## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_

YOEL LABIN on behalf of himself and all other similarly situated consumers

Plaintiff,

-against-

PORTFOLIO RECOVERY ASSOCIATES, L.L.C.

Defendant.

\_\_\_\_\_

#### **CLASS ACTION COMPLAINT**

#### Introduction

Plaintiff, Yoel Labin, brings this action against Portfolio Recovery Associates, L.L.C. for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"). The FDCPA prohibits debt collectors from engaging in abusive, deceptive and unfair collection practices while attempting to collect on debts.

#### **Parties**

- 2. Plaintiff is a citizen of the State of New York who resides within this District.
- 3. Plaintiff is a consumer as that term is defined by Section 1692(a)(3) of the FDCPA, in that the alleged debt that Defendant sought to collect from Plaintiff a consumer debt.
- 4. Upon information and belief, Defendant's principal place of business is located in Norfolk, Virginia.
- 5. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

6. Defendant is a "debt collector" as that term is defined by the FDCPA, 15 U.S.C. § 1692(a)(6).

#### **Jurisdiction and Venue**

- 7. This Court has federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
- 8. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), as the acts and transactions that give rise to this action occurred, in substantial part, in this district.

#### **Allegations Particular to Yoel Labin**

- 9. Upon information and belief, on a date better known by Defendant, Defendant began to attempt to collect an alleged consumer debt from the Plaintiff.
- 10. On or about February 16, 2016, Defendant sent the Plaintiff a collection letter.
- 11. The said letter was an effort to collect on a defaulted consumer debt.
- 12. The February 16, 2016 letter was an initial communication, sent by the Defendant to the Plaintiff.
- 13. On the rear side of the February 16, 2016 letter the Defendant stated in part: "DISPUTES CORRESPONDENCE ADDRESS: 140 Corporate Boulevard, Norfolk, VA 23502. Or E-Mail: PRA\_Disputes@portfoliorecovery.com." (emphasis in original.)
- 14. Defendant's February 16, 2016 letter misrepresented the Plaintiff's right to dispute the debt, in violation of 15 U.S.C. §§ 1692e, 1692e(10) and 1692g.
- 15. Although the Defendant's letter includes a telephone number, that number refers only to payments.
- 16. Defendant's statement would lead an unsophisticated consumer to conclude that his option to dispute the debt, could only be in writing.

- 17. It is a violation of FDCPA to require disputes be made in writing and it is a violation of the FDCPA to include language in a letter that overshadows the required 15 U.S.C. § 1692g statement.
- 18. It is a further violation of the FDCPA to include language in the letter that contradicts the required 15 U.S.C. § 1692g statement.
- 19. An unsophisticated consumer would conclude from the above mentioned language, that he has no option to make an oral dispute.<sup>1</sup>
- 20. This language overshadowed and contradicted the validation notice stated above it in the letter, and was misleading, since it leaves the debtor with a false notion that disputing an alleged debt requires a written communication to be sent to the above mentioned address.
- 21. An unsophisticated consumer would think that all disputes can only be done in writing.<sup>2</sup>
- 22. The said language can be reasonably read to have two or more different meanings, one of which is inaccurate.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> Hooks v. Forman, Holt, Eliades & Ravin, LLC, 717 F.3d 282, 2013 U.S. App. LEXIS 10754, 2013 WL 2321409 (2d Cir. N.Y. 2013) (Requiring a consumer to dispute a debt in writing violates the FDCPA.); Zengerle v. Dynia & Assocs., 2013 U.S. Dist. LEXIS 130873 (M.I. 2013) (Defendant points out that the letter does not expressly state that the consumer must provide a written statement to dispute the debt, but only that the consumer must "provide us with a statement." Viewing the language from the perspective of the least sophisticated consumer, however, "provide us with a statement" suggests that a writing is necessary and that the consumer may not orally dispute the debt.)

<sup>&</sup>lt;sup>2</sup> See e.g., <u>Caprio v. Heathcare Revenue Recovery Group, LLC, 709 F.3d 142, 151 (3d Cir. 2013)</u> (letter stating "if you feel you do not owe this amount, please call us toll free" overshadowed notice; consumer may believe that a phone call was sufficient to trigger duty to verify debt); <u>Abramov v. I.C. Systems, Inc., F.Supp.3d , 2014 WL 5147549 at \*5 (E.D.N.Y Oct. 14, 2014)</u> (Directing consumer to dispute debt "in writing" if identity theft is suspected may overshadow right to verbally dispute debt); <u>Oberther v. Midland Credit Management, Inc., F.Supp.3d , 2014 WL 4548871, at \*6 (D. Mass. Sept. 15, 2014)</u> (letter that gave only two options to stop referral of account to attorney – mail payment, or call to settle – without mentioning that submitting a dispute would also do so, overshadowed validation notice.)

<sup>&</sup>lt;sup>3</sup> Pipiles v. Credit Bureau of Lockport, Inc., 886 F.2d 22, 25 (2d Cir. 1989) (Because the collection notice was reasonably susceptible to an inaccurate reading, it was deceptive within the meaning of the Act.); Clomon v. Jackson, 988 F.2d 1314, 1319 (2d Cir. 1993) (Collection notices are deceptive if they are open to more than one reasonable interpretation, at least one of which is inaccurate.); Russell v. Equifax A.R.S., 74 F.3d 30, 34 (2d Cir. N.Y. 1996) (A collection notice is deceptive when it can be reasonably read to have two or more different meanings,

- 23. Defendant's February 16, 2016 letter violated 15 U.S.C. §§ 1692e, 1692e(10), and 1692g(a)(4) for failing to comply with the validation notice requirements, and in particular, for misrepresenting Plaintiff's right to dispute the debt.
- 24. Plaintiff suffered injury in fact by being subjected to unfair and abusive practices of the Defendant.
- 25. Plaintiff suffered actual harm by being the target of the Defendant's misleading debt collection communications.
- 26. Defendant violated the Plaintiff's right not to be the target of misleading debt collection communications.
- 27. Defendant violated the Plaintiff's right to a truthful and fair debt collection process.
- 28. Defendant used materially false, deceptive, misleading representations and means in its attempted collection of Plaintiff's alleged debt.
- 29. Defendant's communications were designed to cause the debtor to suffer a harmful disadvantage in charting a course of action in response to the Defendant's collection efforts.
- 30. The FDCPA ensures that consumers are fully and truthfully apprised of the facts and of their rights, the act enables them to understand, make informed decisions about, and participate fully and meaningfully in the debt collection process. The purpose of the FDCPA is to provide information that helps consumers to choose intelligently. The Defendant's false representations misled the Plaintiff in a manner that deprived him of his right to enjoy these benefits, these materially misleading statements trigger liability under section 1692e of the Act.

one of which is inaccurate. The fact that the notice's terminology was vague or uncertain will not prevent it from being held deceptive under § 1692e(10) of the Act.)

- 31. These deceptive communications additionally violated the FDCPA since they frustrate the consumer's ability to intelligently choose his or her response.
- 32. Plaintiff seeks to end these violations of the FDCPA. Plaintiff has suffered damages including but not limited to, fear, stress, mental anguish, emotional stress and acute embarrassment. Plaintiff and putative class members are entitled to preliminary and permanent injunctive relief, including, declaratory relief, and damages.

#### **CLASS ALLEGATIONS**

- 33. This action is brought as a class action. Plaintiff brings this action on behalf of himself and on behalf of all other persons similarly situated pursuant to Rule 23 of the Federal Rules of Civil Procedure.
- 34. The identities of all class members are readily ascertainable from the records of Portfolio Recovery Associates, L.L.C. and those business and governmental entities on whose behalf it attempts to collect debts.
- 35. Excluded from the Plaintiff's Class is the Defendant and all officers, members, partners, managers, directors, and employees of Portfolio Recovery Associates, L.L.C., and all of their respective immediate families, and legal counsel for all parties to this action and all members of their immediate families.
- 36. There are questions of law and fact common to the Plaintiff's Class, which common issues predominate over any issues involving only individual class members. The principal issues are whether Defendant's communications with the Plaintiff, such as the above stated claims, violate provisions of the Fair Debt Collection Practices Act.
- 37. The Plaintiff's claims are typical of the class members, as all are based upon the same facts and legal theories.

- 38. The Plaintiff will fairly and adequately protect the interests of the Plaintiff's 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.
- 39. 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's 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's Class and those questions predominate over any questions or issues involving only individual class members. The principal issues are whether the Defendant's communications with the Plaintiff, such as the above stated claims, violate provisions of the Fair Debt Collection Practices Act.
  - (c) **Typicality:** The Plaintiff's claims are typical of the claims of the class members. Plaintiff and all members of the Plaintiff's Class defined in this complaint have claims arising out of the Defendant's 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) Superiority: 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. Certification of a class under Rule 23(b)(l)(A) of the Federal Rules of Civil Procedure is appropriate because adjudications with respect to individual members create a risk of inconsistent or varying adjudications which could establish incompatible standards of conduct for Defendant who, on information and belief, collects debts throughout the United States of America.
- 40. Certification of a class under Rule 23(b)(2) of the Federal Rules of Civil Procedure is also appropriate in that a determination that the above stated claims, violate provisions of the Fair Debt Collection Practices Act, and is tantamount to declaratory relief and any monetary relief under the FDCPA would be merely incidental to that determination.
- 41. 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's 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.

- 42. Further, Defendant has acted, or failed to act, on grounds generally applicable to the Rule (b)(l)(A) and (b)(2) Class, thereby making appropriate final injunctive relief with respect to the Class as a whole.
- 43. Depending on the outcome of further investigation and discovery, Plaintiff may, at the time of class certification motion, seek to certify one or more classes only as to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).

#### AS AND FOR A FIRST CAUSE OF ACTION

### Violations of the Fair Debt Collection Practices Act brought by Plaintiff on behalf of himself and the members of a class, as against the Defendant.

- 44. Plaintiff repeats, reiterates, and incorporates the allegations contained in paragraphs numbered one (1) through forty three (43) herein with the same force and effect is if the same were set forth at length herein.
- 45. This cause of action is brought on behalf of Plaintiff and the members of a class.
- 46. The class involves all individuals whom Defendant's records reflect resided in the State of New York and who were sent a collection letter in substantially the same form letter as the letter sent to the Plaintiff on or about February 16, 2016; and (a) the collection letter was sent to a consumer seeking payment of a personal debt; and (b) the collection letter was not returned by the postal service as undelivered; and (c) the Plaintiff asserts that the letter contained violations of 15 U.S.C. §§ 1692e, 1692e(10), and 1692g(a)(4) for failing to comply with the validation notice requirements, and in particular, for misrepresenting Plaintiff's right to dispute the debt.

**Violations of the Fair Debt Collection Practices Act** 

47. The Defendant's actions as set forth above in the within complaint violates the Fair Debt

Collection Practices Act.

48. Because the Defendant violated the Fair Debt Collection Practices Act, the Plaintiff and

the members of the class are entitled to damages in accordance with the Fair Debt

Collection Practices Act.

WHEREFORE, Plaintiff, respectfully requests preliminary and permanent injunctive relief, and that this

Court enter judgment in Plaintiff's favor and against the Defendant and award damages as follows:

(a) Statutory damages provided under the FDCPA, 15 U.S.C. § 1692(k);

(b) Attorney fees, litigation expenses and costs incurred in bringing this action; and

(c) Any other relief that this Court deems appropriate and just under the

circumstances.

Dated: Brooklyn, New York February 8, 2017

/s/ Maxim Maximov\_\_\_\_

Maxim Maximov, Esq. Attorneys for the Plaintiff Maxim Maximov, LLP

1701 Avenue P

Brooklyn, New York 11229

Office: (718) 395-3459 Facsimile: (718) 408-9570

E-mail: m@maximovlaw.com

Plaintiff requests trial by jury on all issues so triable.

/s/ Maxim Maximov\_

Maxim Maximov, Esq.

-9-

JS 44 (Rev. 1/2013)

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 decket sheet.

I. (a) PLAINTIFFS	ocket sheet. (SEE INSTRUC	TIONS ON NEXT PAGE OF T	DEFENDANTS		
YOEL LABIN  (b) County of Residence of First Listed Plaintiff KINGS  (EXCEPT IN U.S. PLAINTIFF CASES)			PORTFOLIO RECOVERY ASSOCIATES, L.L.C.  County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)		
				ONDEMNATION CASES, USE TO OF LAND INVOLVED.	HE LOCATION OF
(c) Attorneys (Firm Name, MAXIM MAXIMOV, LLP 1701 AVENUE P BROOKLYN, NEW YOR	OFFICE: FAX: (71	<sub>r)</sub> (718) 395-3459 8) 408-9570 M@MAXIMOVLAW.C	Attorneys (If Known)  J.COM		
II. BASIS OF JURISDI	ICTION (Place an "X" in C	One Box Only)		RINCIPAL PARTIES	(Place an "X" in One Box for Plaintig
□ 1 U.S. Government Plaintiff	■ 3 Federal Question (U.S. Government)	Not a Party)		<b>TF DEF</b> 1 □ 1 Incorporated <i>or</i> Prior of Business In T	
☐ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizensh	ip of Parties in Item III)	Citizen of Another State	2	
	_		Citizen or Subject of a Foreign Country	3	□ 6 □ 6
IV. NATURE OF SUIT		nly) ORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
□ 110 Insurance □ 120 Marine □ 130 Miller Act □ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loans (Excludes Veterans) □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise □ REAL PROPERTY □ 210 Land Condemnation □ 220 Foreclosure □ 230 Rent Lease & Ejectment □ 240 Torts to Land □ 245 Tort Product Liability □ 290 All Other Real Property	PERSONAL INJURY  □ 310 Airplane □ 315 Airplane Product Liability □ 320 Assault, Libel &	PERSONAL INJURY  365 Personal Injury - Product Liability  367 Health Care/ Pharmaceutical Personal Injury Product Liability  368 Asbestos Personal Injury Product Liability	G25 Drug Related Seizure of Property 21 USC 881 G90 Other  LABOR T10 Fair Labor Standards Act C1 C20 Labor/Management Relations C20 Habor/Management Relations C30 T40 Railway Labor Act C30 T51 Family and Medical Leave Act C30 T90 Other Labor Litigation C30 T90 Employee Retirement Income Security Act  IMMIGRATION C30 Habor Migration Application C462 Naturalization Application C465 Other Immigration Actions	□ 422 Appeal 28 USC 158 □ 423 Withdrawal 28 USC 157  PROPERTY RIGHTS □ 820 Copyrights □ 830 Patent □ 840 Trademark  SOCIAL SECURITY □ 861 HIA (1395ff) □ 862 Black Lung (923) □ 863 DIWC/DIWW (405(g)) □ 864 SSID Title XVI □ 865 RSI (405(g))  FEDERAL TAX SUITS □ 870 Taxes (U.S. Plaintiff or Defendant) □ 871 IRS—Third Party 26 USC 7609	□ 375 False Claims Act □ 400 State Reapportionment □ 410 Antitrust □ 430 Banks and Banking □ 450 Commerce □ 460 Deportation □ 470 Racketeer Influenced and Corrupt Organizations  ■ 480 Consumer Credit □ 490 Cable/Sat TV □ 850 Securities/Commodities/Exchange □ 890 Other Statutory Actions □ 891 Agricultural Acts □ 893 Environmental Matters □ 895 Freedom of Information Act □ 896 Arbitration □ 899 Administrative Procedure Act/Review or Appeal of Agency Decision □ 950 Constitutionality of State Statutes
V. ORIGIN (Place an "X" i.  1 Original	moved from 3 tte Court  Cite the U.S. Civil Sta	Appellate Court	Reinstated or 5 Transfe Reopened Anothe (specify)	r District Litigation	
VI. CAUSE OF ACTIO	Brief description of ca	ause:	COLLECTION BUSINESS	· · · · · · · · · · · · · · · · · · ·	
VII. REQUESTED IN COMPLAINT:		IS A CLASS ACTION	DEMAND \$		if demanded in complaint:  X Yes □ No
VIII. RELATED CASI IF ANY	E(S) (See instructions):	JUDGE		DOCKET NUMBER	
DATE 02/08/2017 FOR OFFICE USE ONLY		SIGNATURE OF ATTOR /S/ MAXIM MAXIN			
	MOUNT	APPLYING IFP	JUDGE	MAG. JUI	DGE

### Case 1:17-cv-QOERATIFICOANTHON 10F AFREITURAUBION PLAGGIB DE PIY ageID #: 11

exclusiv	e of intere		ons, actions seeking money damages only in an amount not in excess of \$150,000, tration. The amount of damages is presumed to be below the threshold amount unless a			
I N/A		counsel for	do hereby certify that the above cantioned civil action is			
ineligib	ole for c	ompulsory arbitration for the following	, do hereby certify that the above captioned civil action is ng reason(s):			
	monetary damages sought are in excess of \$150,000, exclusive of interest and costs,					
	☐ the complaint seeks injunctive relief,					
		the matter is otherwise ineligible for	or the following reason			
		DISCLOSURE STATEMEN	NT - FEDERAL RULES CIVIL PROCEDURE 7.1			
		Identify any parent corporation and an	y publicly held corporation that owns 10% or more or its stocks:			
N/A						
		RELATED CASE STATE	EMENT (Section VIII on the Front of this Form)			
provides because same jud case: (A)	that "A c the cases ge and m involves	civil case is "related" to another civil case for arise from the same transactions or events, a nagistrate judge." Rule 50.3.1 (b) provides that identical legal issues, or (B) involves the same	on of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) purposes of this guideline when, because of the similarity of facts and legal issues or substantial saving of judicial resources is likely to result from assigning both cases to the it "A civil case shall not be deemed "related" to another civil case merely because the civil ne parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power vil cases shall not be deemed to be "related" unless both cases are still pending before the			
		NY-E DIVIS	ION OF BUSINESS RULE 50.1(d)(2)			
1.)	Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County: NO					
2.)	2.) If you answered "no" above: a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? NO					
	b) Did the events of omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? YES					
Suffolk	County, olk Coun	or, in an interpleader action, does the claty?	ant (or a majority of the defendants, if there is more than one) reside in Nassau or a majority of the claimants, if there is more than one) reside in Nassau resident of the County in which it has the most significant contacts).			
	(1)	vote. At corporation shall be considered a				
			BAR ADMISSION			
I am cu	rently ac	dmitted in the Eastern District of New York Yes	ork and currently a member in good standing of the bar of this court.  No			
Are you	currentl	ly the subject of any disciplinary action (  Yes (If yes, please explai	s) in this or any other state or federal court? n) 🔀 No			
I certify	the accu	uracy of all information provided above.				
Signatu	re: /S	/ MAXIM MAXIMOV, ESQ.				

# Portfolio Recovery Associates, LLC

February 16, 2016

Seller: CAPITAL ONE BANK (USA) N.A.

Original Creditor: CAPITAL ONE BANK (USA) N.A. Original Account Number: 5515

Creditor to Whom Debt is Owed: Portfolio Recovery Associates, LLC.

Account Number: 5515

Last Payment Date or Default Date: 02/27/2014

Total Amount of Debt Due at charge-off: \$900.99

<u>Total Amount of Transactions since Charge Off:</u>

Interest: \$0.00

Non-Interest Charges/Fees or Balance Adjustments: \$0.00

Payments: \$0.00

**Total Now Due: \$900.99** 

YOEL LABIN,

Welcome to Portfolio Recovery Associates, LLC ("PRA, LLC")! We want to help you resolve this account, so call us at 1-800-772-1413 for low payment options. If paying off this debt is difficult for you please call anyway, because we have payment options for almost every budget.

PRA, LLC purchased account 5178058653915515 on 01/22/2016. All future payments and correspondence for this account, including credit counseling service payments, should be directed to: Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541. *Please call Kanika R Johnson TOLL FREE at 1-800-772-1413* to discuss payment arrangements.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor.

This communication is from a debt collector and is an attempt to collect a debt.

Any information obtained will be used for that purpose.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

\_01L

DEPT 922 5978190216025 PO BOX 4115 CONCORD CA 94524

#### I LEEDUR (CIND SICIR CICCI GIUR SICII) FEDER LEIDH (CICR SICH SENS) SICII SEON COM COM COM LICCI BUR (DE

ADDRESS SERVICE REQUESTED

> YOEL LABIN 252 KEAP ST BROOKLYN NY 11211-7325



Re: Account Natabel: \$7780596539455Document 1-2 Filed 02/08/17 Page 2 of 2 PageID #: 13

Debt collectors, in accordance with the Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq., are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to:

The use or threat of violence;

The use of obscene or profane language; and

iii. Repeated phone calls made with the intent to annoy, abuse, or harass.

If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt:

Supplemental security income (SSI);

Social security;

3. Public assistance (welfare);

Spousal support, maintenance (alimony), or child support; Unemployment benefits;

Disability benefits; Workers' compensation benefits;

Public or private pensions; Veterans' benefits; 8.

10. Federal student loans, federal student grants, and federal work study funds; and

11. Ninety percent of your wages or salary earned in the last sixty days.

Mail all checks and payments to: Hours of Operation (EST): Portfolio Recovery Associates, LLC 8 AM to 11 PM Mon.-Fri. PO Box 12914 8 AM to 8 PM Sat. Norfolk, VA 23541 11 AM to 11 PM Sun. Pay us online: E-Mail www.portfoliorecovery.com help@portfoliorecovery.com

**DISPUTES CORRESPONDENCE ADDRESS:** Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Boulevard, Norfolk, VA 23502 or E-Mail: PRA\_Disputes@portfoliorecovery.com

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

QUALITY SERVICE SPECIALISTS AVAILABLE Mon. - Fri. 8 AM to 5 PM (EST)

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at (866) 925-7109 or by e-mail at qualityservice@portfoliorecovery.com.

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

**NOTICE:** If this account is eligible to be reported to the credit reporting agencies by our company, we are required by law to notify you that a negative credit report reflecting on your credit records may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligation.

We are required under state law to notify consumers of the following rights. This list does not include a complete list of rights consumers have under state and federal laws:

NEW YORK CITY: City of New York License Numbers 1096994, 1394695, 1394696, 1394696, 1394698, 1394700, 1394699, 1394694.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK			
YOEL LABIN on behalf of himself and all other similarly situated consumers			
Plaintiff,			
-against-			
PORTFOLIO RECOVERY ASSOCIAT	ΓES, L.L.C.		
Defendant	t.		
SUMMO	NS IN A CIVIL ACTION		
O: PORTFOLIO RECOVERY ASSOCIATES, L.L.C. 120 CORPORATE BOULEVARD NORFOLK, VIRGINIA 23502			
YOU ARE HEREBY SUMMO and serve upon PLAINTIFF'S ATTORN	<b>ONED</b> and required to file with the Clerk of this Court NEY:		
MAXIM MAXIMOV, ESQ. MAXIM MAXIMOV, LLP 1701 AVENUE P BROOKLYN, NEW YORK 112	229		
-	rewith served upon you, with <b>21</b> days after service of this y of service. If you fail to do so, judgment by default will nded in the complaint.		
CLERK	DATE		
BY DEPUTY CLERK	_		

## **ClassAction.org**

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: <u>Portfolio Recovery Associates Hit with FDCPA Lawsuit</u>