

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

**Patrick Luci, on behalf of himself  
and others similarly situated,**  
*Plaintiffs*

Vs,

**Overton, Russell, Doerr, and Donovan, LLP,  
Thomas R. McCormick,  
Brian S. Strohl,  
Linda L. Donovan**

*Defendants*

**COMPLAINT**

Case No.: 6:18-CV-0360 (DNH/ATB)

*Jury Trial  
Demanded*

PATRICK LUCI, the plaintiff herein, by his attorneys, for himself and others similarly situated, alleges and complains of the defendants as follows:

NATURE OF THE ACTION

1. This class action seeks to vindicate the rights of New York consumers who received false and deceptive state court summonses from the high-volume collection law firm of Overton, Russell, Doerr, and Donovan LLP and its partners in state court consumer collection actions brought in this District, in which Overton, Russell, Doerr, and Donovan LLP represented the plaintiff.
2. Specifically, defendant's boilerplate state court summonses falsely informed consumers that their time to file an answer or otherwise move in response to the state court collection actions filed against them was significantly shorter than it really was.
3. These misstatements are clearly material because they misinform consumers as to important legal rights they have in state court collection actions and can influence a consumer's decision or ability to challenge a debt, and might

reasonably prompt a consumer-operating under a false sense of urgency with regard to his or her time to put in an answer, to either to settle rather than litigate, or determine it was too late for the consumer to do anything.

4. Defendants' false and unfair misrepresentations violate the Fair Debt Collection Practices Act (FDCPA), 15 USC §1692 *et seq*, which was designed to prohibit precisely these sorts of abusive, deceptive or unfair debt-collection practices. It also violates the New York State General Business Law §349.

### **JURISDICTION AND VENUE**

5. This Court has federal question jurisdiction under 15 USC §1692k(d) and 28 USC §1331.
6. Declaratory relief is available under 28 USC §§2201 and 2202.
7. This Court has ancillary jurisdiction to determine any state law claim per 28 USC §1367.
8. Venue is proper in this District per 28 USC §1391 as plaintiff and all defendants live in this district, defendants conduct business in this district and the transactions that gave rise to this action occurred, in substantial part, in this district.

### **PARTIES**

#### *Named Plaintiff*

9. Named plaintiff Patrick Luci has at all relevant times been a resident of Otsego County, New York State.

10. Mr. Luci is a “consumer” as that term is defined at 15 USC §1692a(3).
11. Mr. Luci was sued in a consumer collection action titled ‘SEFCU vs Patrick Luci’ (Index No. 2017-106372, Supreme Court for Herkimer County) (the “state court action”)
12. In the state court action, SEFCU was represented at all relevant times by Overton, Russell, Doerr, and Donovan LLP.

*Defendants*

13. Upon information and belief, at all relevant times. Defendant **Overton, Russell, Doerr, and Donovan LLP (“ORDD”)**:
  - a. Is a limited liability partnership organized and existing under the laws of New York State with a principal place of business in Clifton Park, Saratoga County, New York;
  - b. Regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed and due to another, by the use of the mail, telephone, and the courts of New York and other means of interstate commerce;
  - c. Is otherwise a “debt collector” as that term is defined at 15 USC §1692a(6).
14. Upon information and belief, at all relevant times. Defendant **Thomas R. McCormick** is and has been:
  - a. A lawyer licensed to practice law in the State of New York;

- b. A member or partner of ORDD;
- c. Regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed and due to another, by the use of the mail, telephone, and the courts of New York and other means of interstate commerce;
- d. Is otherwise a “debt collector” as that term is defined at 15 USC §1692a(6);
- e. Committed or perpetrated the acts complained of, or did so in combination with one or the other defendants, or ratified their actions.
- f. Supervises and has supervisory and decision-making authority over ORDD’s debt collection efforts.

15. Upon information and belief, at all relevant times. Defendant **Brian S. Strohl** is and has been:

- a. A lawyer licensed to practice law in the State of New York;
- b. A member or partner of ORDD;
- c. Regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed and due to another, by the use of the mail, telephone, and the courts of New York and other means of interstate commerce;

- d. Is otherwise a “debt collector” as that term is defined at 15 USC §1692a(6);
- e. Committed or perpetrated the acts complained of, or did so in combination with one or the other defendants, or ratified their actions.
- f. Supervises and has supervisory and decision-making authority over ORDD’s debt collection efforts.

16. Upon information and belief, at all relevant times. Defendant **Linda L. Donovan** is and has been:

- a. A lawyer licensed to practice law in the State of New York;
- b. A member or partner of ORDD;
- c. Regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed and due to another, by the use of the mail, telephone, and the courts of New York and other means of interstate commerce;
- d. Is otherwise a “debt collector” as that term is defined at 15 USC §1692a(6);
- e. Committed or perpetrated the acts complained of, or did so in combination with one or the other defendants, or ratified their actions.

- f. Supervises and has supervisory and decision-making authority over ORDD's debt collection efforts.

### **NAMED PLAINTIFF'S EXPERIENCES**

17. On or about December 24, 2017, ORDD sued Luci in the Supreme Court for Herkimer County ("state court action") alleging Luci had defaulted in payment on a credit card issued by SEFCU ("debt or "the debt").
18. Whether or not Mr. Luci owed the debt, it is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, or services are primarily for personal, family, or household purposes, hence it is a "debt" as that term is defined in the FDCPA at 15 USC §1692a(5).

#### *The Summons*

19. The state court action was commenced on December 24, 2017 by the filing of a summons and complaint with the Herkimer County Clerk.
20. A true copy of the summons ORDD filed in the state court action for SEFCU against Mr. Luci is attached hereto as Exhibit A. ("Summons")
21. The Summons contains the following language:  
"YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorneys within twenty days after service of this summons, exclusive of the day of service, or within thirty days after service if this summons is not personally delivered to you within the State of New York. Upon your failure to answer, a judgment will be entered against you by default for the relief demanded in the complaint. "

22. According to records filed in the Herkimer County Clerk's Office by defendants, Mr. Luci was allegedly served pursuant to CPLR 308(4) "nail 'n mail" service, i.e., a copy was affixed to the door of Mr. Luci's residence on January 18, 2018, and a copy was mailed to him at that residence address on January 19, 2018, with the affidavit of service being filed with the Herkimer County Clerk on February 1, 2018.
23. A true copy of the affidavit of service alleging service and filing is attached to this as Exhibit B.
24. The Summons was signed by Thomas R. McCormick.
25. Mr. McCormick, who is a partner of ORDD, signed the summons in the regular course of his employment with ORDD.
26. By signing the Summons, Mr. McCormick (on behalf of ORDD and its partners and client) certified to Mr. Luci and the court that to the best of his knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the Summons or the contentions therein were not frivolous as defined at section 130-1.1(c) of 22 NYCRR , *i.e.*, defendants certified that the Summons did not contain a false statement of material fact . *see 22 NYCRR 130-1.1(a) and ( c )* .
27. This certification was false.
28. Pursuant to applicable law (*i.e.*, CPLR §308, CPLR §320(a)) an answer was not, as stated in the Summons, due thirty days "after service" but rather, thirty days after service was complete.

29. As a matter of law, service is not complete under CPLR §308 (2 ) or (4) until 10 days after the affidavit of service is filed with the clerk of the court.
30. In this case, service was not complete until February 11, 2018.
31. It was not until February 11, 2018, that Mr. Luci's time to answer the complaint began to run.
32. The Summons thus contained a false statement regarding the time Mr. Luci had to answer the summons and complaint.
33. Defendants, and each of them, knew or should have known that the Summons did not comply with or adequately disclose the law, but used the Summons in the form set forth at Exhibit A anyway.
34. Upon information and belief, defendants use summonses in the same form and substance as Exhibit A every time they commence legal action against consumers in this District.
35. Upon information and belief, the individual defendants -McCormick, Strohl and Donovan - all sign summonses in actions brought by ORDD against consumers in this District ( and each has signed and thus certified the summonses) in the same form and substance as Exhibit A in the regular course of ORDD's business.
36. Upon information and belief, defendants commenced at least 100 actions in 2017 alone against consumers using a summons in the same style and format as Exhibit A.



## CLASS ALLEGATIONS

37. The plaintiff, Patrick Luci, brings this action on behalf of not only himself, but also in behalf of a class of all other persons similarly situated, per Fed. R. Civ. P. Rule 23.
38. Plaintiff seeks to represent the following class and two ( 2) subclasses defined as follows:
- a. The Class:
    - (i) Natural persons;
    - (ii) Who were sued in a state court consumer collection action;
    - (iii) Brought in a city, county or supreme court located within the Northern District of New York;
    - (iv) In which ORDD represented the plaintiff;
    - (v) And in which a summons sent or served on the state court defendant mis-described the state court defendant's time to answer by stating, in relevant part as follows or substantively as follows: "YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorneys within twenty days after service of this summons, exclusive of the day of service, or within thirty days after service if this summons is not personally delivered to you within the State of New York. Upon your failure to answer, a judgment will be entered against you by default for the relief demanded in the complaint", and

(vi) In which the method of service was either pursuant to CPLR 308(2) or CPLR 308(4).

b. The FDCPA Sub-Class:

(i) All those who meet the class criteria set forth above at paragraph 36(a) and where, in addition, said summons was alleged by the state court plaintiff to have been served upon or sent to the state court defendant within one year of the commencement of this class action.

c. The NYSGBL 349 Sub-Class:

(i) All those who meet the Class definition set forth above at paragraph 36(a) and where, in addition, said summons was alleged by the state court plaintiff to have been served upon or sent to the state court defendant within three years of the commencement of this action.

39. All members of the Class are also members of the NYSGBL 349 Sub-Class, and some are members, in addition of the FDCPA Sub-Class.

40. Excluded from the Class or sub-classes are:

- a. Anyone who was alleged to have been served by personal service per CPLR 308(1);
- b. Anyone employed by counsel for Plaintiff in this action, and
- c. Any judge to whom this case is assigned, as well as his or her immediate family and staff.

*Numerosity*

41. The Summons at issue is a boilerplate document whose language does not materially vary from one action to the next, and which, upon information and belief, was sent by defendants to hundreds if not thousands of consumers.
42. The Class and subclasses include hundreds, if not thousands, of members and are sufficiently numerous that joinder of all members is impractical.
43. Although the exact number of Class members and their addresses are unknown to plaintiffs, they are readily ascertainable from Plaintiff's records.

*Existence and Predominance of Common Issues*

44. Common questions of law and fact exist as to Plaintiffs and all members of the Class and predominate over questions affecting only individual Class members.
45. These questions include:
  - a. Whether the Summons misrepresented the law regarding a state court consumer collection action defendant's time to answer, and more specifically, whether the Summons impermissibly stated a shorter time to answer than provided for under applicable state law;
  - b. Whether such false, misleading and deceptive acts were material in nature;

- c. Whether Defendants engaged in unfair and/or deceptive debt collection practices in violation of the FDCPA and/or GBL 349;
- d. Whether Plaintiff and the other Class members are entitled to statutory damages, costs and attorney's fees under the FDCPA;
- e. Whether Plaintiff and the other class members are entitled to damages of \$50 each, costs and attorney's fees under GBL 349.

*Typicality*

46. Plaintiff's claims are typical of the claims of the Class because, among other things, Plaintiff was:
- a. Sued;
  - b. In a state court consumer collection action;
  - c. Brought in a court within the Northern District of New York;
  - d. In which ORDD represented the state court plaintiff, and
  - e. In which a Summons containing the relevant boilerplate was served on him or her.
47. Thus, plaintiff's claims – based on the same boilerplate misstatements of law as to the claims of all other Class members- are typical of the claims of the Class.
48. Put differently, all of the claims are based on the same factual and legal theories and the plaintiff, together with each Class member, have been

subjected to the same false and deceptive communications and acts by defendants.

*Adequacy*

49. Plaintiff will fairly and adequately represent the interests of the Class members. His interests do not conflict with the interests of the members of the Class he seeks to represent.

50. Plaintiff has retained counsel experienced in prosecuting class actions and in consumer protection matters. There is no reason why this plaintiff and his counsel will not vigorously pursue this matter.

*Superiority*

51. The class action is superior to other available means for the fair and efficient adjudication of the claims at issue herein.

52. The damages suffered by each individual Class member may be limited. Damages of such magnitude are small given the burden and expense of individual prosecution of the complex and extensive litigation necessitated by Defendants' conduct.

53. Further, it would be virtually impossible for the members of the Class effectively to individually redress the wrongs done to them. Even if the

members of the Class themselves could afford such individual litigation, the court system could not.

54. Individualized litigation presents a potential for inconsistent or contradictory judgments. Individualized litigation increases the delay and expense to all parties and the court system presented by the complex legal and factual issues of the case.
55. By contrast, the class action device presents for fewer management difficulties, and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court.
56. In the alternative the Class may be certified because:
  - a. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudication with respect to individual Class members which would establish incompatible standards of conduct for Defendants.
  - b. The prosecution of separate actions by individual Class members would create a risk of adjudications with respect to them which would, as a practical matter, be dispositive of the interests of other Class members not parties to the adjudications, or

substantially impair or impede their ability to protect their interests, and

- c. Defendants have acted or refused to act on grounds generally applicable to the Class, thereby making appropriate final and injunctive relief with respect to the members of the Class as a whole.

### COUNT 1

*(Violation of the Fair Debt Collection Practices Act)*

57. Plaintiff hereby restates, realleges and incorporates by reference all foregoing paragraphs.
58. Congress enacted the Fair Debt Collection Practices Act to stop “the use of abusive, deceptive and unfair collection practices by many debt collectors.” *15 USC §1692 (a)*.
59. A debt collector may not “use any false, deceptive, or misleading representation or means in connection with the collection of any debt.” *15 USC §1692e*.
60. Such a prohibition includes the false representation of “the character, amount or legal status of any debt.” *15 USC §1692e(2)A*.

61. Such a prohibition also includes the “use of any false representation or deceptive means to collect or attempt to collect any debt. “ *15 USC §1692e(10)*.
  
62. A debt collector may not “use unfair or unconscionable means to collect any debt. “ *15 USC §1692f*
  
63. Defendants violated the FDCPA by sending out the Summons in its attempt to collect from Plaintiff and all others similarly situated because this conduct:
  - a. Falsely represents that the consumer has thirty days from the date of service to answer the summons and complain when- under applicable law- the consumer has thirty days from the date service is complete and service is not complete under CPLR 308(2) and (4) until ten days after the affidavit of service is filed, *.i.e.*, Defendants falsely stated in the Summons that consumer’s time to answer was at least ten days shorter than that provided for under applicable law – in violation of 15 USC §§ 1692e, 1692e(2)(A), 1692e(5) and 1692e(10).
  
  - b. Falsely, unfairly and unconscionably misstates the law in the Summons regarding consumers’ rights to answer the State Court complaint, in violation of 15 USC §1692f.



64. As a result of Defendant's violations of the FDCPA, Plaintiff and the Class are entitled to declaratory judgment, statutory damages, costs and attorneys' fees per 15 USC §1692k.

## COUNT 2

*(Violation of New York State General Business Law §349 )*

65. Plaintiff hereby repeats, realleges and incorporates by reference all foregoing paragraphs.
66. Each of the deceptive acts and practices set forth above, including but not limited to each deceptive act and practice set forth in Count 1 was committed in the conduct of business, trade, commerce or the furnishing of a service in this state and constituted a violation of General Business Law §349 independent of whether it also constituted a violation of any other law.
67. Each of the alleged actions was consumer oriented and involves misleading conduct that is recurring and has a broad impact on the public.
68. Specifically, without limitation, as set forth herein, Defendants falsely stated in the Summons that the state court defendant's time to answer 10 or more days shorter than provided for under applicable law.
69. These misstatements misinform consumers as important legal rights they have in state court collection actions; may influence a reasonable consumer's decision or ability to challenge a debt; and might reasonably prompt such a consumer- operating under false sense of urgency with

regard to his or her time to put in an answer – to settle rather than litigate.

70. By making these misstatements with regard to the rights of consumers in state court collection actions Defendants impaired the exercise of those rights.
71. Plaintiff, and all others similarly situated, have been damaged thereby.
72. Upon information and belief, the defendants' conduct as set forth herein has been frequent, intentional and persistent.
73. As a result of Defendants' violation of GBL 349, Plaintiff and each other member of NYGBL §349 sub-class are entitled to declaratory judgment, damages of \$50 each, costs and attorney's fees.

#### **DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38,  
Plaintiff demands a trial by jury as to all issues

**WHEREFORE**, plaintiff and members of the Class respectfully request that this Court award:

- A. An order certifying this case as a class action under Fed. R. Civ.P. 23, naming Plaintiff as Class Representative and appointing his attorneys as class counsel;
- B. A judgment declaring that Defendants have committed the violations of law alleged in this action;
- C. Statutory damages per the FDCPA;
- D. \$50 per class member per NYGBL 349;
- E. An order awarding costs, disbursements and attorney's fees per the FDCPA and NYGBL 349, and
- F. Such other, different and further relief that may be just and proper.

DATED: March 19, 2018

*s/ Anthony J. Pietrafesa*

**Anthony J. Pietrafesa, Esq.**  
**(102368)**  
721 University Building  
120 East Washington Street  
Syracuse NY 13202  
T: 518-218-0851 F: 518-514-1241  
ajp@ajp1law.com

*s/ Daniel A. Schlanger*

Daniel A. Schlanger  
**Schlanger Law Group, LLP**  
9 East 40<sup>th</sup> Street #1300  
New York, NY 10016  
T. 212.500.6114 F. 646.612.7996  
dschlanger@consumerprotection.net

*ATTORNEYS FOR THE PLAINTIFF*

Case No.: 6:18-CV-0360 (DNH/ATB)

# **Exhibit A**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF HERKIMER

SEFCU  
700 PATROON CREEK BLVD  
  
ALBANY, NY 12206

Plaintiff,

PATRICK LUCI

Defendant(s).

**SUMMONS**

Index No.  
Date Filed

COPY OF FILING  
INDEX # 2017-107017  
FILED  
7/21/17/2017 10:19 AM

Honorable Justice M. Bowen  
HERKIMER COUNTY  
CLERK'S OFFICE

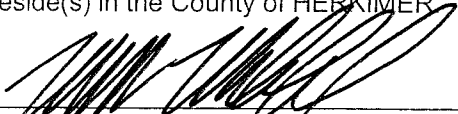
**CONSUMER CREDIT TRANSACTION**

TO THE ABOVE NAMED DEFENDANT(S) :

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorneys within twenty days after service of this summons, exclusive of the day of service, or within thirty days after service if this summons is not personally delivered to you within the State of New York. Upon your failure to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

The basis of venue is that the defendant reside(s) in the County of HERKIMER

Dated: August 21, 2017

  
\_\_\_\_\_  
Thomas R. McCormick, Esq.  
OVERTON, RUSSELL, DOERR AND DONOVAN, LLP  
Attorneys for the Plaintiff  
19 Executive Park Dr.  
Clifton Park, New York 12065  
(518) 383-4085

FOR PROCESS SERVER ONLY

DEFENDANT(S):

PATRICK LUCI  


EMPLOYMENT:



Case No.: 6:18-CV-0360 (DNH/ATB)

# **Exhibit B**

**AFFIDAVIT OF SERVICE**

**State of New York**

**County of Herkimer**

**Supreme Court**

Index Number: 2017-103627  
Date Filed: 12/14/2017

**Plaintiff:**  
**SEFCU**

vs.

**Defendant:**  
**PATRICK LUCI**

For:  
OVERTON, RUSSELL, DOERR AND DONOVAN, LLP  
19 Halfmoon Executive Park Dr.  
Clifton Park, NY 12065

FILED  
02/01/2018 04:09 PM  
Honorable Sylvia M Rowan  
HERKIMER COUNTY  
~~CLERK'S OFFICE~~

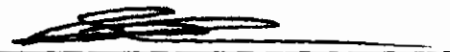
Received these papers to be served on PATRICK LUCI, [REDACTED]

I, Scott Kimmel, being duly sworn, depose and say that on the 18th day of January, 2018 at 12:30 pm, I:

**DELIVERED BY AFFIXING TO DOOR** a true copy of each of the **SUMMONS AND COMPLAINT** at the defendant's actual place of abode, dwelling place or usual place of abode there at [REDACTED] WEST WINFIELD, NY 13491. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having verified defendant's **ADDRESS** with THE POSTMASTER and having attempted there on 1/9/2018 at 8:00 pm and second attempt on 1/13/2018 at 9:00 am . On 1/19/2018 deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to defendants last known residence at [REDACTED], WEST WINFIELD, NY 13491 via first class mail and deposited at the United States Postal Service within New York State to the defendant's last known residence at [REDACTED], WEST WINFIELD, NY 13491 .

Said documents were conformed with index number and date of filing endorsed thereon.

I certify that I am over the age of 18, have no interest in the above action.



**Scott Kimmel**  
Process Server

Our Job Serial Number: UCM-2018000155

Subscribed and Sworn to before me on the 19th day of January, 2018 by the affiant who is personally known to me.

  
**NOTARY PUBLIC**

NOTARY PUBLIC - STATE OF NEW YORK  
NO. 015C4749304  
Qualified in Oneida County  
My commission expires June 30, 2019

JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

PATRICK LUCI, on behalf of himself and all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

Overton Russell Doerr & Donovan; Thomas R McCormick; Brian S Strohl, Linda L Donovan

County of Residence of First Listed Defendant **Saratoga**  
(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
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 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)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
|   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

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

Click here for: Nature of Suit Code Descriptions.

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**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 usc 1692 ET AL ( Fair Debt Collection Practices Act )

Brief description of cause:

Defendants used false, misleading and deceptive means in it attempts to colelct a debt from plaintiff and the class

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No

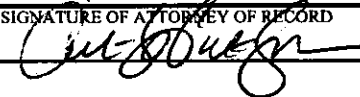
**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 03/18/2018 SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT# ANYNDC-4332810

AMOUNT \$400.00

APPLYING IFP

JUDGE DNH

MAG. JUDGE

ATB



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Debt Collection Suit Claims Law Firm's Court Summons Contained Wrong Information](#)

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