# BARSHAY SANDERS, PLLC

100 Garden City Plaza, Suite 500 Garden City, New York 11530 Tel: (516) 203-7600 Fax: (516) 706-5055 Email: *ConsumerRights@BarshaySanders.com Attorneys for Plaintiffs* Our File No.: 112975

# UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

Samantha Laford and Lauren Gibbons, individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

Docket No:

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Nationwide Credit, Inc.,

Defendant.

Samantha Laford and Lauren Gibbons, individually and on behalf of all others similarly situated (hereinafter referred to collectively as "*Plaintiffs*"), by and through the undersigned counsel, complain, state and allege against Nationwide Credit, Inc. (hereinafter referred to as "*Defendant*"), as follows:

# **INTRODUCTION**

1. This action seeks to recover for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA").

# JURISDICTION AND VENUE

2. This Court has federal subject matter jurisdiction pursuant to 28 U.S.C. §1331 and 15 U.S.C. § 1692k(d).

3. Venue is proper under 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District.

BARSHAY | SANDERS PLLC 100 GARDEN CTY PLAZA, SUTTE 500 GARDEN CITY, NEW YORK 11530 Case 2:17-cv-04964 Document 1 Filed 08/23/17 Page 2 of 6 PageID #: 2

4. At all relevant times, Defendant conducted business within the State of New York.

## PARTIES

5. Plaintiff Samantha Laford is an individual who is a citizen of the State of New York residing in Suffolk County, New York.

6. Plaintiff Lauren Gibbons is an individual who is a citizen of the State of New York residing in Suffolk County, New York.

7. Plaintiffs are "consumers" as defined by 15 U.S.C. § 1692a(3).

8. On information and belief, Defendant Nationwide Credit, Inc., is a Pennsylvania Corporation with a principal place of business in Lehigh County, Pennsylvania.

9. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

10. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

# **INDIVIDUAL ALLEGATIONS**

11. Defendant alleges each of the Plaintiffs owe a debt ("the Debts").

12. The Debts were primarily for personal, family or household purposes and are therefore "debts" as defined by 15 U.S.C. § 1692a(5).

13. Sometime after the incurrence of the Debts, Plaintiffs fell behind on payments owed.

14. Thereafter, at an exact time known only to Defendant, the Debts were assigned or otherwise transferred to Defendant for collection.

15. In its efforts to collect the debt alleged owed by Plaintiff Laford, Defendant contacted Plaintiff Laford by letter ("the Letter") dated February 14, 2017. ("<u>Exhibit 1</u>.")

16. In its efforts to collect the debt alleged owed by Plaintiff Gibbons, Defendant contacted Plaintiff Gibbons by letter ("the Letter") dated August 18, 2016. ("<u>Exhibit 1</u>.")

17. The Letter was the initial communication Plaintiff Laford received from Defendant.

18. The Letter was the initial communication Plaintiff Gibbons received from Defendant.

19. The Letters are "communications" as defined by 15 U.S.C. § 1692a(2).

20. The Letters are identical in all material respects.

21. 15 U.S.C. § 1692g provides that within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing certain enumerated information.

22. One such requirement is that the debt collector provide "the amount of the debt." 15 U.S.C. § 1692g(a)(1).

23. A debt collector has the obligation not just to convey the amount of the debt, but also to convey such clearly.

24. 15 U.S.C. § 1692e requires debt collectors, when they notify consumers of their account balance, to disclose whether the balance may increase due to interest and fees.

25. The Letters both provide an "Account Balance."

26. The Letters both state "The Account Balance above reflects the total balance due as of the date of this letter. The itemization reflects the post charge-off activity we received from American Express and as such is subject to timing and system limitations."

27. Based upon the aforementioned language, the least sophisticated consumer would be confused as to how she could satisfy the debt.

28. Based upon the aforementioned language, the least sophisticated consumer would be uncertain as to how she could satisfy the debt.

29. Based upon the aforementioned language, the least sophisticated consumer is left to guess what the current balance is.

30. Based upon the aforementioned language, the least sophisticated consumer is left to guess what the "timing and system limitations" are.

31. Based upon the aforementioned language, the least sophisticated consumer is left to guess what effect "timing and system limitations" have on the stated amount due.

32. Based upon the aforementioned language, the least sophisticated consumer would assume that the balance may be different on the date the letter is received versus the date of the letter.

33. Based upon the aforementioned language, the least sophisticated consumer would not know if the balance as of the date of the letter is different at the time the letter is received.

34. Based upon the aforementioned language, the least sophisticated consumer would

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not know if the balance as of the date of the letter is different at the time payment is to be made.

35. Defendant failed to clearly state the amount of the debt.

36. Defendant failed to unambiguously state the amount of the debt.

37. Because of this failure, the least sophisticated consumer would likely be confused as to the amount of the debt.

38. Because of this failure, the least sophisticated consumer would likely be uncertain as to the amount of the debt.

39. Defendant has violated §§ 1692g and 1692e as it failed to clearly, explicitly and unambiguously convey the amount of the debt.

# **CLASS ALLEGATIONS**

40. Plaintiffs bring this action individually and as a class action on behalf of all persons similarly situated in the State of New York from whom Defendant attempted to collect a consumer debt using a collection letter that includes the language "The itemization reflects the post charge-off activity we received from American Express and as such is subject to timing and system limitations," from one year before the date of this Complaint to the present.

41. This action seeks a finding that Defendant's conduct violates the FDCPA, and asks that the Court award damages as authorized by 15 U.S.C. § 1692k.

42. Defendant regularly engages in debt collection.

43. The Class consists of more than 35 persons from whom Defendant attempted to collect delinquent consumer debts using a collection letter that includes the language "The itemization reflects the post charge-off activity we received from American Express and as such is subject to timing and system limitations."

44. Plaintiffs' claims are typical of the claims of the Class. Common questions of law or fact raised by this class action complaint affect all members of the Class and predominate over any individual issues. Common relief is therefore sought on behalf of all members of the Class. This class action is superior to other available methods for the fair and efficient adjudication of this controversy.

45. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to the individual members of the Class, and a risk that any adjudications with respect to individual members of the Class

would, as a practical matter, either be dispositive of the interests of other members of the Class not party to the adjudication, or substantially impair or impede their ability to protect their interests. Defendant has acted in a manner applicable to the Class as a whole such that declaratory relief is warranted.

46. Plaintiffs will fairly and adequately protect and represent the interests of the Class. The management of the class action proposed is not extraordinarily difficult, and the factual and legal issues raised by this class action complaint will not require extended contact with the members of the Class, because Defendant's conduct was perpetrated on all members of the Class and will be established by common proof. Moreover, Plaintiffs have retained counsel experienced in actions brought under consumer protection laws.

# JURY DEMAND

47. Plaintiffs hereby demand a trial of this action by jury.

# PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request judgment as follows:

a. Certify this action as a class action; and

b. Appoint Plaintiffs as Class Representatives of the Class, and Plaintiffs' attorneys as Class Counsel; and

c. Find that Defendant's actions violate the FDCPA; and

d. Grant damages against Defendant pursuant to 15 U.S.C. § 1692k; and

e. Grant Plaintiffs' attorneys' fees pursuant to 15 U.S.C. § 1692k; and

f. Grant Plaintiffs' costs; together with

g. Such other relief that the Court determines is just and proper.

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DATED: August 21, 2017

# **BARSHAY SANDERS, PLLC**

By: <u>/s/ Craig B. Sanders</u>

Craig B. Sanders, Esq. 100 Garden City Plaza, Suite 500 Garden City, New York 11530 Tel: (516) 203-7600 Fax: (516) 706-5055 csanders@barshaysanders.com *Attorneys for Plaintiffs* Our File No.: 112975

#### PERSONAL AND CONFIDENTIAL РО ВОХ 26315 LEHIGH VALLEY PA 18002-6315 2:17-CV-04964 Document 1-1 Filed 08/25/11 NUMBER1 XXXXXXXXXXXP40Q8 NC1 ID: ACCOUNT BALANCE: \$1,846.01 AMOUNT ENCLOSED; 24-hour account access: myaccount.ncirm.com 023/A01A/SS/126/02/14/2017/NY o Change of address: Print New Address on Back **REMIT TO:** ֈիսոնելիրեսելորիներիներիներիներներություններություն NATIONWIDE CREDIT, INC. PO BOX 26314 - ՈՈԼլոլիՈիս [զգիսեզինել]ներիՈնդիսեզինելՈնդինիցինիցին LEHIGH VALLEY PA 18002-6314 66369-15A Samantha Laford 34 HESTON RD Shirley NY 11967-2720

\*\*\* Please see the reverse side of this letter for important notices concerning your rights \*\*\* Please Detach and Return this Stub in the Enclosed Envelope with your Check or Money Order - Make Sure the "Remit to" Address appears in the Window



# Nationwide Credit, Inc. PO BOX 26314

LEHIGH VALLEY PA 18002-6314 Monday - Friday 8 AM to 6 PM ET 1-877-779-34; myaccount.ncirm.com

#### 3177 NCI ID:

3177 B

Current Creditor: AMERICAN EXPRESS Account Number: XXXXXXXXXXX04008 Account Balance: \$1,846.01 Date: 02/14/2017

#### We Want to Help You - Your Way! Your outstanding balance with the above referenced creditor is past due and has been referred to Nationwide Credit, Inc. for collection. The Account Balance as of the date of this letter is shown above. Unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of the debt, or any (NC) portion thereof, this office will assume this debt is valid. If you notify this office in writing within thirty (30) days after receiving this notice that the debt, or any portion thereof, is disputed, this office will obtain verification of the debt or obtain a copy of a judgment against you and mail you a copy of such judgment or verification. Upon your written request within thirty (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 demand for payment does not eliminate your right to dispute this debt or inquire for more information about this debt, as described in the previous paragraphs. The following options are available to help you resolve this account: myaccount.ncirm.com Secure Online Portal: mvaccount.ncirm.com is available 24 Pay by Mail: Send your check or money order to hours a day to schedule payments, negotiate alternatives, ≥24-hour Access NATIONWIDE CREDIT, INC. manage your account and more! PO BOX 26314, LEHIGH VALLEY, PA 18002-6314 Reference your NCI ID on your check or money order Make, or Login using your NCI ID: 3177 and Reschedule Password: 3924 a Payment The State of New York Department of Financial Services requires that NCI provide you the following information regarding your debt: Change your Original Creditor: AMERICAN EXPRESS Total due as of charge-off: \$1,846.01 Contact Total interest accrued since charge-off: \$0.00 Information Total non-interest charges or fees accrued since charge-off: \$0.00 Total payments made since charge-off: \$0.00 ➤ And More... The Account Balance above reflects the total balance due as of the date of this letter. The itemization reflects the post charge-off activity we received from American Express and as such is subject to timing and system limitations. Sincerely, MAURICE RICO Nationwide Credit, Inc. This communication is an attempt to collect a debt by a debt collector or consumer collection agency and any information obtained will be used for that purpose. 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; (2) the use of obscene or profane language; and (3) 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:

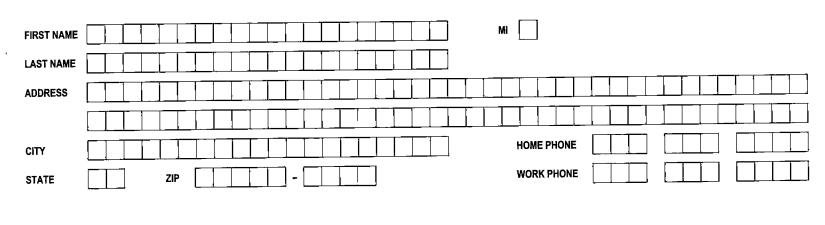
- Supplemental security income, (SSI) Workers' compensation benefits; 2. Social security; 8. Public or private pensions; Public assistance (welfare); 9. Veterans' benefits; 4. Spousal support, maintenance (alimony) or child support; 10. Federal student loans, federal student grants, and
  - 5. Unemployment benefits;
  - 6. Disability benefits;
- federal work study funds; and

  - 11. Ninety percent of your wages or salary earned in the last 60 days.

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#### NOTE CHANGES ONLY



# THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT BY A DEBT COLLECTOR OR CONSUMER COLLECTION AGENCY AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

CALIFORNIA: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

COLORADO: This communication is an attempt to collect a debt by a debt collector or consumer collection agency and any information obtained will be used for that purpose. A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debtor collector or collection agency from taking any other action authorized by law to collect the debt. For information about the Colorado Fair Debt Collection Practices Act, see www.coag.gov/car. NATIONWIDE CREDIT, INC., COLORADO OFFICE: 1776 S. JACKSON STREET #900 DENVER, CO 80210 TELEPHONE: 720-287-8670

#### MASSACHUSETTS: 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 days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the debt collector.

MINNESOTA: This collection agency is licensed by the Minnesota Department of Commerce.

NEW YORK CITY: The New York City Department of Consumer Affairs Permit Number is 0914159.

The State of New York Department of Financial Services requires that NCI provide you with the following disclosure(s):

NEW YORK STATE: 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:

(1) the use or threat of violence;

(2) the use of obscene or profane language; and(3) 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; 2.

Public assistance (welfare): 3.

Spousal support, maintenance (alimony) or child support; 4.

Unemployment benefits; 5.

Disability benefits; 6.

- Workers' compensation benefits; 7. Public or private pensions; 8.
- Veterans' benefits; 9.
- 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 60 days.

NORTH CAROLINA: North Carolina Department of Insurance Permit No. 102118.

TENNESSEE: This collection agency is licensed by the Collection Service Board, State Department of Commerce and Insurance.

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Impact of the second secon	collection. The Account Balance as of the date of the Unless you notify this office within thirty (30) day portion thereof, this office will assume this debt receiving this notice that the debt, or any portion a copy of a judgment against you and mail you a thirty (30) days after receiving this notice, this of different from the current creditor.	is letter is shown ys after receivin is valid. If you n in thereof, is disp copy of such ju ffice will provide ght to dispute this we this account: ailable 24	lue and has been referred to Nationwide Credit, Inc. for above. g this notice that you dispute the validity of the debt, or any otify this office in writing within thirty (30) days after uted, this office will obtain verification of the debt or obtain dgment or verification. Upon your written request within you with the name and address of the original creditor, if debt or inquire for more information about this debt, as 'ay by Mail: Send your check or money order to IATIONWIDE CREDIT, INC. 'O BOX 26314, LEHIGH VALLEY, PA 18002-6314 Reference your NCI ID on your check or money order
<ul> <li>Rescriedule a Payment</li> <li>&gt; Change your Contact Information</li> <li>&gt; And More</li> </ul>	The State of New York Department of Financial Serv Original Creditor: AMERICAN EXPRESS Total due as of charge-off: \$11,467.85 Total interest accrued since charge-off: \$0.00 Total non-interest charges or fees accrued since char Total payments made since charge-off: \$0.00 The Account Balance above reflects the total balance activity we received from American Express and as Sincerely, MAURICE RICO Nationwide Credit, Inc. This communication is an attempt to collect a de obtained will be used for that purpose. MAURICE RICODebt collectors, in accordance with from engaging in abusive, deceptive, and unfair deb (1) the use or threat of violence; (2) the use of obscene or profane language; and (3) repeated phone calls made with the intent to ann	arge-off: \$0.00 e due as of the d such is subject to b <b>t by a debt col</b> the Fair Debt Col t collection efforts oy, abuse, or har	ector or consumer collection agency and any information lection Practices Act, 15 U.S.C. § 1692 et seq., are prohibited , including but not limited to:
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# Case 2:17-cv-04964 Document 1-1 Filed 08/23/17 Page 4 of 4 PageID #: 10

### **NOTE CHANGES ONLY**

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- Social security; 2.
- 3. Public assistance (welfare);
- Spousal support, maintenance (alimony) or child support; Unemployment benefits; 4.
- 5.
- Disability benefits; 6

Workers' compensation benefits;

- Public or private pensions;
- Veterans' benefits;
- 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 60 days.

NORTH CAROLINA: North Carolina Department of Insurance Permit No. 102118.

TENNESSEE: This collection agency is licensed by the Collection Service Board, State Department of Commerce and Insurance.

# JS 44 (Rev. 07/16) Case 2:17-cv-04964 Dequirent Ov Files 19/23/17 Page 1 of 2 PageID #: 11

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.)

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(c) Attorneys (Firm Name, A	ddress, and Telephone Numbe	r)		Attorneys (If Kn	own)								
	DERS, PLLC laza, Ste 500, Garden Ci	ty, NY 11530											
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<ul> <li>0 110 Insurance</li> <li>0 120 Marine</li> <li>0 130 Miller Act</li> <li>0 140 Negotiable Instrument</li> <li>0 150 Recovery of Overpayment &amp; Enforcement of Judgment</li> <li>0 151 Medicare Act</li> <li>0 152 Recovery of Defaulted Student Loans (Excludes Veterans)</li> <li>0 153 Recovery of Overpayment of Veteran's Benefits</li> <li>0 160 Stockholders' Suits</li> <li>0 190 Other Contract</li> <li>0 195 Contract Product Liability</li> </ul>	Slander O 330 Federal Employers' Liability O 340 Marine O 345 Marine Product Liability O 350 Motor Vehicle O 355 Motor Vehicle Product Liability O 360 Other Personal	PERSONAL INJURY O 365 Personal Injury - Product Liability O 367 Health Care/ Pharmaceutical Personal Injury Product Liability O 368 Asbestos Personal Injury Product Liability PERSONAL PROPERT O 370 Other Fraud O 371 Truth in Lending O 380 Other Personal Property Damage	0 690 " <b>Y</b> 0 710 0 720 0 740	5 Drug Related Seizure Property 21 USC 88 ) Other ) Fair Labor Standards Act ) Labor/Management Relations ) Railway Labor Act Family and Medical		<ul> <li>0 423 With 28 U/28 U/28 U/28 U/28 U/28 U/28 U/28 U</li></ul>	SC 157 CRTY RIGHTS vrights nt eemark L SECURITY (1395ff) k Lung (923) C/DIWW (405(g)) D Title XVI	<ul> <li>0 410 Antitr</li> <li>0 430 Banks</li> <li>0 450 Comm</li> <li>0 460 Depor</li> <li>0 470 Racket</li> <li>Corru</li> <li>480 Consu</li> <li>0 490 Cable.</li> <li>0 850 Securii</li> <li>Excha</li> <li>0 890 Other</li> <li>0 891 Agrict</li> <li>0 893 Enviro</li> </ul>	<ul> <li>0 400 State Reapportionment</li> <li>0 410 Antitrust</li> <li>0 430 Banks and Banking</li> <li>0 450 Commerce</li> <li>0 460 Deportation</li> <li>0 470 Racketeer Influenced and Corrupt Organizations</li> <li>0 480 Consumer Credit</li> <li>0 490 Cable/Sat TV</li> <li>0 850 Securities/Commodities/ Exchange</li> <li>0 890 Other Statutory Actions</li> <li>0 891 Agricultural Acts</li> <li>0 895 Freedom of Information</li> </ul>				
O 196 Franchise  REAL PROPERTY O 210 Land Condemnation	Injury O 362 Personal Injury - Medical Malpractice CIVIL RIGHTS O 440 Other Civil Biokto	O 385 Property Damage Product Liability PRISONER PETITIONS Habeas Corpus:	O 790	Leave Act Other Labor Litigatio Employee Retiremen	t		RAL TAX SUITS	Act O 896 Arbitr O 899 Admin	ation iistrative Pro	ocedure			
0 210 Land Condemnation 0 220 Foreclosure 0 230 Rent Lease & Ejectment 0 240 Torts to Land 0 245 Tort Product Liability 0 290 All Other Real Property	O 440 Other Civil Rights O 441 Voting O 442 Employment O 443 Housing/ Accommodations O 445 Amer. w/Disabilities -	Habeas Corpus: O 463 Alien Detainee O 510 Motions to Vacate Sentence O 530 General O 535 Death Penalty		Income Security Act		or E – O 871 IRS	s (U.S. Plaintiff Defendant) –Third Party JSC 7609	Agen O 950 Consti	eview or Aj cy Decision tutionality o Statutes	1			
	O 446 Amer. w/Disabilities - Other O 448 Education	O 540 Mandamus & Other O 540 Mandamus & Other O 550 Civil Rights O 555 Prison Condition O 560 Civil Detainee Conditions of Confinement	0	IMMIGRATION 2: Naturalization Applic 465 Other Immigratio ctions	cation								
V. ORIGIN (Place an "X" in • 1 Original Proceeding Cou	oved from State O 3 Rem		4 Reinsta Reop	ened And	nsferred other D ecify)		O 6 Multidistrict Litigation – Transfer	I	Multidistrict Litigation – Direct File				
VI. CAUSE OF ACTIO		atute under which you are					diversity): 15 USC	§1692					
VII. REQUESTED IN COMPLAINT:	• CHECK IF THIS I UNDER RULE 2	S A CLASS ACTION		Collection Practice	es Act		CHECK YES onl	•	•	int:			
VIII. RELATED CASE IF ANY		(See Instructions) JUDGE					URY DEMAND: CKET NUMBER	• 105	s O No				
DATE		SIGNATURE OF ATTC	ORNEY (	OF RECORD									
August 23, 2017		/s Cra	ig B.	Sanders									
FOR OFFICE USE ONLY RECEIPT # AM	IOUNT	APPLYING IFP		JUD	GE _		MAG. JUI	DGE					

# Case 2:17-cv-04964 Document 1-2 Filed 08/23/17 Page 2 of 2 PageID #: 12 CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, <u>Craig B. Sanders</u>, counsel for <u>Plaintiff</u>, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- □ monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- $\Box$  the complaint seeks injunctive relief,
- $\Box$  the matter is otherwise ineligible for the following reason

# **DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks:

# **RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

### NY-E DIVISION 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: <u>NO</u>

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? <u>YES</u>

b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? YES

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County?

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

### **BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court? Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature:	/s	Craig	B.	Sanders

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

# **UNITED STATES DISTRICT COURT**

for the

# EASTERN DISTRICT OF NEW YORK

Samantha Laford and Lauren Gibbons, individually and on behalf of all others similarly situated	) ) )	
Plaintiff(s)	)	
	)	Civil Action No.
V.	)	
	)	
Nationwide Credit, Inc.	)	
Defendant(s)	)	

# SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Nationwide Credit, Inc. 1874 Catasauqua Road, Box 214 Allentown, Pennsylvania 18109

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States, or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

BARSHAY SANDERS PLLC 100 GARDEN CITY PLAZA, SUITE 500 GARDEN CITY, NY 11530

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or 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>Nationwide Credit Facing Lawsuit Over 'Unclear' Collection Letters</u>