the least sophisticated consumer would likely be confused as to the actual owner of her debt.

39. Because of the aforementioned failures, the least sophisticated consumer would likely be uncertain as to the actual owner of her debt.

40. Defendant failed to explicitly state the name of the creditor to whom the debt is owed.

41. Defendant failed to clearly state the name of the creditor to whom the debt is owed.

42. Defendant has violated § 1692g as it failed to clearly and explicitly convey the name of the creditor to whom the debt is owed.

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GARDEN CITY, NEW YORK 11530

**SECOND COUNT**  
**Violation of 15 U.S.C. § 1692e**  
**False or Misleading Representations as to the Name of the**  
**Creditor to Whom the Debt is Owed**  
**AS TO PLAINTIFF DEGUARDIA**

43. Plaintiff Deguardia repeats and realleges the foregoing paragraphs as if fully restated herein.

44. 15 U.S.C. § 1692e prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt.

45. While § 1692e specifically prohibits certain practices, the list is non-exhaustive, and does not preclude a claim of falsity or deception based on any non-enumerated practice.

46. The question of whether a collection letter is deceptive is determined from the

perspective of the “least sophisticated consumer.”

47. A collection letter is deceptive under 15 U.S.C. § 1692e if it can reasonably be read by the least sophisticated consumer to have two or more meanings, one of which is inaccurate.

48. A collection letter is also deceptive under 15 U.S.C. § 1692e if it is reasonably susceptible to an inaccurate reading by the least sophisticated consumer.

49. For purposes of 15 U.S.C. § 1692e, the failure to clearly and accurately identify the creditor to whom the debt is owed is unfair and deceptive to the least sophisticated consumer.

50. Because the letter, as previously set forth, can reasonably be read by the least sophisticated consumer to have two or more meanings concerning the owner of the debt, one of which is inaccurate, it is deceptive within the meaning of 15 U.S.C. § 1692e.

51. Because the letter is reasonably susceptible to an inaccurate reading by the least sophisticated consumer, as described, it is deceptive within the meaning of 15 U.S.C. § 1692e.

52. The owner of the debt is a material piece of information to a consumer.

53. The least sophisticated consumer would likely be deceived concerning the owner of the debt.

54. Defendant violated § 1692e by using a false, deceptive and misleading representation in its attempt to collect a debt.

### **THIRD COUNT**

#### **Violation of 15 U.S.C. § 1692e**

#### **False or Misleading Representations as to the Name of the Creditor to Whom the Debt is Owed**

#### **AS TO PLAINTIFF NAVAS**

55. Plaintiff Navas repeats and realleges the foregoing paragraphs as if fully restated herein.

56. 15 U.S.C. § 1692e prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt.

57. While § 1692e specifically prohibits certain practices, the list is non-exhaustive, and does not preclude a claim of falsity or deception based on any non-enumerated practice.

58. The question of whether a collection letter is deceptive is determined from the perspective of the “least sophisticated consumer.”

59. A collection letter is deceptive under 15 U.S.C. § 1692e if it can reasonably be read by the least sophisticated consumer to have two or more meanings, one of which is inaccurate.

60. A collection letter is also deceptive under 15 U.S.C. § 1692e if it is reasonably susceptible to an inaccurate reading by the least sophisticated consumer.

61. For purposes of 15 U.S.C. § 1692e, the failure to clearly and accurately identify the creditor to whom the debt is owed is unfair and deceptive to the least sophisticated consumer.

62. A debt collector has the obligation not just to convey the name of the creditor to whom the debt is owed, but also to convey such clearly.

63. A debt collector has the obligation not just to convey the name of the creditor to whom the debt is owed, but also to state such explicitly.

64. Even if a debt collector conveys the required information, the debt collector nonetheless violates the FDCPA if it conveys that information in a confusing or contradictory fashion so as to cloud the required message with uncertainty.

65. When determining whether the name of the creditor to whom the debt is owed has been conveyed clearly, an objective standard, measured by how the “least sophisticated consumer” would interpret the notice, is applied.

66. The letter fails to identify any entity by the label “account owner,” “creditor,” “current creditor,” “original creditor,” or “creditor to whom the debt is owed.”

67. The letter states, “Re: Shiel Medical Labs.”

68. The letter fails to indicate whether the “Re:” refers to the account owner.

69. The letter fails to indicate whether the “Re:” refers to Plaintiff’s creditor.

70. The letter fails to indicate whether the “Re:” refers to Plaintiff’s current creditor.

71. The letter fails to indicate whether the “Re:” refers to Plaintiff’s original creditor.

72. The letter fails to indicate whether the “Re:” refers to the creditor to whom the debt is owed.

73. The letter fails to indicate who referred the account to Defendant.

74. The letter fails to indicate who Defendant represents.

75. The letter fails to indicate who is Defendant’s client.

76. The letter demands Plaintiff’s check or money order be made payable to “**PAUL MICHAEL ASSOCIATES.**” (emphasis in original.)

77. Defendant failed to explicitly state the name of the creditor to whom the debt is owed.

78. Defendant failed to clearly state the name of the creditor to whom the debt is owed.

79. The least sophisticated consumer would likely be confused as to the name of the creditor to whom the debt is owed.

80. The least sophisticated consumer would likely be uncertain as to the name of the creditor to whom the debt is owed.

81. Because the letter can reasonably be read by the least sophisticated consumer to have two or more meanings, one of which is inaccurate, as described, it is deceptive within the meaning of 15 U.S.C. § 1692e.

82. Because the letter is reasonably susceptible to an inaccurate reading by the least sophisticated consumer, as described, it is deceptive within the meaning of 15 U.S.C. § 1692e.

83. The least sophisticated consumer would likely be deceived by Defendant's conduct.

84. The least sophisticated consumer would likely be deceived in a material way by Defendant's conduct.

85. Defendant violated § 1692e by using a false, deceptive and misleading representation in its attempt to collect a debt.

### **CLASS ALLEGATIONS**

86. Plaintiffs bring this action individually and as a class action on behalf of all persons similarly situated in the State of New York from whom Defendant attempted to collect a consumer debt using a collection letter that had the same insufficient information concerning the owner of the debt as the letter herein, from one year before the date of this Complaint to the present.

87. This action seeks a finding that Defendant's conduct violates the FDCPA, and asks that the Court award damages as authorized by § 1692k(a)(2) of the FDCPA.

88. Defendant regularly engages in debt collection, using the same unlawful conduct described herein, in its attempts to collect delinquent consumer debts from other persons.

89. The Class consists of more than 35 persons from whom Defendant attempted to

collect delinquent consumer debts using the same unlawful conduct described herein.

90. Plaintiffs' claims are typical of the claims of the Class. Common questions of law or fact raised by this class action complaint affect all members of the Class and predominate over any individual issues. Common relief is therefore sought on behalf of all members of the Class. This class action is superior to other available methods for the fair and efficient adjudication of this controversy.

91. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to the individual members of the Class, and a risk that any adjudications with respect to individual members of the Class would, as a practical matter, either be dispositive of the interests of other members of the Class not party to the adjudication, or substantially impair or impede their ability to protect their interests. Defendant has acted in a manner applicable to the Class as a whole such that declaratory relief is warranted.

92. Plaintiffs will fairly and adequately protect and represent the interests of the Class. The management of the class action proposed is not extraordinarily difficult, and the factual and legal issues raised by this class action complaint will not require extended contact with the members of the Class, because Defendant's conduct was perpetrated on all members of the Class and will be established by common proof. Moreover, Plaintiffs have retained counsel experienced in actions brought under the FDCPA.

### **JURY DEMAND**

93. Plaintiffs hereby demand a trial of this action by jury.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully request judgment as follows:

- a. Certify this action as a class action; and
- b. Appoint Plaintiffs as Class Representative of the Class, and their attorneys as Class Counsel; and
- c. Find that Defendant's actions violate the FDCPA; and
- d. Grant statutory damages against Defendant pursuant to 15 U.S.C. § 1692k; and





**PAUL MICHAEL ASSOCIATES**

159-16 Union Turnpike Ste 302

Flushing, NY 11366

(718)740-1401

New York City Consumer Affairs License #0894190

August 10, 2016

Kara Deguardia  
6 Ethe Street  
Patchogue, NY 11772

6570916

RE: Tvr Communications  
**BALANCE DUE : \$31.75**  
ACCOUNT NUMBER : [REDACTED] 8563

Please be advised that this office represents the above creditor who has turned over your account in the amount indicated above for collection. This amount is outstanding and past due.

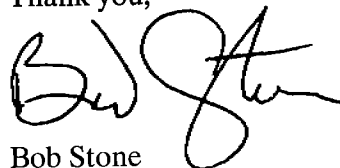
Unless you notify our office within thirty (30) days after receipt of this letter that you are disputing the validity of the debt, or any portion of it, we will assume that the debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity 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 this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

In order to credit your account properly, you must return the bottom portion of this letter with your payment.

**Please forward your check or money order made payable to PAUL MICHAEL ASSOCIATES.**

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

Thank you,



Bob Stone

Subscriber to Experian, Trans-Union and Equifax

159-16 UNION TURNPIKE STE 302  
FLUSHING NY 11366-1955  
CHANGE SERVICE REQUESTED

RE: Tvr Communications

**Total Due : \$31.75**

Acct #: [REDACTED] 8563

Visa  MC  AmEx  Disc Security Code: \_\_\_\_\_

Card #: \_\_\_\_\_

Exp Date: \_\_\_/\_\_\_/\_\_\_ Pmt Amt: \$ \_\_\_\_\_

Print Name on card: \_\_\_\_\_

Signature: \_\_\_\_\_

PERSONAL & CONFIDENTIAL

KARA DEGUARDIA  
6 ETHE STREET  
PATCHOGUE NY 11772

6570916



PAUL MICHAEL ASSOCIATES  
159-16 UNION TURNPIKE STE 302  
FLUSHING NY 11366-1955



**PAUL MICHAEL ASSOCIATES**

159-16 Union Turnpike Ste 302  
Flushing, NY 11366  
(718)740-1401  
New York City Consumer Affairs License #0894190

December 28, 2015

Diane Navas  
67 Lake St  
Patchogue, NY 11772-2574

3603

RE: Shiel Medical Labs  
**BALANCE DUE : \$111.10**  
ACCOUNT NUMBER : 3603  
DATE OF SERVICE : 07-23-14

We have previously written to you requesting that you contact this office for payment of the above obligation. To date we have received no response and our client's account still remains unpaid.

If said sum is not received immediately, our client may invoke specified remedies which are ordinarily invoked by such creditors.

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

Please forward your check or money order to our office made payable to Paul Michael Associates, in the enclosed envelope.

In order to credit your account properly, **you must return this letter with payment.** If you have previously communicated with our office or mailed your payment, please disregard this letter.

Very truly yours,



In order to credit your account properly, you must return this bottom portion with your payment.

**Please forward your check or money order made payable to PAUL MICHAEL ASSOCIATES.  
Please send ALL payments directly to PAUL MICHAEL ASSOCIATES.**

159-16 UNION TURNPIKE STE 302  
FLUSHING NY 11366-1955  
RETURN SERVICE REQUESTED

RE: Shiel Medical Labs

**Total Due : \$111.10**

Acct #: 3603 Security Code: \_\_\_\_\_

Visa  MasterCard  American Express  Discover

Card #: \_\_\_\_\_

Exp Date: \_\_\_/\_\_\_/\_\_\_ Pmt Amt: \$ \_\_\_\_\_

Print Name on card: \_\_\_\_\_

Signature: \_\_\_\_\_

PERSONAL & CONFIDENTIAL  
DIANE NAVAS  
67 LAKE ST  
PATCHOGUE NY 11772-2574

3603

PAUL MICHAEL ASSOCIATES  
159-16 UNION TURNPIKE STE 302  
FLUSHING NY 11366-1955



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

KARA DEGUARDIA

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

(c) Attorneys (Firm Name, Address, and Telephone Number) BARSHAY SANDERS, PLLC 100 Garden City Plaza, Ste 500, Garden City, NY 11530 (516) 203-7600

DEFENDANTS

PAUL MICHAEL ASSOCIATES

County of Residence of First Listed Defendant QUEENS (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)

- 01 U.S. Government Plaintiff
02 U.S. Government Defendant
03 Federal Question (U.S. Government Not a Party)
04 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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
01 01 Incorporated or Principal Place of Business In This State
02 02 Incorporated and Principal Place of Business In Another State
03 03 Foreign Nation
PIF DEF
04 04
05 05
06 06

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

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

- 01 Original Proceeding
02 Removed from State Court
03 Remanded from Appellate Court
04 Reinstated or Reopened
05 Transferred from Another District (specify)
06 Multidistrict Litigation - Transfer
08 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: 15 USC §1692 Fair Debt Collection Practices Act Violation

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See Instructions) JUDGE DOCKET NUMBER

DATE December 21, 2016 SIGNATURE OF ATTORNEY OF RECORD /s Craig B. Sanders

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFF 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, Craig B. Sanders, 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:

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

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

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

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

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

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

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.  
 Yes  No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?  
 Yes (If yes, please explain)  No

I certify the accuracy of all information provided above.

Signature: /s Craig B. Sanders

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

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

Kara Deguardia and Diane Navas, individually and  
on behalf of all others similarly situated  
\_\_\_\_\_  
*Plaintiff(s)*

v.

Paul Michael Associates  
\_\_\_\_\_  
*Defendant(s)*

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*  
Paul Michael Associates  
159-16 Union Turnpike , Ste 302  
Flushing, New York 11366

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:

BARSHAY SANDERS PLLC  
100 GARDEN CITY PLAZA, SUITE 500  
GARDEN CITY, NY 11530

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*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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: [Paul Michael Associates Hit with Lawsuit Over Debt Collection Practices](#)

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