## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

Brian Israelson,	individually	and on	behalf	of all	others
similarly situate	d.				

Plaintiff,

Civil Action No: \_\_\_\_\_

CLASS ACTION COMPLAINT
DEMAND FOR JURY TRIAL

-V.-

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

Defendants.

Plaintiff Brian Israelson (hereinafter, "Plaintiff" or "Israelson"), a Florida resident, brings this Class Action Complaint by and through his attorneys, Zeig Law Firm, LLC, against Defendant Enhanced Recovery Company d/b/a ERC (hereinafter "Defendant" or "Defendant ERC"), 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 Fair Debt Collection Practices Act (hereinafter "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. §§ 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.

### **JURISDICTION AND VENUE**

- 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 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
  - 6. Plaintiff is seeking damages and declaratory relief.

### **PARTIES**

- 7. Plaintiff is a resident of the State of Florida, County of Palm Beach, residing at 989 Sanctuary Cove Drive, West Palm Beach, FL 33410.
- 8. Defendant ERC 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 8041 Bayberry Road, Jacksonville, FL 32256.
- 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.
- 10. John Does 1-25, are fictitious names of individuals and businesses alleged for the purpose of substituting names of Defendants whose identities will be disclosed in discovery and should be made parties to this action.

### **CLASS ALLEGATIONS**

- 11. Plaintiff brings this claim on behalf of the following case, pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3).
  - 12. The Class consists of:
    - a. all individuals with addresses in the State of Florida;
    - to whom Defendant ERC sent a collection letter attempting to collect a consumer debt;
    - c. regarding collection of a debt;
    - d. that failed to properly identify and name the current creditor to whom the debt was allegedly owed;
    - e. which letter was sent on or after a date one (1) year prior to the filing of this action and on or before a date twenty-one (21) days after the filing of this action.

- 13. 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.
- 14. Excluded from the Plaintiff Class are the Defendants and all officer, 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.
- 15. There are questions of law and fact common to the Plaintiff Class, 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. §§ 1692e and 1692f.
- 16. The Plaintiff's claims are typical of the class members, as all are based upon the same facts and legal theories. The Plaintiff will fairly and adequately protect the interests of the Plaintiff Class defined in this complaint. The Plaintiff has retained counsel with experience in handling consumer lawsuits, complex legal issues, and class actions, and neither the Plaintiff nor his attorneys have any interests, which might cause them not to vigorously pursue this action.
- 17. 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. <u>Numerosity:</u> The Plaintiff is informed and believes, and on that basis alleges, that the Plaintiff Class defined above is so numerous that joinder of all members would be impractical.

- b. <u>Common Questions Predominate:</u> Common questions of law and fact exist as to all members of the Plaintiff Class and those questions predominance 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 § 1692e and §1692f.
- c. <u>Typicality:</u> The Plaintiff's claims are typical of the claims of the class members.

  The Plaintiff and all members of the Plaintiff Class have claims arising out of the Defendants' common uniform course of conduct complained of herein.
- d. Adequacy: The Plaintiff will fairly and adequately protect the interests of the class members insofar as Plaintiff has no interests that are adverse to the absent class members. The 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 the Plaintiff nor his counsel have any interests which might cause them not to vigorously pursue the instant class action lawsuit.
- e. <u>Superiority:</u> 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.
- 18. 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

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.

19. Depending on the outcome of further investigation and discovery, Plaintiff 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).

### **FACTUAL ALLEGATIONS**

- 20. 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.
- 21. Some time prior to July 26, 2017, an obligation was allegedly incurred to Capital One, N.A..
- 22. The Capital One, N.A. obligation arose out of a transaction involving a credit card incurred by Plaintiff. Plaintiff used the Capital One N.A. credit funds to purchase items that were primarily for personal, family or household purposes.
- 23. The alleged Capital One, N.A. obligation is a "debt" as defined by 15 U.S.C.§ 1692a(5).
  - 24. Capital One, N.A. is a "creditor" as defined by 15 U.S.C.§ 1692a(4).
- 25. Capital One, N.A. or a subsequent owner of the Capital One, N.A. debt contracted with the Defendant ERC to collect the alleged debt.
- 26. Defendant ERC collects and attempts to collect debts incurred or alleged to have been incurred for personal, family or household purposes on behalf of creditors using the United States Postal Services, telephone and internet.

### <u>Violation – July 26, 2017 Collection Letter</u>

- 27. On or about July 26, 2017, Defendant sent the Plaintiff a collection letter (the "Letter") regarding the alleged debt owed to Capital One, N.A.. See July 26, 2017 Collection

  Letter Attached hereto as Exhibit A.
- 28. This letter deceptively fails to identify who the current creditor is to whom the alleged debt is owed.
- 29. The letter lists Kohl's Department Stores, Inc. as a creditor and Capital One, N.A. as the Original Creditor, but nowhere does the letter clearly identify who the current creditor is as is required by the FDCPA.
- 30. It is deceptive to not clearly state who the current creditor is in any collection letter sent to a consumer.
- 31. Mere illusions are not enough, but the letter must specifically and clearly state who the creditor is.
- 32. Plaintiff incurred an informational injury as he was not informed as to whom he currently owed the alleged debt as is required by the FDCPA.
- 33. As a result of Defendant's deceptive misleading and false debt collection practices, Plaintiff has been damaged.

# VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692e et seq.

- 34. Plaintiff 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.
- 35. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e.

- 36. Pursuant to 15 U.S.C. §1692e, a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.
  - 37. Defendant violated said section by:
    - a. Making a false and misleading representation in violation of §1692e(10).
- 38. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692e et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

# COUNT II VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692f et seq.

- 39. Plaintiff 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.
- 40. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692f.
- 41. Pursuant to 15 U.S.C. §1692f, a debt collector may not use any unfair or unconscionable means in connection with the collection of any debt.
- 42. Defendant violated this section by unfairly failing to advise Plaintiff as to the identity of the current creditor who was attempting to collect a debt from her.
- 43. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692f et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

DEMAND FOR TRIAL BY JURY

44. 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 Brian Israelson, individually and on behalf of all others similarly

situated demands judgment from Defendant Enhanced Recovery Company d/b/a ERC as

follows:

1. Declaring that this action is properly maintainable as a Class Action and certifying

Plaintiff as Class representative, and Justin Zeig, Esq. as Class Counsel;

2. Awarding Plaintiff and the Class statutory damages;

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: May 25, 2018

Respectfully Submitted,

**ZEIG LAW FIRM, LLC** 

BY:

/s/ Justin Zeig

Justin Zeig, Esq.

3475 Sheridan St, Ste 310

Hollywood, FL 33021 Tel: 754-217-3084

Fax: 954-272-7807

justin@zeiglawfirm.com Counsel for Plaintiff Brian Israelson

# EXHIBIT A



July 26, 2017

Creditor:

Kohl's Department Stores, Inc.

Original Creditor:

Capital One, N.A.

Re: Your Kohl's Credit Card Account: XXXXXXXX7452

Amount of Debt: \$704.82 Reference Number: 1 4818 Settlement Amount: \$352.41

#### SETTLEMENT OPPORTUNITY

### **BRIAN ISRAELSON**

Our records indicate that your balance with Kohl'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 \$352.41.

Upon receipt and clearance of \$352.41, your account will be closed and collection efforts will cease.

We are not obligated to renew this offer.

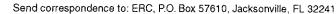
Unless you dispute the validity of the debt, or any portion thereof, within thirty (30) days after your receipt of this notice, the debt will be assumed to be valid by us.

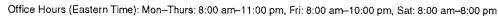


View statements, pay your balance, and manage your account online at www payers com-



Telephone: (800) 497-3803 Toll Free. All calls are recorded and may be monitored for training purposes.







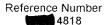
This is an attempt to collect a debt. Any information obtained will be used for that purpose. NOTICE - SEE REVERSE SIDE FOR IMPORTANT NOTICES AND CONSUMER RIGHTS

Please do not send correspondence to this address.

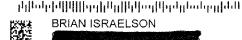
P.O. BOX 1259, Dept 98696 Oaks, PA 19456

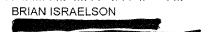


July 26, 2017



Amount of Debt \$704.82





98691 - 2329

**ERC** P.O. Box 23870 Jacksonville, FL 32241-3870 



98691-10005-SIF\_01\_015-KDS1T-2329

### JS 44 (Rev. 0 ն a) Ses Dri 1 & 10 0 0 688-RLR Docume (ILVI) COVER SHEES D Docket 05/25/2018 Page 1 of 2

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.) NOTICE: Attorneys MUST Indicate All Restiled Cases Below.

of initiating the civil docket sh	eet. (SEE INSTRUCTIONS ON	NEXT PAGE OF THIS FORM	i.) NOTICE: Attorneys MU	JST Iı	ndicate A	ll Re-filed Cases	Below.		
	Brian Israelson, individed there similarly situated	•	f all <b>DEFENDAN</b>	-	Enhance Does 1-2	ed Recovery C 25	Company d/b/	a ERC :	and Joh
	of First Listed Plaintiff Pal		County of Reside		(IN U.S. I	PLAINTIFF CASES		LOCATI	ON OF
			NOTE:			ONDEMNATION T OF LAND INVO		LOCATI	ON OF
(c) Attorneys (Firm Name,	Address, and Telephone Number	•)	Attorneys (If Kno	wn)					
Zeig Law Firm, LLC 33021 754-217-308	- 3475 Sheridan St, Ste 4	310, Hollywood, FL							
(d) Check County Where Act	ion Arose:   MIAMI- DADE	☐ MONROE ☐ BROWARD	☑ PALM BEACH ☐ MARTIN ☐ S	ST. LUCI	IE 🗖 INDIA	AN RIVER	HOBEE  HIGHLA	NDS	
II. BASIS OF JURISD	OICTION (Place an "X" i	in One Box Only)	I. CITIZENSHIP OF		NCIPA	L PARTIES		-	
☐ 1 U.S. Government	Federal Question		(For Diversity Cases On	ly) PTF	DEF		and One Box fo		int) <b>DEF</b>
Plaintiff	(U.S. Government	Not a Party)	Citizen of This State	<u> </u>	<u> </u>	Incorporated or P of Business In Th		□ 4	□4
2 U.S. Government Defendant		versity hip of Parties in Item III)	Citizen of Another State	□ 2	2	Incorporated and of Business In	-	□ 5	□ 5
			Citizen or Subject of a Foreign Country	□ 3	☐ 3	Foreign Nation		□ 6	□ 6
IV. NATURE OF SUI' CONTRACT		nly) DRTS	Click here for: Nature of Suit Co FORFEITURE/PENALT			NKRUPTCY	OTHER	STATUT	ES
☐ 110 Insurance ☐ 120 Marine	PERSONAL INJURY  ☐ 310 Airplane	PERSONAL INJURY  365 Personal Injury -	☐ 625 Drug Related Seizure of Property 21 USC 8			eal 28 USC 158	☐ 375 False C☐ 376 Qui Ta	Claims Act	
☐ 130 Miller Act ☐ 140 Negotiable Instrument	315 Airplane Product Liability	Product Liability  367 Health Care/	☐ 690 Other		28 U	JSC 157	3729 (a))  400 State R		nment
☐ 150 Recovery of Overpayment	☐ 320 Assault, Libel &	Pharmaceutical				ERTY RIGHTS	410 Antitru	ıst	
& Enforcement of Judgmen  151 Medicare Act	nt Slander  ☐ 330 Federal Employers'	Personal Injury Product Liability			☐ 820 Copy ☐ 830 Pater		☐ 430 Banks ☐ 450 Comm		ng
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Student Loans	☐ 340 Marine	Injury Product		Ī	■ New Dru ■ 840 Trad	g Application emark	470 Racket		nced and
(Excl. Veterans)	☐ 345 Marine Product	Liability	LABOR			L SECURITY	Corrupt Or		
☐ 153 Recovery of Overpayment of Veteran's Benefits	Liability  ☐ 350 Motor Vehicle	PERSONAL PROPERTY  ☐ 370 Other Fraud	7 10 Fair Labor Standards Act		☐ 861 HIA ☐ 862 Blaci	(1395ff) k Lung (923)	☐ 480 Consur ☐ 490 Cable/S		
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☐ 190 Other Contract ☐ 195 Contract Product Liability	Product Liability  360 Other Personal	☐ 380 Other Personal Property Damage	☐ 740 Railway Labor Act☐ 751 Family and Medical		□ 864 SSIE □ 865 RSI	Title XVI	Exchange 890 Other S	Statutory /	ations
196 Franchise	Injury	☐ 385 Property Damage	Leave Act		_ 603 KSI	(403(g))	891 Agricu		
	362 Personal Injury -	Product Liability	790 Other Labor Litigation	ı			893 Enviro		
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220 Foreclosure	441 Voting	☐ 463 Alien Detainee ☐ 510 Motions to Vacate	e.	_		efendant) S—Third Party 2	899 Admin		
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240 Torts to Land	443 Housing/ Accommodations	Other:					Agency De		
☐ 245 Tort Product Liability	445 Amer. w/Disabilities -	☐ 530 General	IMMIGRATION				□ 950 Consti	tutionality	of State
290 All Other Real Property	Employment	☐ 535 Death Penalty ☐ 540 Mandamus & Other	☐ 462 Naturalization Applica☐ 465 Other Immigration	ation					
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V. ORIGIN (Place	e an "X" in One Box Only)	Confinement							
1 Original 2 Rem	noved 3 Re-filed 4	norther	erred from	rict [	7 App	eal to	Multidistrict9	Remand	ed from
Proceeding from Coun	n State (See VI rt below)	or another Reopened (specify			Dist from	rict Judge n Magistrate gment	Litigation — 9  – Direct File	Appellat	te Court
VI. RELATED/	(See instructions): a)	Re-filed Case □YES	□ NO b) Relate	d Cas	ses □YI	ES 🗆 NO			
RE-FILED CASE(S)	JUD	GE:			DO	CKET NUMBE	R:		
VII. CAUSE OF ACT			iling and Write a Brief State and deceptive collection				ctional statutes un	less divers	sity):
VIII DECLIEGRES T	LENGTH OF TRIAL	· ·	(for both sides to try entire c	case)					
VIII. REQUESTED IN COMPLAINT:	CHECK IF THIS UNDER F.R.C.P	IS A CLASS ACTION	<b>DEMAND</b> \$		C	CHECK YES only	if demanded in	complain	nt:
COMILMINI.					JUI	RY DEMAND:	Yes	□No	
ABOVE INFORMATION IS DATE May 25, 2017	S TRUE & CORRECT TO		WLEDGE ATTORNEY OF RECORD						
FOR OFFICE USE ONLY									
RECEIPT #	AMOUNT IF	P HIDGE		MAG	GILIDGE				

JS 44 (Rev. 06/17) FLSD Revised 06/01/2017

### 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.C.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; 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.** 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: <u>Nature of Suit Code Descriptions</u>.
- 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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

- VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.
- VII. 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

VIII. 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 dollar amount (in thousands of dollars) 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.

**Date and Attorney Signature**. Date and sign the civil cover sheet.

### UNITED STATES DISTRICT COURT

for the

Southern District of Florida

Southern District of Florida							
Brian Israelson, individually and on behalf of all others similarly situated )							
Plaintiff(s)							
v.	Civil Action No.						
)	Civil rection 140.						
Enhanced Recovery Company d/b/a ERC and John  Does 1-25  )							
Defendant(s)							
SUMMONS IN A CIVIL ACTION							
To: (Defendant's name and address)							
Enhanced Recovery Company 8041 Bayberry Road Jacksonville, FL 32256							
A lawsuit has been filed against you.							
Within 21 days after service of this summons on you (not are the United States or a United States agency, or an officer or et a. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the Federal Rules of Civil Procedure. The answer or motion must whose name and address are:  Justin Zeig, Esq.  Zeig Law Firm, LLC  3475 Sheridan Street, Suite 310  Hollywood, Florida 33021	employee of the United States described in Fed. R. Civ. o the attached complaint or a motion under Rule 12 of st be served on the plaintiff or plaintiff's attorney,						
If you fail to respond, judgment by default will be entered. You also must file your answer or motion with the court.	ed against you for the relief demanded in the complaint.						
	CLERK OF COURT						
Data							
Date:	Signature of Clerk or Deputy Clerk						

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

Additional information regarding attempted service, etc:

Civil Action No.

### PROOF OF SERVICE

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

was re	This summons for (name ceived by me on (date)	ne of individual and title, if any	·							
	☐ I personally served	the summons on the indi								
			on (date)	; or						
	☐ I left the summons a									
	, 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 summo	ns on (name of individual)		, who i	S					
	designated by law to a	designated by law to accept service of process on behalf of (name of organization)								
			on (date)	; or						
	☐ I returned the summ	nons unexecuted because		. 01						
	☐ Other (specify):									
	My fees are \$	for travel and \$	for services, for a total of \$	0.00						
	I declare under penalty	of perjury that this infor	mation is true.							
Date:		_			_					
			Server's signature							
			Printed name and title		=					
		_	Server's address		-					

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