

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

2017 OCT 16 PM 12:08

CLERK, US DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS, FLORIDA

-----  
OMAR ENCARNACION, individually and on behalf  
of all others similarly situated,

Plaintiff,

-against-

Civil Action No.:

2:17-CV-566-FHM-38CM  
CLASS ACTION COMPLAINT

FINANCIAL CORPORATION OF AMERICA,

JURY TRIAL DEMANDED

Defendant.  
-----

Plaintiff, OMAR ENCARNACION (hereinafter, "Plaintiff"), a Florida resident, brings this Class Action Complaint by and through the undersigned attorneys, against Defendant FINANCIAL CORPORATION OF AMERICA (hereinafter "Defendant"), 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.

FILED

80:3147 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

100:143 31 100:143

§§ 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.
3. The rights and obligations established by section 15 U.S.C. § 1692g were considered by the Senate at the time of passage of the FDCPA to be a “significant feature” of the Act. See *S. Rep. No. 382, 95th Cong., 1st Sess. 4, at 4, reprinted in 1977 U.S.C.C.A.N. 1695, 1696.*

#### **JURISDICTION AND VENUE**

4. 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).
5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

#### **NATURE OF THE ACTION**

6. Plaintiff brings this class action on behalf of a class of Florida consumers under § 1692 *et seq.* of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act (“FDCPA”), and
7. Plaintiff is seeking damages, and declaratory and injunctive relief.

#### **PARTIES**

8. Plaintiff is a natural person and a resident of Lee County, Florida, and is a “Consumer” as defined by 15 U.S.C. §1692(a)(3).

(b) (5) - (DPP)

The information contained in this document is confidential and intended only for the individual named. If you have received this document in error, please notify the sender immediately by e-mail at [redacted] and delete this document from your system. If you are not the named individual, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

This e-mail and any files transmitted with it are confidential and intended only for the individual named. If you have received this e-mail in error, please notify the sender immediately by e-mail at [redacted] and delete this e-mail from your system. If you are not the named individual, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

**CONFIDENTIAL - ATTORNEY WORK PRODUCT**

This e-mail and any files transmitted with it are confidential and intended only for the individual named. If you have received this e-mail in error, please notify the sender immediately by e-mail at [redacted] and delete this e-mail from your system. If you are not the named individual, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

(b) (5) - (DPP)

**CONFIDENTIAL - ATTORNEY WORK PRODUCT**

This e-mail and any files transmitted with it are confidential and intended only for the individual named. If you have received this e-mail in error, please notify the sender immediately by e-mail at [redacted] and delete this e-mail from your system. If you are not the named individual, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

(b) (5) - (DPP)

(b) (5) - (DPP)

**CONFIDENTIAL**

This e-mail and any files transmitted with it are confidential and intended only for the individual named. If you have received this e-mail in error, please notify the sender immediately by e-mail at [redacted] and delete this e-mail from your system. If you are not the named individual, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

(b) (5) - (DPP)

9. Defendant is a collection agency with its principal office located at 12515 Research Blvd, Bldg 2, Suite 100, Austin, TX 78759.
10. Upon information and belief, Defendant 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.
11. Defendant is a "debt collector," as defined under the FDCPA under 15 U.S.C. § 1692a(6).

### **ALLEGATIONS OF FACT**

12. 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.
13. Some time prior to June 26, 2017, an obligation was allegedly incurred to Lehigh Regional Medical Center.
14. The alleged Lehigh Regional Medical Center 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.
15. The alleged Lehigh Regional Medical Center obligation is a "debt" as defined by 15 U.S.C. § 1692a(5).
16. Lehigh Regional Medical Center is a "creditor" as defined by 15 U.S.C. § 1692a(4).
17. Lehigh Regional Medical Center or subsequent owner of the Lehigh Regional Medical Center debt contracted the Defendant to collect the alleged debt.
18. Defendant is a company that uses 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 incurred or alleged to have been incurred for personal, family or household purposes

The Court has previously held that the government's failure to disclose relevant information in a discovery response is a violation of the Federal Rules of Civil Procedure. In this case, the government's failure to disclose the relevant information in its discovery response is a violation of the Federal Rules of Civil Procedure.

**CONCLUSION**

The Court has previously held that the government's failure to disclose relevant information in a discovery response is a violation of the Federal Rules of Civil Procedure. In this case, the government's failure to disclose the relevant information in its discovery response is a violation of the Federal Rules of Civil Procedure.

The Court has previously held that the government's failure to disclose relevant information in a discovery response is a violation of the Federal Rules of Civil Procedure. In this case, the government's failure to disclose the relevant information in its discovery response is a violation of the Federal Rules of Civil Procedure.

on behalf of creditors.

19. On or about June 26, 2017, Defendant sent to the Plaintiff a collection letter (the “Letter”) regarding an alleged debt originally owed to Lehigh Regional Medical Center. *See Exhibit A.*

20. Upon information and belief, the Letter was the first communication from Defendant to the Plaintiff with regards to the Lehigh Regional Medical Center debt.

21. Plaintiff received the letter and read it. The Letter stated in part:

“Re: Lehigh Regional Medical Center”

22. The June 26, 2017 letter fails to explicitly or implicitly identify Plaintiff’s current creditor.

23. The Plaintiff, as would any least sophisticated consumer, was left unsure as to what creditor Defendant was attempting to collect for.

24. Pursuant to 15 U.S.C. §1692g, a debt collector is required in the initial communication with a consumer, to identify the name of the creditor to whom the debt is owed.

25. The obligation is not only to identify the name of the creditor, but to convey the name of the creditor clearly and explicitly.

26. “Thus, in order to comply with the requirements of section 1692g, more is required than the mere inclusion of the statutory debt validation notice in the debt collection letter, the required notice must also be conveyed effectively to the debtor” *See Graziano v. Harrison*, 950 F.2d 107, 111 (3d Cir .1991). Moreover, the validation notice required by the Act “is to be interpreted from the perspective of the ‘least sophisticated debtor.’ ” *Graziano*, 950 F.2d at 111.

27. Merely listing “Re: Lehigh Regional Medical Center” in the subject line of a collection letter does not explicitly convey that “Lehigh Regional Medical Center” is the current

[The text in this block is extremely faint and illegible, appearing as a series of scattered characters and noise.]



creditor to whom the debt is owed.

28. In *Datiz v. Int'l Recovery Assocs., Inc.*, the district court held that an initial letter that merely states "Re: John T. Mather Hospital", is not without more sufficient to satisfy the requirements under 1692g. *See, Datiz v. Int'l Recovery Assocs., Inc.*, No. 15CV3549ADSAKT, 2016 WL 4148330, at \*11 (E.D.N.Y. Aug. 4, 2016), [motion for relief from judgment denied](#), No. 15CV3549ADSAKT, 2017 WL 59085 (E.D.N.Y. Jan. 4, 2017).
29. Congress adopted the debt validation provisions of section 1692g to guarantee that consumers would receive adequate notice of their rights under the FDCPA. *Miller v. Payco-General Am. Credits, Inc.*, 943 F.2d 482, 484 (4th Cir.1991).
30. Congress further desired to "eliminate the recurring problem of debt collectors dunning the wrong person or attempting to collect debts which the consumer has already paid." S.Rep. No. 95-382, at 4 (1977), reprinted in 1977 U.S.C.C.A.N. 1695, 1699.
31. The rights afforded to consumers under Section 1692g(a) are amongst the most powerful protections provided by the FDCPA, in part because if a consumer properly asks for validation of the debt, a debt collector must cease collection efforts until they are able to properly validate the debt.
32. The FDCPA gives consumers a statutory right to receive certain information, including the name of the creditor to whom the debt collector is attempting to collect for, which the Plaintiff was deprived of in this case.
33. As a result of the Defendant's violations of the FDCPA, the Plaintiff was harmed. The Plaintiff was deprived of information to which he was statutorily entitled to, and was subject to deceptive collection practices which he had a substantive right to be free from.
34. Defendant's actions as described herein are part of a pattern and practice used to collect

[Illegible Title]

[Illegible text block 1]

[Illegible text block 2]

[Illegible text block 3]

[Illegible text block 4]

[Illegible text block 5]

[Illegible text block 6]

[Illegible text block 7]

[Illegible text block 8]

[Illegible text block 9]

[Illegible text block 10]

[Illegible text block 11]

[Illegible text block 12]

[Illegible text block 13]

[Illegible text block 14]

[Illegible text block 15]

[Illegible text block 16]

[Illegible text block 17]

[Illegible text block 18]

[Illegible text block 19]

[Illegible text block 20]

[Illegible text block 21]

[Illegible text block 22]

[Illegible text block 23]

[Illegible text block 24]

[Illegible text block 25]

[Illegible text block 26]

[Illegible text block 27]

[Illegible text block 28]

[Illegible text block 29]

[Illegible text block 30]

[Illegible text block 31]

[Illegible text block 32]

[Illegible text block 33]

[Illegible text block 34]

[Illegible text block 35]

[Illegible text block 36]

[Illegible text block 37]

[Illegible text block 38]

[Illegible text block 39]

[Illegible text block 40]

[Illegible text block 41]

[Illegible text block 42]

[Illegible text block 43]

[Illegible text block 44]

[Illegible text block 45]

[Illegible text block 46]

[Illegible text block 47]

[Illegible text block 48]

[Illegible text block 49]

[Illegible text block 50]

consumer debts.

**CLASS ALLEGATIONS**

35. Plaintiffs bring this claim on behalf of the following class, pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3).
36. The Class consists of (a) all individuals with addresses in the State of Florida (b) to whom Defendant (c) sent an initial collection letter attempting to collect a consumer debt (d) without properly identifying the name of the creditor to whom the alleged debt was owed (e) 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.
37. 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.
38. 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.
39. 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' written communications to consumers, in the forms attached as *Exhibit A*, violate 15 U.S.C. §§ 1692g.
40. The Plaintiffs' claims are typical of the class members, as all are based upon the same facts and legal theories.
41. The Plaintiffs will fairly and adequately protect the interests of the Plaintiff Classes defined

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

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.

42. 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' written communications to consumers, in the forms attached as *Exhibit A*, violate 15 U.S.C. § 1692g.
- (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 adverse 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

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

The Court notes that the Plaintiff's complaint is a pleading, not a motion.

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.

43. 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.
44. 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. §1692g *et seq.***

45. Plaintiff, individually and on behalf of all others similarly situated, 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.
46. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search. (b)

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

EXHIBIT

EXHIBIT A

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.

any other person who is a member of the same household as the person who is the subject of the search.



various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692g.

47. Pursuant to 15 U.S.C. §1692g, a debt collector is required in the initial communication with a consumer, to clearly and unambiguously identify the name of the creditor to whom the debt is owed.
48. The Defendant violated section 1692g(a)(2) by failing to clearly and concisely identify the current creditor.
49. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692g *et seq.* of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

#### **DEMAND FOR TRIAL BY JURY**

50. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a trial by jury on all issues so triable.

#### **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 the undersigned 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: October 11, 2017

Respectfully submitted,

/s/ Katie M. Miller

Katie M. Miller, Esq. FBN 74194  
The Law Offices of Katie M. Miller, PA  
154701 Highway 50, Suite 204  
Clermont, FL 34711  
Tel: (855) 582-2737  
Fax: (407) 442-3693  
Email: attorneykstone@gmail.com

Yitzchak Zelman, Esq.,  
*Pro Hac Vice Motion Forthcoming*  
MARCUS & ZELMAN, LLC  
1500 Allaire Avenue, Suite 101  
Ocean, New Jersey 07712  
Phone: (732) 695-3282  
Facsimile: (732) 298-6256  
Email: yzelman@marcuszelman.com  
Attorneys for Plaintiff



# EXHIBIT A





12515 Research Blvd, Bldg 2, Suite 100, Austin, TX 78759  
P.O. Box 203500 Austin, TX 78720-3500  
FOR INQUIRIES PLEASE CALL TOLL FREE: 1-800-880-8282  
LOCAL: 512-719-7550  
OFFICE HOURS 8am - 9pm Central Time Mon - Thursday  
8am - 7pm Central Time Friday / 8am - 3pm Central Time Saturday

June 26, 2017

Parent Of Omar Encarnacion



ACCOUNT IDENTIFICATION

Re: Lehigh Regional Medical Center  
Account Number : [REDACTED] 3948  
Patient Name : Omar Encarnacion  
Date of Service : 11-07-16  
Balance Due : \$53.27

Responsible Party: Parent of Omar Encarnacion

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 current creditor.

\*\*\* Contact our office at one of the phone numbers listed above.\*\*\*

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

When you provide a check as payment, you authorize us to use information from your check to make a one-time electronic funds transfer from your account. In certain circumstances, such as for technical or processing reasons, we may process your payment as a check transaction. When we use information from your check to make an electronic funds transfer, funds may be withdrawn from your account as soon as the same day we receive your payment and you will not receive your check back from your financial institution.

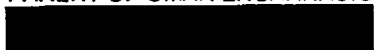
PAY ELECTRONICALLY AT 800-938-3494 OR DETACH AND RETURN WITH PAYMENT

PO BOX 203600  
AUSTIN TX 78720-3600  
CHANGE SERVICE REQUESTED

Account Number [REDACTED] 3948  
Balance Due : \$53.27  
METHOD OF PAYMENT Amt: \$ \_\_\_\_\_  
 Visa  M/C  Discover  AMEX  
Credit Card #: \_\_\_\_\_  
Exp. Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Cardholder: \_\_\_\_\_  
Signature: \_\_\_\_\_  
3 or 4 digit security code: \_\_\_\_\_

38635546-17

PERSONAL & CONFIDENTIAL  
PARENT OF OMAR ENCARNACION



17  
FINANCIAL CORPORATION OF AMERICA  
PO BOX 203500  
AUSTIN TX 78720-3500



INVESTIGATION REPORT  
DATE: 10/16/17  
BY: [Name]  
SUBJECT: [Subject]

CONFIDENTIAL  
[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]



RECEIVED

JS 44 (Rev 09/10)

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

2017 OCT 16 PM 12:08

CIVIL COVER SHEET

CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT PIERCE, FLORIDA

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law.

**Plaintiff(s):**

First Listed Plaintiff:  
OMAR ENCARNACION ;  
County of Residence: Lee County

**Defendant(s):**

First Listed Defendant:  
FINANCIAL CORPORATION OF AMERICA ;  
County of Residence: Outside This District

County Where Claim For Relief Arose: Lee County

2:17-cv-566-FM-3KCM  
FM 10/15/17

**Plaintiff's Attorney(s):**

Katie Miller (OMAR ENCARNACION)  
The Law Offices of Katie M. Miller, PA  
154701 Highway 50, Suite 204  
Clermont, Florida 34711  
Phone: 855.582.2737  
Fax: 407.442.3693  
Email: attorneykstone@gmail.com

**Defendant's Attorney(s):**

**Basis of Jurisdiction:** 3. Federal Question (U.S. not a party)

**Citizenship of Principal Parties (Diversity Cases Only)**

**Plaintiff:** N/A

**Defendant:** N/A

**Origin:** 1. Original Proceeding

**Nature of Suit:** 480 Fair Credit Reporting Act or Fair Debt Collection Practices Act

**Cause of Action:** 15 U.S.C. 1692 - Defendant violated the FDCPA

**Requested in Complaint**

**Class Action:** Class Action Under FRCP23

**Monetary Demand (in Thousands):**

**Jury Demand:** Yes

**Related Cases:** Is NOT a refile of a previously dismissed action

RECEIVED

NOV 16 2017

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: [Illegible]

[Illegible text]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

*[Handwritten signature]*

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

**Signature:** /s/ Katie M. Miller

**Date:** 10/11/2017

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.

10/16/17

10/16/17

10/16/17

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Claims Financial Corporation of America Failed to Identify Current Creditor](#)

---