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10 Attorney for Plaintiff

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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
Sacramento Division**

11 Latrice Fraley, individually and on  
12 behalf of all others similarly situated,

13 Plaintiff,

14 -against-

15 Enhanced Recovery Company, LLC  
16 d/b/a ERC and John Does 1-25,

17 Defendants.

Case No.:

**CLASS ACTION COMPLAINT** for  
violations of the Fair Debt Collection  
Practices Act, 15 U.S.C. § 1692 *et seq.*

**DEMAND FOR JURY TRIAL**

19 Plaintiff Latrice Fraley ("Plaintiff" or "Fraley"), a California resident, brings  
20 this Class Action Complaint by and through her attorneys, The Law Offices of  
21 Jonathan A. Stieglitz, against Defendant Enhanced Recovery Company, LLC d/b/a  
22 ERC ("Defendant"), individually and on behalf of a class of all others similarly  
23 situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure, based upon  
24 information and belief of Plaintiff's counsel, except for allegations specifically  
25 pertaining to Plaintiff, which are based upon Plaintiff's personal knowledge.  
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1 **INTRODUCTION / PRELIMINARY STATEMENT**

- 2
- 3 1. Congress enacted the Fair Debt Collection Practices Act (hereinafter
- 4 “FDCPA” or “Act” in 1977 in response to the “abundant evidence of the
- 5 use of abusive, deceptive, and unfair debt collection practices by many debt
- 6 collectors.” 15 U.S.C. §1692(a). At that time, Congress was concerned that
- 7 “abusive debt collection practices contribute to the number of personal
- 8 bankruptcies, to material instability, to the loss of jobs, and to invasions of
- 9 individual privacy.” *Id.* Congress concluded that “existing laws ... [we]re
- 10 inadequate to protect consumers,” and that “the effective collection of
- 11 debts” does not require “misrepresentation or other abusive debt collection
- 12 practices.” 15 U.S.C. §1692(b) & (c).
- 13
- 14
- 15
- 16 2. Congress explained that the purpose of the Act was not only to eliminate
- 17 abusive debt collection practices, but also to “insure that those debt
- 18 collectors who refrain from using abusive debt collection practices are not
- 19 competitively disadvantaged.” *Id.* §1692(e). After determining that the
- 20 existing consumer protection laws were inadequate, *Id.* §1692(b), Congress
- 21 gave consumers a private cause of action against debt collectors who fail to
- 22 comply with the Act. *Id.* §1692k.
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- 24

25 **JURISDICTION AND VENUE**

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3. The Court has jurisdiction over this class action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692 *et seq.* The Court has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. § 1367(a).
4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2), as this is where a substantial part of the events or omissions giving rise to the claim occurred.

### **NATURE OF THE ACTION**

5. Plaintiff brings this class action on behalf of a class of California consumers under 15 U.S.C. § 1692 *et seq.*, commonly known as the Fair Debt Collections Practices Act (“FDCPA”); and
6. Plaintiff is seeking damages and declaratory relief.

### **PARTIES**

7. Plaintiff is a resident of the State of California, County of Sacramento, residing at 4940 Mack Road, Apt. 464, Sacramento, CA 95823.
8. Defendant Enhanced Recovery Company, LLC is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA, with an address at 8014 Bayberry Road, Jacksonville, FL 32256-7412.
9. Upon information and belief, Defendant is a company that uses the mail, telephone, and facsimile and regularly engages in business the principal purpose of which is to attempt to collect debts alleged to be due another.

1 10. John Does 1-25, are fictitious names of individuals and businesses alleged  
2 for the purpose of substituting names of Defendants whose identities will be  
3 disclosed in discovery and should be made parties to this action.  
4

5 **CLASS ALLEGATIONS**

6 11. Plaintiff brings this claim on behalf of the following case, pursuant to Fed.  
7 R. Civ. P. 23(a) and 23(b)(3).  
8

9 12. The class consists of:

- 10 a. all individuals with addresses in the State of California;  
11  
12 b. to whom Enhanced Recovery Company, LLC sent an initial  
13 collection letter attempting to collect a debt;  
14  
15 c. regarding collection of a Capital One, N.A. debt;  
16  
17 d. that failed to accurately set forth all the initial communication  
18 requirements set forth in 15 U.S.C. §1692g  
19  
20 e. by falsely and misleadingly stating that the identity of the current  
21 creditor on the account was Kohl's Department Stores, Inc.;  
22  
23 f. which letter was sent on or after a date one (1) year prior to the  
24 filing of this action and on or before a date twenty-one (21) days after  
the filing of this action.

25 13. The identities of all class members are readily ascertainable from the  
26 records of Defendants and those companies and entities on whose behalf  
27 they attempt to collect and/or have purchased debts.  
28

1 14. Excluded from the Plaintiff Class are the Defendants and all officer,  
2 members, partners, managers, directors and employees of the Defendants  
3 and their respective immediate families, and legal counsel for all parties to  
4 this action, and all members of their immediate families.  
5

6 15. There are questions of law and fact common to the Plaintiff Class, which  
7 common issues predominate over any issues involving only individual class  
8 members. The principal issue is whether the Defendant's written  
9 communications to consumers, in the forms attached as Exhibit "A",  
10 violates 15 U.S.C. §§ 1692e, 1692f and 1692g.  
11

12 16. The Plaintiff's claims are typical of the class members, as all are based  
13 upon the same facts and legal theories. The Plaintiff will fairly and  
14 adequately protect the interests of the Plaintiff Class defined in this  
15 Complaint. The Plaintiff has retained counsel with experience in handling  
16 consumer lawsuits, complex legal issues and class actions, and neither the  
17 Plaintiff nor her attorneys have any interests, which might cause them not  
18 to vigorously pursue this action.  
19

20 17. This action has been brought, and may properly be maintained, as a class  
21 action pursuant to the provisions of Rule 23 of the Federal Rules of Civil  
22 Procedure because there is a well-defined community interest in the  
23 litigation:  
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1 a. **Numerosity:** The Plaintiff is informed and believes, and on that  
2 basis alleges, that the Plaintiff Class defined above is so numerous that  
3 joinder of all members would be impractical.  
4

5 b. **Common Questions Predominate:** Common questions of law and  
6 fact exist as to all members of the Plaintiff Class and those questions  
7 predominate over any questions or issues involving only individual class  
8 members. The principal issue is whether the Defendant's written  
9 communications to consumers, in the form attached as Exhibit "A" violate 15  
10 U.S.C. §1692e, §1692f and §1692g.  
11

12 c. **Typicality:** The Plaintiff's claims are typical of the claims of the  
13 class members. The Plaintiff and all members of the Plaintiff class have  
14 claims arising out of the Defendant's common uniform course of conduct  
15 complained of herein.  
16

17 d. **Adequacy:** The Plaintiff will fairly and adequately protect the  
18 interests of the class members insofar as Plaintiff has no interests that are  
19 adverse to the absent class members. The Plaintiff is committed to  
20 vigorously litigating this matter. Plaintiff has also retained counsel  
21 experienced in handling consumer lawsuits, complex legal issues and class  
22 actions. Neither the Plaintiff nor her counsel have any interests which might  
23 cause them not to vigorously pursue the instant class action lawsuit.  
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1 e. **Superiority**: A class action is superior to the other available means  
2 for the fair and efficient adjudication of this controversy because individual  
3 joinder of all members would be impracticable. Class action treatment will  
4 permit a large number of similarly situated persons to prosecute their  
5 common claims in a single forum efficiently and without unnecessary  
6 duplication of effort and expense that individual actions would engender.  
7

8  
9 18. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil  
10 Procedure is also appropriate in that the questions of law and fact common  
11 to members of the Plaintiff Class predominate over any questions affecting  
12 an individual member, and a class action is superior to other available  
13 methods for the fair and efficient adjudication of the controversy.  
14

15  
16 19. Depending on the outcome of further investigation and discovery, Plaintiff  
17 may, at the time of class certification motion, seek to certify a class(es) only  
18 as to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).  
19

### 20 **FACTUAL ALLEGATIONS**

21 20. Plaintiff incorporates by reference all of the above paragraphs of this  
22 Complaint as though fully stated herein with the same force and effect as if  
23 the same were set forth at length herein.  
24

25 21. Some time prior to September 25, 2017, an obligation was allegedly  
26 incurred to Capital One, N.A.  
27  
28

1 22.The Capital One, N.A. obligation arose out of a transaction involving the  
2 issuance of a Kohl’s Credit Card which Plaintiff used to make purchases  
3 which were primarily for personal, family or household purposes.  
4

5 23. The alleged Capital One, N.A. obligation is a “debt” as defined by 15  
6 U.S.C. 1692a(5).  
7

8 24.Capital One, N.A. is a “creditor” as defined by 15 U.S.C. § 1692a(4).

9 25.Capital One, N.A. contracted the Defendant to collect the alleged debt.

10 26. Defendant collects and attempts to collect debts incurred or alleged to have  
11 been incurred for personal, family or household purposes on behalf of  
12 creditors using the United States Postal Services, telephone and internet.  
13

14 *Violation I – September 25, 2017 Collection Letter*  
15

16 27.On or about September 25, 2017, Defendant sent Plaintiff an initial  
17 collection letter (the “Letter”) regarding the alleged debt owed to Capital  
18 One, N.A. See a true and correct copy of the September 25, 2017 Letter  
19 attached hereto as Exhibit A.  
20

21 28. The Letter did not contain all the proper initial communication  
22 requirements set forth in 15 U.S.C. §1692g (the “G-Notice”).  
23

24 29.Specifically, this Letter deceptively and incorrectly states who the current  
25 creditor is to whom the Alleged Debt is owed.  
26

27 30. The letter labels “Kohl’s Department Stores, Inc.” as the current creditor.  
28



1 31.However, Kohl’s Department Stores, Inc. is not an issuer of credit and  
2 cannot be the current creditor to whom the debt is owed.

3  
4 32. It is deceptive to not clearly state who the current creditor is on any letter  
5 sent to the consumer. Mere illusions are not enough; but the letter must  
6 specifically and clearly state who the current creditor is as is required by  
7 §1692g.  
8

9 33.Kohl’s Department Stores, Inc. is not the proper name of any creditor.

10 34.Defendant has failed to provide the consumer with a proper initial  
11 communication letter.  
12

13 35. Defendant has provided false information as to the true identity of the  
14 current creditor.  
15

16 36.As a result of Defendant's deceptive, misleading and unfair debt collection  
17 practices, Plaintiff has been damaged.  
18

19 **COUNT I**  
20 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
21 **15 U.S.C. § 1692e et seq.**

22 37.Plaintiff incorporates by reference all of the above paragraphs of this  
23 Complaint as though fully state herein with the same force and effect as if  
24 the same were set forth at length herein.  
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1 38. Defendant's debt collection efforts attempted and/or directed towards the  
2 Plaintiff violated various provisions of the FDCPA, including but not  
3 limited to 15 U.S.C. § 1692e.  
4

5 39. Pursuant to 15 U.S.C. § 1692e, a debt collector may not use any false,  
6 deceptive or misleading representation or means in connection with the  
7 collection of any debt.  
8

9 40. Defendant violated said section by:

10 a. Making a false representation of the character, amount or legal  
11 status of the debt in violation of §1692e(2)(A); and

12 b. Making a false and misleading representation in violation of  
13 §1692e(10).  
14

15  
16 41. By reason thereof, Defendant is liable to Plaintiff for judgment that  
17 Defendant's conduct violated Section 1692e *et seq.* of the FDCPA, actual  
18 damages, statutory damages, costs and attorneys' fees.  
19

20 **COUNT II**  
21 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES**  
22 **ACT**  
23 **15 U.S.C. § 1692f *et seq.***

24 42. Plaintiff incorporates by reference all of the above paragraphs of this  
25 Complaint as though fully state herein with the same force and effect as if  
26 the same were set forth at length herein.  
27  
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1 43. Defendant's debt collection efforts attempted and/or directed towards the  
2 Plaintiff violated various provisions of the FDCPA, including but not  
3 limited to 15 U.S.C. § 1692f.  
4

5 44. Pursuant to 15 U.S.C. § 1692f, a debt collector may not use any unfair or  
6 unconscionable means in connection with the collection of any debt.  
7

8 45. Defendant violated this section by unfairly and falsely advising the  
9 consumer as to the incorrect current creditor of the debt.  
10

11 46. By reason thereof, Defendant is liable to Plaintiff for judgment that  
12 Defendant's conduct violated Section 1692f *et seq.* of the FDCP, actual  
13 damages, statutory damages, costs and attorneys' fees.  
14

15 **COUNT III**  
16 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES**  
17 **ACT**  
18 **15 U.S.C. § 1692g *et seq.***

19 47. Plaintiff incorporates by reference all of the above paragraphs of this  
20 Complaint as though fully set forth herein with the same force and effect as if  
21 the same were set forth at length herein.  
22

23 48. Defendant's debt collection efforts attempted and/or directed towards the  
24 Plaintiff violated various provisions of the FDCPA, including but not  
25 limited to 15 U.S.C. § 1692g.  
26

27 49. Pursuant to 15 U.S.C. § 1692g, when a debt collector solicits payment from  
28 a consumer, it must, within five days of an initial communication, provide

1 the consumer with a written validation notice which must include the  
2 following information:

3 (1) the amount of the debt;

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

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

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

13 (5) a statement that, upon the consumer's written request within the thirty-  
14 day period, the debt collector will provide the consumer with the name and  
15 address of the original creditor, if different from the current creditor. 15  
16 U.S.C. § 1692g(a).

17 This is known as the "G Notice."  
18

19 50. Defendant violated this section by falsely misrepresenting the requirement  
20 of § 1692g(a)(2) that the debt collector must notify the consumer of the  
21 name of the creditor to whom the debt is currently owed.  
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1 51.Plaintiff sustained an informational injury as she was wrongfully  
2 misinformed of the identity of her current creditor for whom Defendant was  
3 attempting to collect the debt.  
4

5 52.This harmed Plaintiff as she was unable to ascertain to whom the alleged  
6 debt was owed and thus could not determine whether she even owed the  
7 alleged debt.  
8

9 53.By reason thereof, Defendant is liable to Plaintiff for judgment that  
10 Defendant's conduct violated Section 1692g of the FDCPA, actual  
11 damages, statutory damages, costs and attorneys' fees.  
12

13 **DEMAND FOR TRIAL BY JURY**

14 54. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff  
15 hereby requests a trial by jury on all issues so triable.  
16  
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18 **PRAYER FOR RELIEF**

19 **WHEREFORE**, Plaintiff Latrice Fraley, individually and on behalf of all others  
20 similarly situated demands judgment from Defendant Enhanced Recovery  
21 Company, LLC as follows:  
22

23 1. Declaring that this action is properly maintainable as a Class Action  
24 and certifying Plaintiff as Class representative, and Jonathan A. Stieglitz, Esq. as  
25 Class Counsel;  
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27 2. Awarding Plaintiff and the Class statutory damages;  
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- 3. Awarding Plaintiff and the Class actual damages;
- 4. Awarding Plaintiff costs of this Action, including reasonable attorneys' fees and expenses;
- 5. Awarding pre-judgment interest and post-judgment interest; and
- 6. Awarding Plaintiff and the Class such other and further relief as this Court may deem just and proper.

Dated: September 21, 2018

Respectfully Submitted,

THE LAW OFFICES OF  
JONATHAN A. STIEGLITZ

By:           /s/ Jonathan A Stieglitz            
Jonathan A Stieglitz

# EXHIBIT A



September 25, 2017  
Creditor: Koh's Department Stores, Inc.  
Original Creditor: Capital One, N.A.  
Re: Your Koh's Credit Card Account: XXXXXXXX4752  
Amount of Debt: \$590.19  
Reference Number: ██████████5071  
Settlement Amount: \$295.10

**Settlement Opportunity**

**LATRICE PRALEY**

Our records indicate that your balance with Koh's Department Stores, Inc. remains unpaid; therefore your account has been placed with ERC for collection efforts. We are willing to reduce your outstanding balance by offering a discounted payoff amount of \$295.10.

*Upon receipt and clearance of \$295.10, your account will be satisfied.*

*We are not obligated to renew this offer.*

*Unless you dispute the validity of the debt, or any portion thereof, within thirty (30) days after your receipt of this notice, the debt will be assumed to be valid by us.*

*If you notify our office below in writing within (30) days of your receipt of this notice that the debt, or any portion thereof is disputed, we will obtain verification of the debt or a copy of any judgment that may be of record against you. We will mail the verification or copy of the judgment to you.*

*Upon your written request to this office within thirty (30) days of your receipt of this notice, we will provide you with the name and address of the original creditor, if different from the current creditor listed in the above section of this notice.*



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

Latrice Fraley, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Jonathan A. Stieglitz, Esq. Law Offices of Jonathan A. Stieglitz 11845 W. Olympic Blvd, Ste 800, Los Angeles, CA 90064 323-979-2063 jonathan.a.stieglitz@gmail.com

DEFENDANTS

Enhanced Recovery Company, LLC d/b/a ERC and John Does 1-25

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

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

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: 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)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, 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 (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. Sect. 1692 et seq. Fair Debt Collection Practices Act. Brief description of cause: Defendant sent a false, deceptive and coercive collection letter to Plaintiff.

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 09/21/2018 SIGNATURE OF ATTORNEY OF RECORD Jonathan A. Stieglitz

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Print

Save As...

Reset

Case 2:18-cv-02606-KJM-EFB Document 1-2 Filed 09/21/18 Page 2 of 2  
**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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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: Enhanced Recovery Company Failed to Identify Creditor in Collection Letter](#)

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