

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DOLEATA JOHNSON, on behalf of)
herself and all others similarly situated,)
)
Plaintiff,)
)
v.) Case No.
)
MEDICREDIT, INC.,)
)
Defendant.)

NOTICE OF REMOVAL

Defendant Medicredit, Inc. (“Medicredit” or “Defendant”) hereby files its Notice of Removal of the above-captioned case to this Court and, and in support of removal, respectfully states as follows:

1. Medicredit is named as defendant in Civil Action No. 1811-CC00431 filed in the Circuit Court of St. Charles County, Missouri, styled Doleata Johnson v. Medicredit, Inc. (the “State Court Action”).

2. The Petition in the State Court Action was filed with the Clerk of the Circuit Court of St. Charles County on or about May 1, 2018; Medicredit was served on May 11, 2018. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon Defendant in the State Court Action are attached hereto as **Exhibit A**.

3. In the State Court Action, Plaintiff alleges that Defendant violated two federal statutes, the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (“FDCPA”) and the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (“TCPA”).

4. Any civil action is removable if the plaintiff could have originally brought the action in federal court. See 28 U.S.C. § 1441(a).

5. Under 28 U.S.C. § 1331 this Court has original federal question jurisdiction over Plaintiff's FDCPA and TCPA claims.

6. Accordingly, pursuant to 28 U.S.C. § 1441(a), Defendant has the right to remove the State Court Action to this Court, without regard to the citizenship or residency of the parties or the amount in controversy.

7. Defendant was formally served with the Summons and Petition on May 11, 2018. This removal is therefore timely pursuant to 28 U.S.C. § 1446(b).

8. By this Notice of Removal, Defendant does not waive any defense, jurisdictional or otherwise, which it may possess. Defendant also does not concede that Plaintiff has stated a claim against it.

WHEREFORE, in accordance with the authorities set forth above, Defendant hereby removes this action from the Circuit Court of St. Charles County, Missouri, to the United States District Court for the Eastern District of Missouri.

Respectfully submitted,
SPENCER FANE LLP

By: /s/ Scott J. Dickenson
Scott J. Dickenson, #50478MO
Megan D. Meadows, #60669MO
1 North Brentwood Blvd., Suite 1000
St. Louis, MO 63105
(314) 863-7733 (telephone)
(314) 862-4656 (facsimile)
sdickenson@spencerfane.com
mmeadows@spencerfane.com

Attorneys for Defendant

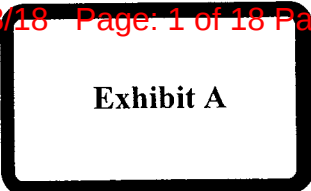
CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically with the United States District Court for the Eastern District of Missouri, this 8th day of June, 2018, with a true copy mailed, first class postage prepaid, to:

Dominic M. Pontello
Isaac J. Bressler
406 Boones Lick Road
St. Charles, MO 63301
dominic@pontellolaw.com
ibressler@pontellolaw.com

Attorneys for Plaintiff

/s/ Scott J. Dickenson _____



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1811-CC00431 - DOLEATA JOHNSON ON BEHALF OF V MEDICREDIT INC (E-CASE)

- Case Header
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Document ID: 18-SMCC-706, for MEDICREDIT INC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. cfm

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Filed By: DOMINIC M PONTELLO

[Motion Special Process Server](#)

MOTION FOR SPECIAL PROCESS SERVER.

Filed By: DOMINIC M PONTELLO

On Behalf Of: DOLEATA JOHNSON on behalf of herself an all other similiary situated

Associated Entries: 05/02/2018 - [Order - Special Process Server](#)

[Pet Filed in Circuit Ct](#)

CLASS ACTION PETITION.

[Judge Assigned](#)

JURISDICTION

4. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k (d) because the illicit collection activity was directed at Plaintiff in Saint Charles County, Missouri.

5. This Court has jurisdiction of the TCPA claim under 47 U.S.C. § 227 (3)(b). Venue is appropriate in this Court because Defendant Mediacredit, Inc. (“Mediacredit, Inc”) placed prohibited telephone calls to Plaintiff at Plaintiff’s phone located in St. Charles County, Missouri.

PARTIES

6. Plaintiff is a natural person currently residing in Saint Charles County, Missouri. Plaintiff is a “consumer” within the meaning of the FDCPA. The debt Plaintiff allegedly owes arises out of consumer, family, and household transactions.

7. Specifically, Plaintiff believes the alleged debt arose from a medical debt.

8. Defendant Mediacredit, Inc. is a domestic corporation with its principal place of business in Columbia, MO. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

Telephone Consumer Protection Act

9. At all times relevant to this complaint, the Plaintiff was and is a “person” as defined by the TCPA 47 U.S.C. § 153(39).

10. At all times relevant to this complaint, Defendant has owned, operated, and or controlled “customer premises equipment” as defined by the TCPA 47 U.S.C. § 153(16) that originated, routed, and/or terminated telecommunications.

11. Defendant at all times relevant to the complaint herein engages in “telecommunications” as defined by the TCPA 47 U.S.C. § 153(50).

12. Defendant at all times relevant to the complaint herein engages in “interstate communications” as defined by the TCPA 47 U.S.C. § 153(28).

13. At all times relevant to this complaint, Defendant has used, controlled, and/or operated “wire communications” as defined by the TCPA 47 U.S.C. § 153(59), that existed as instrumentalities of interstate and intrastate commerce.

14. At all times relevant to this complaint, Defendant has used, controlled, and/or operated “automatic telephone dialing systems” as defined by the TCPA 47 U.S.C. § 227(a)(1) and 47 C.F.R. 64.1200(f)(2).

Fair Debt Collection Practices Act

15. Plaintiff is a “consumer” within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

16. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a “debt collector” as defined by the FDCPA. 15 U.S.C. §1692a (6).

FACTS

17. Defendant’s collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

18. Within one year immediately preceding the filing of this lawsuit, Defendant telephoned the Plaintiff’s cellular phone using an automatic telephone dialing system on numerous occasions and left pre-recorded messages on the Plaintiff’s answering service in violation of the TCPA and FDCPA.

19. Within the last year, Defendant began attempts to collect an alleged debt from Plaintiff.

20. In its attempt to collect this debt, Defendant made numerous unsolicited,

unauthorized pre-recorded debt collection phone calls to Plaintiff's cellular phone number, 314-496-1619.

21. In Defendant's debt collection pre-recorded messages to Plaintiff's cell phone, Defendant fails to state that it is a debt collector attempting to collect a debt, and that any information obtained can be used for that purpose.

22. In Defendant's debt collection pre-recorded messages to Plaintiff's cell phone, Defendant requested a call back to its phone number (800) 888-2238.

23. Plaintiff never provided her cell phone number to Defendant, and Plaintiff never gave her express written consent to be called on her cellular telephone by automatic dialed telephone calls or prerecorded messages.

24. Plaintiff never signed any writing containing a clear and conspicuous disclosure, as required under 47 C.F.R. § 64.1200(f)(8)(i), informing the Plaintiff that by executing an agreement, Plaintiff consents to receive phone calls delivered using an automatic telephone dialing system or an artificial or prerecorded voice.

25. Defendant knows the TCPA's prohibitions against using an autodialer and pre-recorded messages to call cell phones, and Defendant makes unauthorized and prohibited phone calls despite this knowledge.

Violations of the TCPA

26. Defendant never obtained express written consent from Plaintiff to place telephone calls to Plaintiff's cellular phone number using an automatic telephone dialing system on or to send pre-recorded messages to Plaintiff's cellular phone.

27. Within the last four years, Defendant made attempts to collect the alleged debt by making numerous unsolicited and unauthorized phone calls to Plaintiff's cellular phone number

using an automatic telephone dialing system and pre-recorded messages.

28. Defendant's phone calls for Plaintiff were placed from Defendant's automatic telephone dialing system, as defined by 47 U.S.C. § 227(a)(1), from the phone number that is registered to the Defendant.

29. Specifically, Defendant's dialing system has the capacity to store, dial, and generate phone numbers such as Plaintiff's.

30. These automated telephone dialing system calls were made to Plaintiff's cellular phone and she was charged for these phone calls, in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

Violations of the FDCPA

31. Defendant's use of a prohibited means of telecommunications violated the FDCPA, 15 U.S.C. §1692f, which prohibits the use of unfair or unconscionable means to collect or attempt to collect any debt.

32. Defendant failed to disclose in its pre-recorded voice messages to the Plaintiff, that it was a debt collector attempting to collect a debt, in violation of FDCPA § 1692e(11), which requires that in any communication, the debt collector must disclose that the communication is from a debt collector.

33. Defendant's collection attempts have caused Plaintiff to incur actual damages including but not limited to anxiety, sleeplessness, and worry.

CLASS ALLEGATIONS - FDCPA

34. Upon information and belief, it is Defendant's routine practice to violate the FDCPA by conducting telephone debt collection communications in which Defendant fails to include the disclosure required by 15 U.S.C. § 1692e(11) that the communication is from a debt collector in an attempt to collect a debt.

35. This action is properly maintainable as a class action pursuant to Rule 52.08 of the Missouri Supreme Court Rules. The class consists of the following persons:

All persons in Missouri who received a pre-recorded voice message on their telephone in which Defendant failed to disclose that the communication was from a debt collector in an attempt to collect a debt.

36. Members of the class are so numerous that joinder is impracticable. Based on Plaintiff's research, Defendant is a high volume debt collector that attempts to collect every month on hundreds of delinquent debts allegedly owed by Missouri consumers.

37. Upon information and belief, Defendant has engaged in the improper collections communications described above with at least one hundred Missouri consumers.

38. Plaintiff is a member of the class he seeks to represent.

39. There are no unique defenses Defendant can assert against Plaintiff individually, as distinguished from the class.

40. Plaintiff will assure the adequate representation of all members of the class and will have no conflict with class members in the maintenance of this action. Plaintiff's interests in this action are typical of the class and are antagonistic to the interests of the Defendant. Plaintiff has no interest or relationship with the Defendant that would prevent her from litigating this matter fully. Plaintiff is aware that settlement of a class action is subject to court approval and she will vigorously pursue the class claims throughout the course of this action.

41. A class action will provide a fair and efficient method to adjudicate this controversy since the claims of the class members are virtually identical in that they raise the same questions of law and involve the same methods of collection by the Defendant.

42. Most, if not all, of the facts needed to determine damages are obtainable from the Defendant's records.

43. The purposes of the FDCPA will be best effectuated by a class action.

44. A class action is superior to other methods for the fair and efficient adjudication of this controversy.

45. Furthermore, as damages suffered by most members of the class are relatively small in relation to the costs, expense, and burden of litigation, it would be difficult for members of the class individually to redress the wrongs done to them.

46. Many, if not all, class members are unaware that claims exist against the Defendant. There will be no unusual difficulty in the management of this action as a class action.

47. One common question of law and fact predominate over all individual questions in this action. The common question is whether Defendant engaged a class member with a pre-recorded voice message debt collection communication in which Defendant failed to disclose that the communication is from a debt collector in an attempt to collect a debt.

48. Because many class members are unaware of their claims and because their claims are small in relation to the cost of an individual suit, a class action is the only proceeding in which class members can, as a practical matter, recover.

49. Plaintiff and Plaintiff's counsel have the necessary financial resources to adequately and vigorously litigate this class action. Plaintiff's counsel will fairly and adequately represent and protect the interests of the Class.

50. All Class members have been damaged in precisely the same fashion, by precisely the same conduct. The loss suffered by individual Class members is calculable and ascertainable.

COUNT I: VIOLATION OF THE FDCPA

51. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

52. In its attempt to collect the alleged debts from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. 1692 et. seq., including, but not limited to, the following:

a. Failing to disclose in a collection communication that the communication is from a debt collector in an attempt to collect a debt. 15 U.S.C. §1692e(11).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. An order declaring this action to be a proper state-wide class action and requiring Defendant to bear the cost of class notice;
- B. Judgment that Defendant's conduct violated the FDCPA;
- C. Actual damages;
- D. Release of the alleged debt;
- E. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. 1692(k); and
- F. For such other relief as the Court may deem just and proper.

CLASS ALLEGATIONS - TCPA

52. Upon information and belief, it is Defendant's routine practice to violate the TCPA by using an automatic dialing telephone system to place pre-recorded telephone messages to cellular telephones without the consent of the persons being called, in violation of the TCPA,

47 U.S.C. § 227(b)(1)(A)(iii).

53. This action is properly maintainable as a class action pursuant to Rule 52.08 of the Missouri Supreme Court Rules. The class consists of the following persons:

All persons in Missouri who received an auto-dialed or pre-recorded voice message on their cellular telephone without their consent.

54. Members of the class are so numerous that joinder is impracticable. Based on Plaintiff's research, Defendant is a high-volume debt collector that attempts to collect every month on hundreds of delinquent debts allegedly owed by Missouri consumers by sending auto-dialed pre-recorded messages to their cellular telephones.

55. Upon information and belief, Defendant has engaged in the improper telecommunications conduct described above with at least one hundred Missourians.

56. Plaintiff is a member of the class she seeks to represent.

57. There are no unique defenses Defendant can assert against Plaintiff individually, as distinguished from the class.

58. Plaintiff will assure the adequate representation of all members of the class and will have no conflict with class members in the maintenance of this action. Plaintiff's interests in this action are typical of the class and are antagonistic to the interests of the Defendant. Plaintiff has no interest or relationship with the Defendant that would prevent her from litigating this matter fully. Plaintiff is aware that settlement of a class action is subject to court approval and she will vigorously pursue the class claims throughout the course of this action.

59. A class action will provide a fair and efficient method to adjudicate this controversy since the claims of the class members are virtually identical in that they raise the same questions of law and involve the same methods of collection by the Defendant.

60. Most, if not all, of the facts needed to determine damages are obtainable from the Defendant's records.

61. The purposes of the TCPA will be best effectuated by a class action.

62. A class action is superior to other methods for the fair and efficient adjudication of this controversy.

63. Furthermore, as damages suffered by most members of the class are relatively small in relation to the costs, expense, and burden of litigation, it would be difficult for members of the class individually to redress the wrongs done to them.

64. Many, if not all, class members are unaware that claims exist against the Defendant. There will be no unusual difficulty in the management of this action as a class action.

65. One common question of law and fact predominate over all individual questions in this action. The common question is whether Defendant engaged a class member in an auto-dialed telephone debt collection communication in which Defendant sent a pre-recorded message to their cellular telephone without their consent.

66. Because many class members are unaware of their claims and because their claims are small in relation to the cost of an individual suit, a class action is the only proceeding in which class members can, as a practical matter, recover.

67. Plaintiff and Plaintiff's counsel have the necessary financial resources to adequately and vigorously litigate this class action. Plaintiff's counsel will fairly and adequately represent and protect the interests of the Class.

68. All Class members have been damaged in precisely the same fashion, by precisely the same conduct. The loss suffered by individual Class members is calculable and ascertainable.

COUNT II: VIOLATION OF THE TCPA

69. Plaintiff re-alleges and incorporates by reference all prior paragraphs.

70. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the TCPA, 47 USC 227 et. seq., including, but not limited to, the following:

- a. Placing non-emergency phone calls to Plaintiff's cellular phone without express authorized consent of the Plaintiff. 47 USC 227(b) (1) (A) (iii).

71. Defendant's violations were negligent, or alternatively, they were willful or knowing, in violation of 47 U.S.C. § 312(f)(1).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. An order declaring this action to be a proper state-wide class action and requiring Defendant to bear the cost of class notice;
- B. Judgment that Defendant's conduct violated the TCPA;
- C. Actual damages;
- D. Statutory damages pursuant to 47 USC (b)(3); and
- E. For such other relief as the Court may deem just and proper.

Respectfully submitted by,
Pontello & Bressler, LLC

/s/ Dominic M. Pontello
Dominic M. Pontello, #60947
Isaac J. Bressler, #66379
406 Boones Lick Rd
St. Charles, MO 63301
(636) 896-4170
(636) 246-0141 facsimile
dominic@pontellolaw.com
ibressler@pontellolaw.com

Attorneys for Plaintiff

DOCUMENT PRESERVATION DEMAND

Plaintiff hereby demands that the Defendant take affirmative steps to preserve all recordings, data, databases, call records, consent to receive autodialed or prerecorded calls, emails, recordings, documents and all other tangible things that relate to the allegations herein, to the Plaintiff, or the making of telephone calls, the events described herein, any third party associated with any telephone call, campaign, account, sale or file associated with Plaintiff, and any account or number or symbol relating to any of them. These materials are very likely relevant to the litigation of this claim. If Defendant is aware of any third party that has possession, custody, or control of any such materials, Plaintiff demands that the Defendant request that such third party also take steps to preserve the materials. This demand shall not narrow the scope of any independent document preservation duties of the Defendant.

/s/ Dominic M. Pontello

IN THE CIRCUIT COURT OF SAINT CHARLES COUNTY
STATE OF MISSOURI

DOLEATA JOHNSON,)
)
Plaintiff,)
v.) Cause No.
)
MEDICREDIT, INC) Division
)
Defendant.) JURY TRIAL DEMANDED

REQUEST FOR APPOINTMENT OF PROCESS SERVER

COMES NOW, undersigned counsel, pursuant to Local Rules, and at his own risk requests the appointment of the Circuit Clerk of:

**MICHAEL SIEGEL
KANSAS CITY PROCESS SERVICE
P.O. BOX 717
SMITHVILLE, MO 64089
816-217-3329**

Natural persons of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE AT:
STK REGISTERED AGENT, INC.
900 W. 48TH STREET, STE 900
KANSAS CITY, MO 64112

All Risks to Plaintiff
So Appointed:
Date: _____
By: _____

Pontello & Bressler, LLC
/s/ Dominic M. Pontello
Dominic M. Pontello, #60947
Attorney for Plaintiff
406 Boones Lick Rd
St. Charles, MO 63301
(636) 896-4170
(636) 246-0141 facsimile

IN THE CIRCUIT COURT OF SAINT CHARLES COUNTY
STATE OF MISSOURI

DOLEATA JOHNSON,)
)
Plaintiff,)
v.) Cause No.
)
MEDICREDIT, INC) Division
)
Defendant.) JURY TRIAL DEMANDED

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Natural persons of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE AT:
STK REGISTERED AGENT, INC.
900 W. 48TH STREET, STE 900
KANSAS CITY, MO 64112

All Risks to Plaintiff
So Appointed:

Date: ALL RISKS TO PLAINTIFF SO
APPOINTED:

By: /S/ JUDY ZERR 2:36 pm, May 02, 2018

Pontello & Bressler, LLC
/s/ Dominic M. Pontello
Dominic M. Pontello, #60947
Attorney for Plaintiff
406 Boones Lick Rd
St. Charles, MO 63301
(636) 896-4170
(636) 246-0141 facsimile



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: JON A. CUNNINGHAM	Case Number: 1811-CC00431
Plaintiff/Petitioner: DOLEATA JOHNSON on behalf of herself an all other similary situated	Plaintiff's/Petitioner's Attorney/Address DOMINIC M PONTELLO PONTELLO LAW LLC 406 BOONES LICK RD SAINT CHARLES, MO 63301
Defendant/Respondent: MEDICREDIT INC	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: CC Other Tort	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: MEDICREDIT INC
 Alias:
 3620 I-70 DR. SE, SUITE C
 COLUMBIA, MO 65201

ST. CHARLES COUNTY

COURT SEAL OF

ST. CHARLES COUNTY

SERVE AT:
 STK REGISTERED AGENT INC
 900 W 48TH STREET SUITE 900
 KANSAS CITY, MO 64112

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

5/2/2018 Date /S/ Judy Zerr Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

other _____

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

 Printed Name of Sheriff or Server

 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$. _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

STATE OF MISSOURI)
) ss.
ST. CHARLES COUNTY, MISSOURI)

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

_____)
Plaintiff(s),)
)
vs.) Cause # _____
)
_____)
Defendant(s).)

CONSENT TO MEDIATION FORM

I, the undersigned counsel of record in this case, hereby certify that I have discussed the subject of mediation under the Court’s Alternative Dispute Resolution Program with my client(s) in this case and that:

_____ We believe that mediation would be helpful in this case and consent to the referral of the case to mediation upon the filing of similar consents by all other parties in the case.

_____ We do not consent to the referral of this case to mediation.

Signature

(Print Name)

Attorney for:

(Party or Parties)

Date: _____

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

DOLEATA JOHNSON, on behalf of herself and all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Dominic M. Pontello 406 Boones Lick Road St. Charles, MO 63301; 636-896-4170

DEFENDANTS

MEDICREDIT, INC.

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) Scott J. Dickenson, Spencer Fane LLP, 1 N. Brentwood Blvd., Suite 1000, St. Louis, MO 63105; 314-863-7733

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 and business location (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)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, 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): Fair Debt Collection Practices Act under 15 U.S.C. Section 1692 et seq. Brief description of cause: Sending out conflicting information to Plaintiff regarding her debt.

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 06/08/2018 SIGNATURE OF ATTORNEY OF RECORD /s/Scott J. Dickenson

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Print

Save As...

Reset

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.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

DOLEATA JOHNSON, on behalf of)	
herself and all others)	
similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
MEDICREDIT, INC. ,)	
)	
Defendant,)	
)	

ORIGINAL FILING FORM

THIS FORM MUST BE COMPLETED AND VERIFIED BY THE FILING PARTY WHEN INITIATING A NEW CASE.

THIS SAME CAUSE, OR A SUBSTANTIALLY EQUIVALENT COMPLAINT, WAS PREVIOUSLY FILED IN THIS COURT AS CASE NUMBER _____ AND ASSIGNED TO THE HONORABLE JUDGE _____.

THIS CAUSE IS RELATED, BUT IS NOT SUBSTANTIALLY EQUIVALENT TO ANY PREVIOUSLY FILED COMPLAINT. THE RELATED CASE NUMBER IS _____ AND THAT CASE WAS ASSIGNED TO THE HONORABLE _____. THIS CASE MAY, THEREFORE, BE OPENED AS AN ORIGINAL PROCEEDING.

NEITHER THIS SAME CAUSE, NOR A SUBSTANTIALLY EQUIVALENT COMPLAINT, HAS BEEN PREVIOUSLY FILED IN THIS COURT, AND THEREFORE MAY BE OPENED AS AN ORIGINAL PROCEEDING.

The undersigned affirms that the information provided above is true and correct.

Date: 06/08/2018

/s/Scott J. Dickenson
Signature of Filing Party

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Medicredit Robocalls Violate Several Federal Laws, Class Action Claims](#)
