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17 **Attorneys for Plaintiff**
18 ***Pro Hac Vice Motion To Be Filed***

19 **IN THE UNITED STATES DISTRICT COURT**
20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO/OAKLAND DIVISION**

22 **PETER KENTEBE, individually and**
23 **on behalf of all others similarly situated,**

24 **Plaintiff**

25 **-against-**

26 **MIDLAND CREDIT**
27 **MANAGEMENT, INC.,**

28 **Defendant**

Civil Case No.:

CIVIL ACTION

CLASS ACTION COMPLAINT
and
JURY TRIAL DEMAND

1 Plaintiff PETER KENTEBE (hereinafter, “Plaintiff”), a California resident,
2 brings this class action complaint by and through the undersigned attorneys, against
3 Defendant MIDLAND CREDIT MANAGEMENT, INC. (hereinafter “Defendant”
4 or “MCM”), for its violations of the Fair Debt Collection Practices Act 15 U.S.C.
5 §1692 (hereinafter “FDCPA”), and the Rosenthal Fair Debt Collection Practices
6 Act, California Civil Code §§ 1788 et seq. (hereinafter “RFDCPA”), individually
7 and on behalf of a class of all others similarly situated, pursuant to Rule 23 of the
8 Federal Rules of Civil Procedure, based upon information and belief of Plaintiff’s
9 counsel, except for allegations specifically pertaining to Plaintiff, which are based
10 upon Plaintiff’s personal knowledge.
11

12
13 **INTRODUCTION/PRELIMINARY STATEMENT**
14

- 15 1. Congress enacted the FDCPA in 1977 in response to the “abundant evidence
16 of the use of abusive, deceptive, and unfair debt collection practices by many
17 debt collectors.” 15 U.S.C. § 1692(a). At that time, Congress was concerned
18 that “abusive debt collection practices contribute to the number of personal
19 bankruptcies, to material instability, to the loss of jobs, and to invasions of
20 individual privacy.” *Id.* Congress concluded that “existing laws . . . [we]re
21 inadequate to protect consumers,” and that “the effective collection of debts”
22 does not require “misrepresentation or other abusive debt collection
23 practices.” 15 U.S.C. §§ 1692(b) & (c).
24
- 25 2. Congress explained that the purpose of the Act was not only to eliminate
26 abusive debt collection practices, but also to “insure that those debt
27 collectors who refrain from using abusive debt collection practices are not
28 competitively disadvantaged.” *Id.* § 1692(e). After determining that the

1 existing consumer protection laws were inadequate, *id.* § 1692(b), Congress
2 gave consumers a private cause of action against debt collectors who fail to
3 comply with the Act. *Id.* § 1692k.

- 4
- 5 3. One of the purposes of the Rosenthal Fair Debt Collection Practices Act,
6 California Civil Code § 1788 is to similarly prohibit debt collectors from
7 engaging in unfair or deceptive acts or practices in the collection of
8 consumer debts.

9

10 **JURISDICTION AND VENUE**

- 11
- 12 4. The Court has jurisdiction over this class action under 28 U.S.C. § 1331, 15
13 U.S.C. § 1692 *et seq.* and 28 U.S.C. § 2201. The Court also has pendent
14 jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §
15 1367(a).
- 16 5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

17

18 **NATURE OF THE ACTION**

- 19
- 20 6. Plaintiff brings this class action on behalf of a class of California consumers
21 seeking redress for Defendant's actions of using false, deceptive and
22 misleading representation or means in connection with the collection of an
23 alleged debt.
- 24 7. Defendant's actions violated § 1692 *et seq.* of Title 15 of the United States
25 Code, commonly referred to as the Fair Debt Collections Practices Act
26 ("FDCPA"), which prohibits debt collectors from engaging in false,
27 deceptive or misleading practices.
- 28

1 8. Defendant's actions violated California Civil Code § 1788 et seq. of the
2 Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), which prohibits
3 debt collectors from engaging in unfair or deceptive acts or practices in the
4 collection of consumer debts.

5 9. Plaintiff is seeking damages, and declaratory and injunctive relief.

6 **PARTIES**

7 10. Plaintiff is a natural person and a resident of California and is a "Consumer"
8 as defined by 15 U.S.C. §1692(a)(3).

9 11. Defendant MCM is a collection agency with its principal office located at
10 2365 Northside Drive, Suite 300, San Diego, California 92108.

11 12. Upon information and belief, Defendant is a company that uses the mail,
12 telephone, or facsimile in a business the principal purpose of which is the
13 collection of debts, or that regularly collects or attempts to collect debts
14 alleged to be due another.

15 13. Defendant is a "debt collector," as defined under the FDCPA under 15
16 U.S.C. § 1692a(6).

17 **ALLEGATIONS OF FACT**

18
19
20 14. Plaintiff repeats, reiterates and incorporates the allegations contained in
21 paragraphs above herein with the same force and effect as if the same were
22 set forth at length herein.

23 15. Some time prior to June 14, 2017, an obligation was allegedly incurred to
24 Credit One Bank, N.A.

25 16. The alleged CREDIT ONE BANK, N.A. obligation arose out of a transaction
26 for medical services, a transaction in which money, property, insurance or
27 services, which are the subject of the transaction, are primarily for personal,
28 family or household purposes.

1 17.The alleged CREDIT ONE BANK, N.A. obligation is a "debt" as defined by
2 15 U.S.C.§ 1692a(5).

3 18.CREDIT ONE BANK, N.A. is a "creditor" as defined by 15 U.S.C.§
4 1692a(4).

5 19.Defendant contends that the CREDIT ONE BANK, N.A. debt is past due.

6 20.Defendant is a company that uses mail, telephone or facsimile in a business
7 the principal purpose of which is the collection of debts, or that regularly
8 collects or attempts to collect debts incurred or alleged to have been incurred
9 for personal, family or household purposes on behalf of creditors.

10 21.CREDIT ONE BANK, N.A. directly or through an intermediary contracted
11 the Defendant to collect the alleged debt.

12 22.On or about June 14, 2017, the Defendant caused to be delivered to the
13 Plaintiff a collection letter in an attempt to collect the alleged CREDIT ONE
14 BANK, N.A. debt. *See Exhibit A.*

15 23.The June 14, 2017 letter was sent or caused to be sent by persons employed
16 by Defendant as a “debt collector” as defined by 15 U.S.C. §1692a(6).

17 24.The June 14, 2017 letter is a “communication” as defined by 15 U.S.C.
18 §1692a(2).

19 25.The Plaintiff received and read the Letter sometime after June 14, 2017.

20 26.The Letter stated in part:

21 **“Current Balance \$609.06”**

22 27.The Letter further stated:

23 **“The law limits how long a debt can appear on your credit report. Due to the age of**
24 **this debt, we will not report payment or non-payment of it to a credit bureau.”**

25 28.Plaintiff read the above statement and believed, as would any
26 unsophisticated consumer, that this debt, or payments or non-payments
27
28

1 of it, cannot legally ever be reported to a credit bureau because of the
2 age of the debt.

3 29. Pursuant to the Fair Credit Reporting Act (“FCRA”), a collection account
4 can appear on a consumer’s credit report for seven years from the date of
5 last activity. See 15 U.S.C. § 1681c of the FCRA.

6 30. Upon information and belief, Plaintiff’s last activity pertaining to the
7 alleged debt was within the seven years.

8 31. Additionally, upon review of his credit report, Plaintiff saw that Midland
9 Credit Management was in fact continuing to report the alleged debt on his
10 credit report.

11 32. Defendant’s statement was false, deceptive, and prohibited by the FDCPA.

12 33. By falsely advising the Plaintiff that the law prevents his account from
13 being credit reported, Defendant violated various provision of the FDCPA
14 and the RFDCPA.

15 34. Defendant could have taken the steps necessary to bring its actions
16 within compliance with the FDCPA, but neglected to do so and failed
17 to adequately review its actions to ensure compliance with the law.
18

19
20
21 **CLASS ALLEGATIONS**

22 35. Plaintiff brings claims, pursuant to the Federal Rules of Civil Procedure
23 (hereinafter “FRCP”) Rule 23, individually and on behalf of the following
24 consumer classes (the “Class”) consisting of:

- 25 a. CLASS A: a) All consumers who have an address the state of
26 California b) who were sent a collection letter from the Defendant c)
27 attempting to collect a consumer debt d) which states “The law limits
28

1 how long a debt can appear on your credit report. Due to the age of
2 this debt, we will not report payment or non-payment of it to a credit
3 bureau.” (e) on a debt in which the law did not prohibit the reporting
4 of payments or non-payments to a credit bureau (f) which letter was
5 sent on or after a date one year prior to the filing of this action and on
6 or before a date 21 days after the filing of this action.

7 b. CLASS B: a) All consumers who have an address the state of
8 California b) who were sent a collection letter from the Defendant c)
9 attempting to collect a consumer debt d) which states “The law limits
10 how long a debt can appear on your credit report. Due to the age of
11 this debt, we will not report payment or non-payment of it to a credit
12 bureau.” (e) while Defendant was reporting the alleged debt (f) which
13 letter was sent on or after a date one year prior to the filing of this
14 action and on or before a date 21 days after the filing of this action.

15
16 36. The identities of all class members are readily ascertainable from the records
17 of Defendants and those companies and entities on whose behalf they
18 attempt to collect and/or have purchased debts.

19 37. Excluded from the Plaintiff Classes are the Defendants and all officers,
20 members, partners, managers, directors, and employees of the Defendants
21 and their respective immediate families, and legal counsel for all parties to
22 this action and all members of their immediate families.

23 38. There are questions of law and fact common to the Plaintiff Classes, which
24 common issues predominate over any issues involving only individual class
25 members. The principal issue is whether the Defendants’ written
26 communications to consumers, in the forms attached as *Exhibit A*, violate
27 15 U.S.C. § 1692e.

28 39. The Plaintiffs’ claims are typical of the class members, as all are based upon

1 the same facts and legal theories.

2 40. The Plaintiffs will fairly and adequately protect the interests of the Plaintiff
3 Classes defined in this complaint. The Plaintiffs have retained counsel with
4 experience in handling consumer lawsuits, complex legal issues, and class
5 actions, and neither the Plaintiffs nor their attorneys have any interests,
6 which might cause them not to vigorously pursue this action.

7 41. This action has been brought, and may properly be maintained, as a class
8 action pursuant to the provisions of Rule 23 of the Federal Rules of Civil
9 Procedure because there is a well-defined community interest in the
10 litigation:

- 11 (a) **Numerosity:** The Plaintiffs are informed and believe, and on that
12 basis allege, that the Plaintiff Classes defined above are so numerous
13 that joinder of all members would be impractical.
- 14 (b) **Common Questions Predominate:** Common questions of law and
15 fact exist as to all members of the Plaintiff Classes and those questions
16 predominate over any questions or issues involving only individual
17 class members. The principal issue is whether the Defendants' written
18 communications to consumers, in the forms attached as *Exhibit A*,
19 violate 15 U.S.C. § 1692e.
- 20 (c) **Typicality:** The Plaintiffs' claims are typical of the claims of the class
21 members. The Plaintiffs and all members of the Plaintiff Classes have
22 claims arising out of the Defendants' common uniform course of
23 conduct complained of herein.
- 24 (d) **Adequacy:** The Plaintiffs will fairly and adequately protect the
25 interests of the class members insofar as Plaintiffs have no interests
26 that are averse to the absent class members. The Plaintiffs are
27 committed to vigorously litigating this matter. Plaintiffs have also
28

1 retained counsel experienced in handling consumer lawsuits, complex
2 legal issues, and class actions. Neither the Plaintiffs nor their counsel
3 have any interests which might cause them not to vigorously pursue
4 the instant class action lawsuit.

- 5 (e) **Superiority:** A class action is superior to the other available means
6 for the fair and efficient adjudication of this controversy because
7 individual joinder of all members would be impracticable. Class
8 action treatment will permit a large number of similarly situated
9 persons to prosecute their common claims in a single forum efficiently
10 and without unnecessary duplication of effort and expense that
11 individual actions would engender.

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

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

21
22 **FIRST CAUSE OF ACTION**

23 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

24 **15 U.S.C. §1692e et seq.**

25 44. Plaintiff repeats, reiterates and incorporates the allegations contained in
26 paragraphs above herein with the same force and effect as if the same were
27 set forth at length herein.

28 45. Defendants' debt collection efforts attempted and/or directed towards the

1 Plaintiff violated various provisions of the FDCPA, including but not
2 limited to 15 U.S.C. § 1692e.

3 46. Pursuant to 15 U.S.C. § 1692e, a debt collector may not use any false,
4 misleading and/or deceptive means to collect or attempt to collect any
5 debt or to obtain information concerning a consumer.

6 47. The Defendants violated said section in its letter to the Plaintiff by:

- 7 a. Falsely representing the character, amount, and legal status of the
8 alleged debt in violation of 1692e(2);
- 9 b. Communicating credit information known to be false in violation
10 of 1692e(8);
- 11 c. Making a false representation or using deceptive means to collect
12 a debt in violation of 1692e(10).

13
14 48. By reason thereof, Defendant is liable to Plaintiff for judgment that
15 Defendant's conduct violated Section 1692e *et seq.* of the FDCPA, actual
16 damages, statutory damages, costs and attorneys' fees.

17
18 **SECOND CAUSE OF ACTION**

19 **(Violations Of The Rosenthal Fair Debt Collection Practices Act)**

20 49. Plaintiff repeats, reiterates and incorporates the allegations contained in
21 paragraphs above herein with the same force and effect as if the same were
22 set forth at length herein.

23 50. Cal. Civ. Code §1788.17 mandates that every person or entity collecting or
24 attempting to collect a consumer debt shall comply with the provisions of
25 Sections 1692b to 1692j, inclusive, of, and shall be subject to the remedies
26 in Section 1692k of, Title 15 of the United States Code statutory regulations
27 contained within the FDCPA, 15 U.S.C. § 1692 *et seq.*
28

1 51.As set forth above, Defendant violated 15 U.S.C. § 1692e(2) and 15 U.S.C.
2 § 1692e(10) by falsely representing the legal status of a debt and using false
3 or deceptive means in connection with an attempt to collect a debt.

4 52.As such, Defendant violated the foregoing provisions of the FDCPA and
5 RFDCPA.

6 53.As a direct and proximate result of Defendant’s violations of the RFDCPA
7 and FDCPA, Plaintiff was harmed, and may recover from Defendant one
8 thousand dollars (\$1,000.00) in statutory damages in addition to actual
9 damages and reasonable attorneys’ fees and costs pursuant to Cal. Civ. Code
10 § 1788.30.
11

12 **DEMAND FOR TRIAL BY JURY**

13
14
15 54.Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff
16 hereby request a trial by jury on all issues so triable.
17

18 **PRAYER FOR RELIEF**

19
20 **WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

- 21 (a) Declaring that this action is properly maintainable as a Class
22 Action and certifying Plaintiff as Class representative and the undersigned as
23 Class Counsel;
24 (b) Awarding Plaintiff and the Class statutory damages;
25 (c) Awarding Plaintiff and the Class actual damages;
26 (d) Awarding Plaintiff costs of this Action, including reasonable
27 attorneys’ fees and expenses;
28

1 (e) Awarding pre-judgment interest and post-judgment interest;
2 and

3 (f) Awarding Plaintiff and the Class such other and further relief
4 as this Court may deem just and proper.
5

6 Dated: February 20, 2018
7

8 /s/ Jonathan A. Stieglitz
9 JONATHAN A. STIEGLITZ
10 (SBN 278028)
11 jonathan.a.stieglitz@gmail.com
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14 11845 W. Olympic Blvd., Ste. 800
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18 **PRO HAC VICE MOTION TO BE
19 FILED**

20 Yitzchak Zelman, Esq.
21 Marcus & Zelman, LLC
22 1500 Allaire Avenue - Suite 101
23 Ocean, NJ 07712
24 Office: (732) 695-3282
25 Fax: (732) 298-6256
26 Email: yzelman@MarcusZelman.com
27 Website: www.MarcusZelman.com
28 *Attorneys for the Plaintiff*



Midland Credit Management, Inc. 2365 Northside Drive
 Suite 300
 San Diego, CA 92108

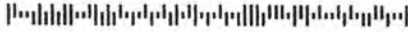
Call: (877) 231-8886
 Offer Expiration Date: 07-14-2017

Midland Credit Management, Inc. (MCM), is the debt collection company, which will be collecting on, and servicing your account.

06-14-2017

Peter Kentebe

P74T2694 001



Original Creditor	Credit One Bank, N.A.
Original Account Number	██████████ 1965
MCM Account Number	██████████ 7199
Current Balance	\$609.06
Current Owner	Midland Funding LLC
Discount	40% OFF

RE Credit One Bank, N.A.

Dear Peter Kentebe,

CALL US TODAY! (877) 231-8886

AVAILABLE PAYMENT OPTIONS

Option 1	40% OFF
Option 2	20% OFF Over 6 Months
Option 3	Monthly Payments As Low As: \$50 per month Call today to discuss your options and get more details.

Benefits of Paying Your Debt

- Save \$243.62 if you pay by 07-14-2017 -
- Put this debt behind you -
- No more communication on this account -
- Peace of mind -

Hours of Operation
 Sun-Th: 9am-9pm PT;
 Fri-Sat: 9am-4:30pm PT;

Sincerely,

Tim Bolin

Tim Bolin, Division Manager

The law limits how long a debt can appear on your credit report. Due to the age of this debt, we will not report payment or non-payment of it to a credit bureau.

We are not obligated to renew any offers provided.



(877) 231-8886



midlandcreditonline.com



Midland Credit Management, Inc.
 P.O. Box 60578
 Los Angeles, CA 90060-0578

PLEASE SEE REVERSE SIDE FOR IMPORTANT DISCLOSURE INFORMATION

MCM Account Number
 Current Balance

██████████ 7199
 \$609.06

Total Enclosed

\$



Manage Your Account Online
 midlandcreditonline.com

Important Payment Information

Make checks payable to:
 Midland Credit Management
 Enter your MCM Account # on all payments

(877) 231-8886

Mail Payments to:
 Midland Credit Management, Inc.
 P.O. Box 60578

Important Disclosure Information:

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

To report any inaccuracies or to dispute this debt, please call (877) 231-8886
Calls to and/or from this company may be monitored or recorded.

Basic Information

Original Creditor	Credit One Bank, N.A.	MCM Account Number	██████████7199
Original Account Number	██████████1965	Charge-Off Date	04-11-2014
Current Creditor <i>The sale owner of this debt</i>	Midland Funding LLC	Current Servicer	Midland Credit Management, Inc.

Important Contact Information

<u>Send Payments to:</u> Midland Credit Management, Inc. P.O. Box 60578 Los Angeles, CA 90060-0578	<u>For disputes call (877) 231-8886 or write to:</u> Attn: Consumer Support Services 2365 Northside Drive Suite 300 San Diego, CA 92108	<u>Physical Payments for Colorado Residents:</u> 80 Garden Center Suite 3 Broomfield, CO 80020 Phone (303) 920-4763
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If your payment method is a credit or debit card, it may be processed through our international card processor. Although our policy is to not charge consumers fees based upon their payment method, your card issuer may elect to do so due to the location of the card processor. If an international transaction fee has been charged by your card issuer, that fee is eligible for reimbursement. You may contact your Account Manager to modify your payment method to avoid these charges in the future and for information to initiate your reimbursement.

We are required under state law to notify consumers of the following additional rights. This list does not contain a complete list of the rights consumers have under applicable law:

IF YOU LIVE IN MASSACHUSETTS, THIS APPLIES TO YOU: NOTICE OF IMPORTANT RIGHTS: You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten (10) days unless you provide written confirmation of the request postmarked or delivered within seven (7) days of such request. You may terminate this request by writing to MCM.

IF YOU LIVE IN MINNESOTA, THIS APPLIES TO YOU: This collection agency is licensed by the Minnesota Department of Commerce.

IF YOU LIVE IN NEW YORK CITY, THIS APPLIES TO YOU: New York City Department of Consumer Affairs License Number 1140603, 1207829, 1207820, 1227728, 2022587, 2023151, 2023152, 2027439, 2027430, 2027431

IF YOU LIVE IN NORTH CAROLINA, THIS APPLIES TO YOU: North Carolina Department of Insurance Permit #101659, #4182, #4250, and #3777, #111895, and #112039. Midland Credit Management, Inc. 2365 Northside Drive, Suite 300, San Diego, CA 92108

IF YOU LIVE IN TENNESSEE, THIS APPLIES TO YOU: This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

Jonathan A. Stieglitz, Esq.
(SBN 278028)
**THE LAW OFFICES OF
JONATHAN A. STIEGLITZ**
11845 W. Olympic Blvd., Ste. 800
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Fax: (323) 488-6748
Email: jonathan.a.stieglitz@gmail.com
Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION**

PETER KENTEBE, individually and
on behalf of all others similarly
situated,
Plaintiff,

-against-

MIDLAND CREDIT MANAGEMENT, INC.,

Defendant.

Civil Case No.:

**PLAINTIFF PETER KENTEBE'S LOCAL RULE 3-16 CERTIFICATION
OF INTERESTED ENTITIES OR PERSONS**

Pursuant to Civil L.R. 3-16, the undersigned certifies that of this date, other than the named parties, there is no such interest to report.

Dated: February 20, 2018

/s/ Jonathan A. Stieglitz
Jonathan A. Stieglitz, Esq.
(SBN 278028)
**THE LAW OFFICES OF
JONATHAN A. STIEGLITZ**
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CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

PETER KENTEBE, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Jonathan A. Stieglitz, 11845 W. Olympic Blvd Ste 800 Los Angeles CA 90064 Tel 323.979.2063 Email: jonathan.a.stieglitz@gmail.com

DEFENDANTS

MIDLAND CREDIT MANAGEMENT, 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)

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

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

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. 1692

Brief description of cause: Defendant violated the FDCPA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$

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

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 02/20/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jonathan A. Stieglitz

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate 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 Federal Rule of Civil Procedure 8(a), 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.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 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.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 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-CAND 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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no 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 Federal Rule of Civil Procedure 23. 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-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit: Midland Credit Management Sent Debt Collection Letter Containing False Assurances](#)
