

BARSHAY SANDERS, PLLC
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Attorneys for Plaintiff
Our File No.: 115581

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

Jamie J. Douglas, individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

ARStrat, LLC,

Defendant.

Docket No:

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Jamie J. Douglas, individually and on behalf of all others similarly situated (hereinafter referred to as “*Plaintiff*”), by and through the undersigned counsel, complains, states and alleges against ARStrat, LLC (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.

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PARTIES

5. Plaintiff Jamie J. Douglas is an individual who is a citizen of the State of New York residing in Suffolk County, New York.

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

7. On information and belief, Defendant ARStrat, LLC, is a Texas Limited Liability Company with a principal place of business in Harris County, Texas.

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

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

ALLEGATIONS

10. Defendant alleges Plaintiff owes a debt (“the Debt”).

11. The Debt was primarily for personal, family or household purposes and is therefore a “debt” as defined by 15 U.S.C. § 1692a(5).

12. Sometime after the incurrence of the Debt, Plaintiff fell behind on payments owed.

13. Thereafter, at an exact time known only to Defendant, the Debt was assigned or otherwise transferred to Defendant for collection.

14. In its efforts to collect the debt, Defendant contacted Plaintiff by letter (“the Letter”) dated November 20, 2017. (“**Exhibit 1.**”)

15. The Letter was the initial communication Plaintiff received from Defendant.

16. The Letter is a “communication” as defined by 15 U.S.C. § 1692a(2).

17. 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.

18. 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.

19. 15 U.S.C. § 1692e(2)(A) prohibits the false representation of the character, amount, or legal status of the debt.

20. 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.”

21. The Letter alleges that such is the second notice from Defendant to Plaintiff concerning the Debt.

22. The Letter states, “We sent you a first notice which included your rights under the Fair Debt Collections Practices Act.”

23. The Letter states, “This account has previously been placed with Ingram & Associates.”

24. The Letter states, “You still have time to exercise your rights”

25. The Letter was the first notice Plaintiff received. There was no prior notice.

26. The Letter, because of the false statements, would likely confuse the least sophisticated consumer.

27. The Letter, because of the false statements, would likely lead the least sophisticated consumer to believe he or she is missing the first notice.

28. The Letter, because of the false statements, would likely make the least sophisticated consumer unsure as to whether he is missing the first notice.

29. The Letter, because of the false statements, would likely confuse the least sophisticated consumer as to when his or her validation rights run.

30. The Letter, because of the false statements, would likely make the least sophisticated consumer unsure as to when his or her validation rights run.

31. Defendant’s conduct, as described, violates 15 U.S.C. § 1692e.

32. Defendant’s conduct, as described, violates 15 U.S.C. § 1692g.

CLASS ALLEGATIONS

33. Plaintiff brings 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 letter claiming it was the second notice concerning the debt, when it was actually the first such notice, from one year before the date of this Complaint to the present.

34. This action seeks a finding that Defendant’s conduct violates the FDCPA, and asks that the Court award damages as authorized by 15 U.S.C. § 1692k.

35. Defendant regularly engages in debt collection.

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

collect delinquent consumer debts using a letter claiming it was the second notice concerning the debt, when it was actually the first such notice.

37. Plaintiff's 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.

38. 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.

39. Plaintiff 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, Plaintiff has retained counsel experienced in actions brought under consumer protection laws.

JURY DEMAND

40. Plaintiff hereby demands a trial of this action by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

- a. Certify this action as a class action; and
- b. Appoint Plaintiff as Class Representative of the Class, and Plaintiff's attorneys as Class Counsel; and
- c. Find that Defendant's actions violate the FDCPA; and

- d. Grant damages against Defendant pursuant to 15 U.S.C. § 1692k;
and
- e. Grant Plaintiff's attorneys' fees pursuant to 15 U.S.C. § 1692k;
and
- f. Grant Plaintiff's costs; together with
- g. Such other relief that the Court determines is just and proper.

DATED: September 26, 2018

BARSHAY SANDERS, PLLC

By: /s/ Craig B. Sanders
Craig B. Sanders, Esq.
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Our File No.: 115581

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Web: <https://usapaymentexchange.com/ARS>
Toll Free: (866) 763-2906

Client Name	Account Number	Balance Due	Date of Service
Southside Hospital	██████████003-7	277.31\$	10/04/16

Dear JAMIE LYNN DOUGLAS,

We sent you a first notice which included your rights under the Fair Debt Collection Practices Act. You still have time to exercise your rights. This is an attempt to collect a debt and any information obtained will be used for that purpose. This notice has been sent by a debt collector. Your payment, or any questions you may have, should be directed to this office to ensure proper credit to your account.

To pay by phone, please call 866-763-2906 and follow the automated prompts. To pay via the internet, please log onto <https://usapaymentexchange.com/ARS> and follow the website's payment instructions.

The above creditor has referred the above account to us for collection. This account had previously been placed with Ingram & Associates. The creditor has now engaged ARSTRAT to collect this account.

Unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume the debt to be valid. If you notify this office in writing within the thirty (30) day period that the debt or any portion thereof is disputed, this office will obtain verification of the debt or a copy of a judgment and mail you a copy of such verification or judgment. If you request this office in writing within the thirty (30) day period, this office will provide you with the name and address of the original creditor, if different from the current creditor. This is an attempt to collect a debt and any information we obtain will be used for that purpose

Sincerely,
Brunella Eaglin
1-866-763-2906
Recovery Analyst

Debt Collectors, in accordance with the FDCPA, are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to:

- The use of threat of violence • The use of obscene or profane language • Repeated phone calls made with the intent to annoy, abuse, or harass.

If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt:

- | | |
|--|---|
| 1. Supplemental security income, (SSI); | 2. Social security; |
| 3. Public assistance (welfare); | 4. Spousal support, maintenance (alimony) or child support; |
| 5. Unemployment benefits; | 6. Disability benefits; |
| 7. Workers' compensation benefits; | 8. Public or private pensions; |
| 9. Veterans' benefits; | |
| 10. Federal student loans, federal student grants, and federal work study funds; and | |
| 11. Ninety percent of your wages or salary earned in the last sixty days. | |

NOTICE: SEE REVERSE SIDE FOR IMPORTANT CONSUMER INFORMATION

Detach Lower Portion and Return with Payment

IONREG0011401


Arstrat
9800 Centre Parkway Suite 1100
Houston, TX 77036

Account #: ██████████003-7
Reference #: ██████████1050
Balance Due: \$277.31

CHANGE SERVICE REQUESTED

November 20, 2017

SEND PAYMENTS TO:

1401-NS 576726188

JAMIE LYNN DOUGLAS
43 Washburn St
Lake Grove NY 11755-2728

ArStrat, LLC
P.O. Box 33720
Detroit, MI 48232-3720



CALIFORNIA

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations. But we will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the time period described on the front of this letter.

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

Nonprofit credit counseling services may be available in the area.

UTAH

As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations. We will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the time period described on the front of this letter.

NEVADA

If the consumer pays or agrees to pay the debt or any portion of the debt, the payment or agreement to pay may be construed as: (1) an acknowledgment of the debt by the consumer; and (2) a waiver by the consumer of any applicable statute of limitations set forth in NRS 11.190 that otherwise precludes the collection of the debt; and (3) if the consumer does not understand or has questions concerning his/her legal rights or obligations relating to the debt, the debtor should seek legal advice.

COLORADO

For more information about the Colorado Fair Debt Collection Practices Act, See WWW.COAG.GOV/CAR

A consumer has the right to request in that a debt collector or agency cease further with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.

3052 South Parker Rd Ste 705 Aurora CO 80014 702-323-1993.

NEW YORK CITY

New York City Department of Consumer Affairs License Number 2032300-DCA.

FOR CHANGE OF ADDRESS, MISPELLINGS OR OTHER ERRORS, PLEASE PRINT CORRECTIONS.

Guarantor's Name			Phone # ()
Guarantor's Address	City	State	Zip Code

IF YOU HAVE NOT SUPPLIED INSURANCE INFORMATION, PLEASE DO SO HERE:

PRIMARY INSURANCE COVERAGE		SECONDARY INSURANCE COVERAGE	
Patient's Relationship to Insured <input type="checkbox"/> SELF <input type="checkbox"/> SPOUSE <input type="checkbox"/> CHILD <input type="checkbox"/> OTHER		Patient's Relationship to Insured <input type="checkbox"/> SELF <input type="checkbox"/> SPOUSE <input type="checkbox"/> CHILD <input type="checkbox"/> OTHER	
Insurance Company Name	Phone # ()	Insurance Company Name	Phone # ()
Insurance Company Address		Insurance Company Address	
Policyholders Name	Birthdate / /	Policyholders Name	Birthdate / /
Policy & Group #	Policy Effective Date / /	Policy & Group #	Policy Effective Date / /
Employer's Name	Phone # ()	Employer's Name	Phone # ()
Employer's Address		Employer's Address	

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

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NEW YORK

Jamie J. Douglas, individually and on behalf of all
others similarly situated,

Plaintiff(s)

v.

ARStrat, LLC,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

ARStrat, LLC
CORPORATION SERVICE COMPANY
80 STATE STREET
ALBANY, NEW YORK, 12207-2543

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

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: JAMIE J. DOUGLAS
(b) County of Residence of First Listed Plaintiff: SUFFOLK
(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: ARSTRAT, LLC
County of Residence of First Listed Defendant: HARRIS
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)
III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
O 1 U.S. Government Plaintiff
O 2 U.S. Government Defendant
O 3 Federal Question (U.S. Government Not a Party)
O 4 Diversity (Indicate Citizenship of Parties in Item III)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
O 1 O 1
O 2 O 2
O 3 O 3
PIF DEF
O 4 O 4
O 5 O 5
O 6 O 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
O 110 Insurance
O 120 Marine
O 130 Miller Act
O 140 Negotiable Instrument
O 150 Recovery of Overpayment & Enforcement of Judgment
O 151 Medicare Act
O 152 Recovery of Defaulted Student Loans (Excludes Veterans)
O 153 Recovery of Overpayment of Veteran's Benefits
O 160 Stockholders' Suits
O 190 Other Contract
O 195 Contract Product Liability
O 196 Franchise
REAL PROPERTY
O 210 Land Condemnation
O 220 Foreclosure
O 230 Rent Lease & Ejectment
O 240 Torts to Land
O 245 Tort Product Liability
O 290 All Other Real Property
TORTS
PERSONAL INJURY
O 310 Airplane
O 315 Airplane Product Liability
O 320 Assault, Libel & Slander
O 330 Federal Employers' Liability
O 340 Marine
O 345 Marine Product Liability
O 350 Motor Vehicle
O 355 Motor Vehicle Product Liability
O 360 Other Personal Injury
O 362 Personal Injury - Medical Malpractice
PERSONAL INJURY
O 365 Personal Injury - Product Liability
O 367 Health Care/Pharmaceutical Personal Injury Product Liability
O 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY
O 370 Other Fraud
O 371 Truth in Lending
O 380 Other Personal Property Damage
O 385 Property Damage Product Liability
PRISONER PETITIONS
Habeas Corpus:
O 463 Alien Detainee
O 510 Motions to Vacate Sentence
O 530 General
O 535 Death Penalty
Other:
O 540 Mandamus & Other
O 550 Civil Rights
O 555 Prison Condition
O 560 Civil Detainee Conditions of Confinement
FORFEITURE/PENALTY
O 625 Drug Related Seizure of Property 21 USC 881
O 690 Other
LABOR
O 710 Fair Labor Standards Act
O 720 Labor/Management Relations
O 740 Railway Labor Act
O 751 Family and Medical Leave Act
O 790 Other Labor Litigation
O 791 Employee Retirement Income Security Act
IMMIGRATION
O 462 Naturalization Application
O 465 Other Immigration Actions
BANKRUPTCY
O 422 Appeal 28 USC 158
O 423 Withdrawal 28 USC 157
PROPERTY RIGHTS
O 820 Copyrights
O 830 Patent
O 840 Trademark
SOCIAL SECURITY
O 861 HIA (1395ff)
O 862 Black Lung (923)
O 863 DIWC/DIWW (405(g))
O 864 SSID Title XVI
O 865 RSI (405(g))
FEDERAL TAX SUITS
O 870 Taxes (U.S. Plaintiff or Defendant)
O 871 IRS—Third Party 26 USC 7609
OTHER STATUTES
O 375 False Claims Act
O 400 State Reapportionment
O 410 Antitrust
O 430 Banks and Banking
O 450 Commerce
O 460 Deportation
O 470 Racketeer Influenced and Corrupt Organizations
O 480 Consumer Credit
O 490 Cable/Sat TV
O 850 Securities/Commodities/Exchange
O 890 Other Statutory Actions
O 891 Agricultural Acts
O 893 Environmental Matters
O 895 Freedom of Information Act
O 896 Arbitration
O 899 Administrative Procedure Act/Review or Appeal of Agency Decision
O 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
O 1 Original Proceeding
O 2 Removed from State Court
O 3 Remanded from Appellate Court
O 4 Reinstated or Reopened
O 5 Transferred from Another District (specify)
O 6 Multidistrict Litigation - Transfer
O 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: 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 O No

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

DATE: October 9, 2018 SIGNATURE OF ATTORNEY OF RECORD: /s Craig 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.

Case is Eligible for Arbitration

I, _____, counsel for _____, 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? 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, specific the County in which the offending communication was received: SUFFOLK

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.

Signature: /s Craig B. Sanders

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [ARStrat Facing Consumer's Lawsuit Over Allegedly Confusing Collection Letter](#)
