

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

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KATIE GEIS on behalf of herself and all others  
similarly situated,

Plaintiff,

vs.

Case No.: 1:18-cv-00859

PORTFOLIO RECOVERY ASSOCIATES  
LLC, a Delaware Limited Liability Company,

Defendant.

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**CLASS ACTION COMPLAINT FOR VIOLATIONS OF THE FAIR DEBT  
COLLECTION PRACTICES ACT AND DEMAND FOR JURY TRIAL**

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Plaintiff, KATIE GEIS, on behalf of herself and all others similarly situated, by way of this Class Action Complaint against Defendants, PORTFOLIO RECOVERY ASSOCIATES LLC, (“PORTFOLIO RECOVERY”), by and through her attorneys, says:

**I. PRELIMINARY STATEMENT**

1. Plaintiff, on her own behalf and on behalf of the class she seeks to represent, brings this action for the illegal practices of Defendant who, *inter alia*, used false, deceptive, and misleading practices, and other illegal practices, in connection with its attempts to collect an alleged debt from Plaintiff and other similarly situated Wisconsin consumers.

2. Plaintiff alleges that Defendant’s collection practices violate the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.*

3. The FDCPA regulates the behavior of collection agencies attempting to collect a debt on behalf of another. The U.S. Congress, finding evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, determined that abusive debt collection practices contribute to a number of personal bankruptcies, marital instability, loss of

jobs, and invasions of individual privacy. Congress enacted the FDCPA to eliminate abusive debt collection practices by debt collectors, to ensure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote uniform State action to protect consumers against debt collection abuses. 15 U.S.C. § 1692.

4. The FDCPA is a strict liability statute, which provides for actual or statutory damages upon the showing of one violation. The Seventh Circuit has held that whether a debt collector's conduct violates the FDCPA should be judged from the standpoint of the "unsophisticated debtor." *Gammon v. GC Servs. Ltd. P'ship*, 27 F.3d 1254, 1257 (7th Cir. 1994).

5. To prohibit deceptive practices, the FDCPA, at 15 U.S.C. § 1692e, outlaws the use of false, deceptive, and misleading collection letters and names a non-exhaustive list of certain *per se* violations of false and deceptive collection conduct. 15 U.S.C. § 1692e(1)-(16).

6. Plaintiff, on behalf of herself and all others similarly situated, seeks statutory damages, actual damages, punitive damages, declaratory relief, attorney fees, costs, and all other relief, equitable or legal in nature, as deemed appropriate by this Court, pursuant to the FDCPA, and all other common law or statutory regimes.

## II. PARTIES

7. Plaintiff is a natural person.

8. At all times relevant to this lawsuit, Plaintiff is a citizen of, and resides in, the City of Oshkosh, Winnebago County, Wisconsin.

9. At all times relevant to this complaint, PORTFOLIO RECOVERY is a for-profit limited liability company existing pursuant to the laws of the State of Delaware.

10. PORTFOLIO RECOVERY maintains its principal business address at, 120 Corporate Boulevard, Norfolk, Virginia 23502.

### III. JURISDICTION & VENUE

11. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1331 and 1337.

12. Venue is appropriate in this federal district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events giving rise to Plaintiff's claims occurred within this federal judicial district, and because PORTFOLIO RECOVERY is subject to personal jurisdiction in the State of Wisconsin at the time this action is commenced.

### IV. FACTS

13. PORTFOLIO RECOVERY is not in the business of extending credit or selling goods or services to consumers.

14. PORTFOLIO RECOVERY is a company who purchases defaulted consumer accounts for pennies on the dollar and then then seeks to recover the full value of those unpaid defaulted accounts; consequently, its principal purpose is the collection of debts.

15. PORTFOLIO RECOVERY is regularly engaged in the collection of debts by, *inter alia*, purchasing defaulted debts from creditors and other debt buyers for pennies on the dollar of their face-value and then seeks to recover the full value of those defaulted accounts.

16. PORTFOLIO RECOVERY regularly collects, and attempts to collect, defaulted debts which were incurred, or are alleged to have been incurred, for personal, family, or household purposes using the U.S. Mail, telephone, and Internet. In addition, the principal purpose of PORTFOLIO RECOVERY is the collection of such debts.

17. Plaintiff received a letter ("Letter") dated June 6, 2017.

18. A true copy of the Letter is attached as *Exhibit A* except that the undersigned counsel has, in accordance with Fed. R. Civ. P. 5.2, partially redacted the financial account numbers to protect Plaintiff's privacy.

19. The Letter described an alleged financial obligation to Wal-Mart which arose out of one or more transactions the subject(s) of which were primarily for personal, family, and household purposes (“Debt”).

20. The Letter states \$5,707 is the “Current Balance Due.”

21. The Letter refers to creating “flexible payment arrangements.”

22. The Letter offers three payment arrangement, calling each a “Savings Plan.”

23. For each Savings Plan, the Letter states the amount of savings. It appears the amount of savings is derived by subtracting the result from multiplying the number of payments by the payment amount under each Savings Plan from the Current Balance Due.

24. The Letter states that, under each Savings Plan, the amount of savings will be applied to the balance.

25. For each Savings Plan, the Letter states that, after final payment, the account will be deemed “Settled in Full.”

26. Nothing in the Letter explains what amount of the Current Balance Due is principal.

27. None of the Savings Plans state whether any amount is to be “written off.”

28. None of the Savings Plans state whether any amount of principal is to be “written off.”

29. Inconsistent with the Letter’s description of each Savings Plan, the Letter includes the following Reporting Sentence: “If the principal amount written-off is equal or greater than \$600.00, we may be required by the Internal Revenue Code to report this amount and issue a form 1099-C.”

30. Based on the Letter’s description of each Savings Plan, however, nothing is being “written-off”; instead, the amount of savings is to be applied to the balance resulting in the

account being deemed “Settled in Full.”

31. On information and belief, at the time PRA sent the Letter, it lacked information as to what, if any, portion of the Current Balance Due constituted “principal.”

32. Immediately after the Reporting Sentence, the Letter includes the following Recommendation Sentence: “If you have any questions regarding your personal taxes, it is recommended that you consult with a certified public accountant or other tax professional.”

33. The Letter fails to provide sufficient information which would permit a certified public accountant or other tax professional to provide the unsophisticated consumer with a professional opinion as to the tax effect from any of the Savings Plans assuming that the amount reported in a form 1099-C were included in the consumer’s income for tax purposes.

34. As a long-standing purchaser and collector of charged-off consumer debts, PRA knows or reasonable should know the substantial majority of consumers (including Plaintiff) to whom it sends letters like the Letter are unable or are having difficulty paying their debts as they become due and/or are insolvent.

35. As a consequence of consumers’ vulnerable financial circumstances, PRA knows or reasonable should know the substantial majority of consumers (including Plaintiff) cannot afford to hire a certified public accountant or other tax professional to advise them on the tax effect from accepting any of the Savings Plans.

36. Furthermore, for those consumers who are insolvent (including Plaintiff), there would be no tax effect from paying according to any of the Savings Plans or from writing-off a principal amount of \$600 or more.

37. Instead, the Reporting and Recommendation Sentences, in the context of the Letter, is a collection ploy as some consumers will arrange to pay the full Current Balance Due out of fear that, by accepting a Savings Plan (or a Savings Plan where the amount of savings is

\$600 or more), they will have to incur the expense of employing a certified public account or other tax professional to address unknown tax issues triggered by accepting a Savings Plan or they will become a target of the IRS.

## **V. POLICIES AND PRACTICES COMPLAINED OF**

38. It is Defendants' policy and practice to engage in unfair and deceptive acts and practices, in violation of 15 U.S.C. § 1692e by sending letters, such as *Exhibit A*, which seek to collect defaulted debts.

## **VI. CLASS ALLEGATIONS**

39. This action is brought as a class action. Plaintiff brings this action on behalf of herself and on behalf of all other persons similarly situated pursuant to Rule 23 of the Federal Rules of Civil Procedure.

40. Plaintiff seeks to certify a class pursuant to Fed. R. Civ. P. 23(a) and (b)(3).

41. This claim is brought on behalf of a Class of all persons to whom PORTFOLIO RECOVERY mailed a written communication that was not returned as undeliverable, to an address in the State of Wisconsin, during the period of June 5, 2017 through June 26, 2018, in an attempt to collect a defaulted account, which: (i) offered a "Savings Plan" where the amount of savings is \$600 or more; (ii) states that, after final payment, the account will be deemed "Settled in Full;" and (iii) contains the following statement:

"If the principal amount written-off is equal or greater than \$600.00, we may be required by the Internal Revenue Code to report this amount and issue a form 1099-C. If you have any questions regarding your personal taxes, it is recommended that you consult with a certified public accountant or other tax professional."

42. The identities of the Class members are readily ascertainable from PORTFOLIO RECOVERY's business records.

43. The Class claims include all claims Class members may have for a violation of the FDCPA based on a letter from PORTFOLIO RECOVERY, such as *Exhibit A*, which seek to collect defaulted debts.

44. 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:** On information and belief that Class is so numerous that joinder of all members would be impractical and includes at least 40 members.
- (b) **Common Questions Predominate:** Common questions of law and fact exist as to all members of the Class and those questions predominate over any questions or issues involving only individual class members. With respect to the Class, the principal issues are whether PORTFOLIO RECOVERY's written communications to Wisconsin consumers, such as *Exhibit A*, violate 15 U.S.C. § 1692e.
- (c) **Typicality:** Plaintiff's claims are typical of Class members' claims. Plaintiff and all Class members have claims arising from PORTFOLIO RECOVERY's common course of conduct complained of herein.
- (d) **Adequacy:** Plaintiff will fairly and adequately protect the interests of the Class members insofar as Plaintiff has no interests that are averse to, or conflict with, absent Class members. Plaintiff is committed to vigorously litigating this matter. Plaintiff has also retained counsel experienced in handling consumer lawsuits, complex legal issues, and class actions.

Neither Plaintiff nor her counsel have any interests which might cause them not to vigorously pursue the instant class action lawsuit.

45. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is appropriate in that the questions of law and fact common to members of the Class 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.

46. Based on discovery and further investigation (including, but not limited to, PORTFOLIO RECOVERY's disclosure of class size and net worth), Plaintiff may, in addition to moving for class certification using modified definitions of the class, class claims, and the class period, and/or seek class certification only as to particular issues as permitted under Fed. R. Civ. P. 23(c)(4). Such modified definitions may be more expansive to include/exclude consumers from the foregoing definitions.

## **VII. FIRST CAUSE OF ACTION VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

47. Plaintiff realleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint.

48. PORTFOLIO RECOVERY is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

49. The Letter is a "communication" as defined by 15 U.S.C. § 1692a(2).

50. The Debt is a "debt" as defined by 15 U.S.C. § 1692a(5).

51. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).

52. The Letter was mailed to Plaintiff to collect the Debt.

53. The Letter deprived Plaintiff of truthful, non-misleading, information in connection with PORTFOLIO RECOVERY's attempt to collect a debt.



54. PORTFOLIO RECOVERY violated the FDCPA. The violations with respect to its written communications seeking to collect defaulted debts, such as *Exhibit A*, include, but are not limited to, the following:

- (a) Using false, deceptive, and misleading representations or means in connection with the collection of any debt in violation of 15 U.S.C. § 1692e;
- (b) Making false, deceptive, and misleading representations concerning the character, amount, or legal status of any debt in violation of 15 U.S.C. §1692e(2)(A);
- (c) Making false threats to take action that cannot legally be taken and/or that is not intended to be taken in violation of 15 U.S.C. §§1692e and 1692e(5);
- (d) Using false representations and/or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer in violation of 15 U.S.C. § 1692e(10);
- (e) Using an unfair or unconscionable means to collect or attempt to collect any debt in violation of 15 U.S.C. § 1692f; and
- (f) Collecting, or attempting to collect, any amount that is not expressly authorized by the agreement creating the debt or permitted by law in violation of 15 U.S.C. § 1692f(1).

#### **VIII. PRAYER FOR RELIEF**

55. WHEREFORE, Plaintiff respectfully requests the Court enter judgment in her favor and in favor of the Class and against as follows:

**A. For the FIRST CAUSE OF ACTION:**

- (i) An order certifying that the First Cause of Action may be maintained as a class pursuant to Rule 23 of the Federal Rules of Civil Procedure including, but not

limited to, defining the Class, the class claims, appointing Plaintiff as the class representative, and the undersigned counsel to represent the Class;

- (ii) An award of actual damages for Plaintiff and the Class pursuant to 15 U.S.C. § 1692k(a)(1);
- (iii) An award of statutory damages for Plaintiff and the Class pursuant to 15 U.S.C. § 1692k(a)(2)(B);
- (iv) An incentive award for Plaintiff, to be determined by the Court, for Plaintiff's services to the Class;
- (v) Attorney's fees, litigation expenses, and costs pursuant to 15 U.S.C. § 1692k(a)(3); and
- (vi) For such other and further relief as may be just and proper.

#### **IX. JURY DEMAND**

Plaintiff hereby demands that this case be tried before a Jury.

*s/ Andrew T. Thomasson*

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Philip D. Stern (NJ Bar # 045921984)  
Andrew T. Thomasson (NJ Bar # 048362011)  
STERN•THOMASSON LLP  
150 Morris Avenue, 2nd Floor  
Springfield, NJ 07081-1315  
Telephone: (973) 379-7500  
Facsimile: (973) 532-5868  
E-Mail: philip@sternthomasson.com  
E-Mail: andrew@sternthomasson.com

*Attorneys for Plaintiff, Katie Geis*

# **EXHIBIT “A”**


**Portfolio Recovery Associates, LLC**


June 6, 2017

Dear KATIE GEIS,

Every day Portfolio Recovery Associates, LLC ("PRA, LLC") works with people to create flexible payment arrangements to resolve their debt. We would love the opportunity to do the same for **YOU**.

Please contact us. We are standing by and ready to help.

Sincerely,

PRA, LLC

**Account Details**

Name: KATIE GEIS

Account Number: [REDACTED] 912

Seller: SYNCHRONY BANK

Merchant: WAL-MART

Original Creditor: SYNCHRONY BANK

Creditor to Whom Debt is Owed: Portfolio

Recovery Associates, LLC

Current Balance Due: \$5,707.00

**Account Offers**


**Savings Plan**  
Pay \$380.47 for  
12 consecutive months and  
**SAVE \$1,141.36**



**Savings Plan**  
Pay \$202.12 for  
24 consecutive months and  
**SAVE \$856.12**

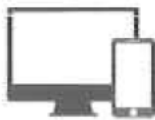


**Savings Plan**  
Pay \$142.68 for  
36 consecutive months and  
**SAVE \$570.52**

The savings will be applied to the balance and your account will be considered "Settled in Full" after your final payment is successfully posted.

**Your first payment must be received NO LATER than: 07/07/2017**

\*We are not obligated to renew this offer.

**Contact Us**


Visit us online at:  
[www.prapay.com](http://www.prapay.com)




Call Toll - Free 1-800-772-1413 to  
discuss your account with us.



Portfolio Recovery Associates, LLC  
P.O. Box 12914  
Norfolk, VA 23541

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

**NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION**



If the principal amount written-off is equal or greater than \$600.00, we may be required by the Internal Revenue Code to report this amount and issue a form 1099-C. If you have any questions regarding your personal taxes, it is recommended that you consult with a certified public accountant or other tax professional.

**HOURS OF OPERATION (EST):** 8 AM to 11 PM Mon.-Fri., 8 AM to 8 PM Sat., 11 AM to 10 PM Sun.

**COMPANY ADDRESS:** Portfolio Recovery Associates, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

**MAKE ALL CHECKS PAYABLE TO:** Portfolio Recovery Associates, LLC

**SEND ALL PAYMENTS TO:** Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541

**DISPUTES CORRESPONDENCE ADDRESS:** 140 Corporate Boulevard, Norfolk, VA 23502

Disputes Dept. E-Mail Address: [PRA\\_Disputes@portfoliorecovery.com](mailto:PRA_Disputes@portfoliorecovery.com)

**Quality Service Available Mon. - Fri. 8 AM TO 5 PM (EST)**

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at (800) 772-1413 or by e-mail at [qualityservice@portfoliorecovery.com](mailto:qualityservice@portfoliorecovery.com).

**PRIVACY NOTICE:** We collect certain personal information about you from the following sources: (a) information we received from you; (b) information about your transactions with our affiliates, others, or us; (c) information we receive from consumer reporting agencies. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic information about you to those employees and entities that need to know that information in order to collect your account. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

# 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.)

Place an "X" in the appropriate box (required):  Green Bay Division  Milwaukee Division

### I. (a) PLAINTIFFS

KATIE GEIS on behalf of herself and all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Stern Thomasson LLP  
150 Morris Avenue, 2nd Floor  
Springfield, NJ 07081-1315  
(973) 379-7500

### DEFENDANTS

PORTFOLIO RECOVERY ASSOCIATES LLC, a Delaware Limited Liability Company

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
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 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)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

### 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 USC §1692, et seq.

Brief description of cause:

Claims under Fair Debt Collection Practices Act

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
500,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

06/05/2018

SIGNATURE OF ATTORNEY OF RECORD

s/ Andrew T. Thomasson

UNITED STATES DISTRICT COURT
for the
Eastern District of Wisconsin

KATIE GEIS, et al.

Plaintiff(s)

v.

PORTFOLIO RECOVERY ASSOCIATES LLC

Defendant(s)

Civil Action No. 1:18-cv-00859

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) PORTFOLIO RECOVERY ASSOCIATES LLC
c/o Its Registered Agent, Corporation Service Company
100 Shockoe Slip, Floor 2
Richmond, VA 23219-4100

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you receive 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 the plaintiff's attorney, whose name and address are:

Stern Thomasson LLP
150 Morris Avenue, 2nd Floor
Springfield, NJ 07081-1315

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.

STEPHEN C. DRIES, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))*

This summons and the attached complaint for *(name of individual and title, if any)*:

\_\_\_\_\_ were received by me on *(date)* \_\_\_\_\_.

I personally served the summons and the attached complaint on the individual at *(place)*:

\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons and the attached complaint 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 and the attached complaint 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: [Portfolio Recovery Associates Facing Debt Collection Suit Over Allegedly False IRS Threat](#)

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