

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.

SERGIO MAXIMILIANO, *on behalf of himself  
and all others similarly situated,*

Plaintiff,

v.

PORTFOLIO RECOVERY ASSOCIATES, LLC  
*a Delaware Limited Liability Company,*

Defendant.

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**CLASS ACTION COMPLAINT AND JURY DEMAND**

1. On behalf of himself and the putative class, Plaintiff alleges violations of the *Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq.* (“FDCPA”).

**JURISDICTION AND VENUE**

2. This Court has jurisdiction under the *Fair Debt Collection Practices Act*, pursuant to *28 U.S.C. §1331* and *15 U.S.C. §1692k*.

3. Venue in this District is proper because Plaintiff resides here and Defendant conducts business in this District.

**PARTIES**

4. Plaintiff, Sergio Maximiliano (“Plaintiff”), is a natural person, and a resident of the State of Florida, residing in Palm Beach County, Florida.

5. Defendant, Portfolio Recovery Associates, LLC (“Defendant”), is a Delaware Limited Liability Company engaged in the business of collecting consumer debts, which operates from offices located at 120 Corporate Boulevard, Norfolk, Virginia 23502.

6. Defendant regularly uses the United States Postal Service and telephone in the collection of consumer debts. Defendant is registered in the State of Florida as a consumer collection agency, license number CCA0900382.

7. Defendant regularly collects or attempts to collect consumer debts for other parties. Defendant is a “debt collector” as defined by the *FDCPA*.

8. At all times material to the allegations of this Complaint, Defendant was acting as a debt collector with respect to the collection of Plaintiff’s alleged debt.

### **FACTUAL ALLEGATIONS**

9. Defendant sought to collect a consumer debt from Plaintiff arising from an alleged delinquency on a debt Defendant purchased from Capital One Bank (USA) N.A. when the debt was in default. The debt was from a Capital One Bank (USA) N.A. credit card that was not used for any commercial purpose. The debt was incurred primarily for personal, household or family use.

10. On or about December 16, 2016, Capital One Bank mailed, or caused to be mailed to Plaintiff, a letter stating that Plaintiff’s debt “was acquired by Portfolio Recovery Associates, LLC, on or about December 15, 2016.” (The “Assignment Letter” attached hereto as “Exhibit 1”).

11. On or about January 10, 2017, Defendant mailed, or caused to be mailed to Plaintiff, a letter stating it purchased Plaintiff’s alleged debt. (The “Letter” is attached hereto as “Exhibit 2”).

12. The Letter states in part:

The purpose of this letter is to advise you that PORTFOLIO RECOVERY ASSOCIATES, LLC purchased the account referenced above on 12/20/2016.

xxxx

**Call our toll free number 1-800-772-1413 to discuss your account.**

(emphasis in original).

XXXX

PORTFOLIO RECOVERY ASSOCIATES, LLC purchased this account on 12/20/2016. 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.

XXXX

**This communication is from debt collector, but is not an attempt to collect a debt.**

(emphasis in original).

13. The Letter was Defendant's initial communication with Plaintiff with respect to the debt alleged therein.

14. *15 U.S.C. §1692g(a)* states:

Validation of debts.

(a) Notice of debt; contents. Within five days after the initial communication with a consumer **in connection with the collection of any debt**, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing-

(1) the amount of the debt;

(2) the name of the creditor to whom the debt is owed;

- (3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;
- (4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and
- (5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

(emphasis added).

15. *15 U.S.C. § 1692e(10-11)* states:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

xxxx

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

(11) The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action.

16. *Section 559.715, Florida Statutes* states:

Assignment of consumer debts.—This part does not prohibit the assignment, by a creditor, of the right to bill and collect a consumer debt. However, the assignee must give the debtor written notice of

such assignment as soon as practical after the assignment is made, but at least 30 days before any action to collect the debt. The assignee is a real party in interest and may bring an action to collect a debt that has been assigned to the assignee and is in default.

17. Defendant's Letter is misleading and confusing as the Letter states Defendant is not attempting to collect a debt. However, the Letter also gives the Plaintiff the "Verification Notice" required by *15 U.S.C. § 1692g*, which, by statute, is only to be given to the consumer within 5 days of the initial communication *in connection with the collection of any debt*.

18. The Letter states Defendant is not attempting to collect a debt, yet the Letter also instructs, in bold font, the Plaintiff call its toll free number to discuss Plaintiff's account. Defendant's statement that it is not attempting to collect a debt is overshadowed and contradicted by Defendant's instruction for Plaintiff to call to discuss the alleged debt, and by providing Plaintiff the validation notice only required within 5 days of an initial communication in an attempt to collect a debt.

19. Any potential *bona fide* error defense which relies upon Defendant's mistaken interpretation of the legal duties imposed upon it by the *FDCPA* would fail as a matter of law.

#### **CLASS ACTION ALLEGATIONS**

20. This action is brought on behalf of a Class consisting of (i) all persons with addresses in the State of Florida (ii) to whom initial communication letters were mailed, delivered or caused to be mailed or delivered by Defendant relating to debts purchased while in default from Capital One Bank (USA) N.A. (iii) that contained the Verification Notice required by *15 U.S.C. § 1692g(a)* and contained the language "**This communication is from a debt collector, but is not an attempt to collect a debt.**" (iv) that were not returned undeliverable by the U.S. Post Office (v) in an attempt to collect a debt incurred for personal, family, or household purposes (vi)

during the one year period prior to the filing of the original Complaint in this action through the date of certification.

21. Plaintiff alleges on information and belief that Defendant's practice of mailing or causing to be mailed initial communication letters that included the verification notice required by *15 U.S.C. § 1692g(a)* and also contained the language "**This communication is from a debt collector, but is not an attempt to collect a debt.**" mailed to the Class in an attempt to collect on a debt purchased by Defendant from Capital One Bank (USA) N.A. while in default is so numerous that joinder of all members of the Class is impractical.

22. There are questions of law or fact common to the Class. The common issues predominate over any issues involving only individual Class members. The common legal and factual issue to each Class member is that each was mailed or caused to be mailed an initial communication letter by Defendant relating to a debt purchased by Defendant from Capital One Bank (USA) N.A. while in default that included the verification notice required by *15 U.S.C. § 1692g(a)* and also contained the language "**This communication is from a debt collector, but is not an attempt to collect a debt.**"

23. Plaintiff's claims are typical of those of the Class members. All are based on the same facts and legal theories.

24. Plaintiff will fairly and adequately protect the interests of the Class. He has retained counsel experienced in handling actions involving unlawful practices under the *FDCPA* and Class actions. Neither Plaintiff nor his counsel have any interests which might cause them not to vigorously pursue this action.

25. Certification of the Class under *Rule 23(b)(3)* of the *Federal Rules of Civil Procedure* is also appropriate in that:

(1) The questions of law or fact common to the members of the class predominate over any questions affecting an individual member.

(2) A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

26. Plaintiff requests certification of a Class under *Rule 23(b)(3)*, of the *Federal Rules of Civil Procedure*, for monetary damages; his appointment as Class Representative; and that his attorney Leo W. Desmond be appointed Class Counsel.

**COUNT I**  
**VIOLATION OF 15 U.S.C. § 1692e(10)**

27. Plaintiff re-alleges Paragraphs 1 through 19.

28. Pursuant to *15 U.S.C. § 1692g(a)*, within 5 days of an initial communication in connection with the collection of a debt or within the initial communication, the Defendant must provide the Plaintiff with:

(a) Notice of debt; contents.

Within five days after the **initial communication with a consumer in connection with the collection of any debt**, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing-

- (1) the amount of the debt;
- (2) the name of the creditor to whom the debt is owed;
- (3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;
- (4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy

of such verification or judgment will be mailed to the consumer by the debt collector; and

- (5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

(emphasis added).

29. *15 U.S.C. § 1692e(10)* states:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

xxxx

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

30. Defendant mailed or caused to be mailed the Letter to Plaintiff that contained the verification notice required to be given to consumers in the initial communication or within 5 days thereof in connection with the collection of a debt.

31. Defendant's Letter also states it "**is not an attempt to collect a debt.**" (emphasis in original).

32. Defendant's Letter is misleading and confusing and therefore in violation of *15 U.S.C. § 1692e(10)* as it contains the verification notice which is only to be given in a communication in connection with the collection of a debt and contains contradictory language stating that Defendant is not attempting to collect a debt. Pursuant to the *FDCPA*, the verification notice is to be given only in the initial communication or within 5 days of the initial communication in connection with the collection of a debt between the debt collector and the consumer.



33. Defendant's Letter is misleading and confusing and therefore in violation *15 U.S.C. § 1692e(10)*, as the statement that Defendant is not attempting to collect a debt is misleading and contradicted by its instruction that the Plaintiff call Defendant to discuss the alleged debt.

34. As a result of Defendant's conduct, Plaintiff and the Class are entitled to an award of statutory damages pursuant to *15 U.S.C. § 1692k*.

35. As a result of Defendant's conduct, Plaintiff and the Class are entitled to an award of costs and attorney's fees pursuant to *15 U.S.C. § 1692k*.

**COUNT II**  
**VIOLATION OF 15 U.S.C. § 1692e(11)**

36. Plaintiff re-alleges Paragraphs 1 through 19 and Paragraphs 27 through 33.

37. Pursuant to *15 U.S.C. § 1692e(11)* the Defendant must disclose to the Plaintiff:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

XXXX

(11) The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and that the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action.

38. Defendant mailed or caused to be mailed the Letter to Plaintiff that acted as an initial communication with regard to the collection of a debt as Defendant included the verification notice required by *15 U.S.C. § 1692g(a)* in the Letter.

39. The verification notice is to be given within 5 days after the initial communication with a consumer in connection with the collection of any debt or within the initial communication itself.

40. Defendant's Letter is the initial communication between Defendant and the consumer Plaintiff. Defendant has violated *15 U.S.C. § 1692e(11)* as Defendant did not include the disclosures required by *15 U.S.C. § 1692e(11)*, by stating "that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose[.]"

41. As a result of Defendant's conduct, Plaintiff and the Class are entitled to an award of statutory damages pursuant to *15 U.S.C. § 1692k*.

42. As a result of Defendant's conduct, Plaintiff and the Class are entitled to an award of costs and attorney's fees pursuant to *15 U.S.C. § 1692k*.

### **JURY DEMAND**

Plaintiff requests a trial by jury.

### **RELIEF REQUESTED**

WHEREFORE, Plaintiff prays for the following relief:

- a. An Order certifying the *FDCPA* matter as a Class Action and appointment of Plaintiff as Class Representative;
  - b. An Order appointing Leo W. Desmond as Class Counsel;
  - c. An award of statutory damages for Plaintiff and the Class pursuant to *15 U.S.C. §1692k* for all Class claims;
  - d. An award of attorney's fees, litigation expenses and costs of the instant suit;
- and

e. Such other and further relief as the Court deems proper.

Dated: March 15, 2017

Respectfully submitted,

By: /s/ Leo W. Desmond  
Leo W. Desmond, Esq.  
DESMOND LAW FIRM, P.C.  
Florida Bar No. 0041920  
5070 Highway A1A  
Suite D  
Vero Beach, Florida 32963  
Telephone: 772.231.9600  
Facsimile: 772.231.0300  
[lwd@desmondlawfirm.com](mailto:lwd@desmondlawfirm.com)  
*Attorney for Plaintiff*

JS 44 (Rev. 07/16) FLSD Revised 07/01/2016

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS Sergio Maximiliano

DEFENDANTS Portfolio Recovery Associates, LLC

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

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

Leo W. Desmond, Desmond Law Firm, P.C. 5070 Highway A1A, Suite D, Vero Beach, FL 32963 772-231-9600

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

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

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

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

- Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State Incorporated and Principal Place of Business In Another State Foreign Nation

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

CONTRACT TORTS FORFEITURE/PENALTY LABOR SOCIAL SECURITY FEDERAL TAX SUITS REAL PROPERTY CIVIL RIGHTS PRISONER PETITIONS IMMIGRATION OTHER STATUTES

V. ORIGIN

- 1 Original Proceeding 2 Removed from State Court 3 Re-filed (See VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation Transfer 7 Appeal to District Judge from Magistrate Judgment 8 Multidistrict Litigation - Direct File 9 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

(See instructions): a) Re-filed Case YES NO b) Related Cases YES NO

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): 15 USC 1692 et seq. Violation of the Fair Debt Collection Practices Act. LENGTH OF TRIAL via 3 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 500,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: YES NO

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE 3/15/17 SIGNATURE OF ATTORNEY OF RECORD Leo W. Desmond PLA # 41920

FOR OFFICE USE ONLY RECEIPT #

AMOUNT IFP JUDGE MAG JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

**VI. Related/Refiled Cases.** This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

**VII. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.**

Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

**VIII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

Sergio Maximiliano

Plaintiff(s)

v.

Portfolio Recovery Associates, LLC

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Portfolio Recovery Associates, LLC
c/o Corporation Service Company (Registered Agent)
1201 Hays Street
Tallahassee, FL 32301

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:

Leo W. Desmond, Esq.
Desmond Law Firm, P.C.
5070 Highway A1A
Suite D
Vero Beach, FL 32963

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

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

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

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



**Portfolio Recovery  
Associates, LLC now owns  
your account**

Capital One Services, LLC  
P.O. Box 30285  
Salt Lake City, UT 84130-0285

December 16, 2016



SERGIO MAXIMILIANO 69678  
6659 ALISO AVE H112  
WEST PALM BEACH, FL 33413

Re: Account Number : 4862368809673981  
Capital One

Dear SERGIO MAXIMILIANO,

We wanted to let you know about a change to your credit card account referenced above. Your credit card account with a balance of \$1,234.23 was acquired by Portfolio Recovery Associates, LLC on or about December 15, 2016. Portfolio Recovery Associates, LLC now owns your account and may contact you either directly or through an affiliate or third party.

If you have any questions about your account, please contact Portfolio Recovery Associates, LLC at:

Portfolio Recovery Associates, LLC  
1-800-772-1413  
PO Box 12914

Norfolk, VA 23541

Sincerely,  
Capital One®

**THIS LETTER IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT AN ATTEMPT TO COLLECT A DEBT.**

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69678

07 161216 PAGE 00001 OF 00001

0-8 COLR153D 6056 5003 204





**Portfolio Recovery Associates, LLC**



January 10, 2017

Account Number: 4862368809673981

www.portfoliorecovery.com

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

ORIGINAL CREDITOR: CAPITAL ONE BANK (USA) N.A.

Current Creditor: PORTFOLIO RECOVERY ASSOCIATES, LLC

Balance: \$1,234.23

The purpose of this letter is to advise you that PORTFOLIO RECOVERY ASSOCIATES, LLC purchased the account referenced above on 12/20/2016. If you have any questions concerning this account, please direct all future communications to us at the address below:

PORTFOLIO RECOVERY ASSOCIATES, LLC  
P.O. Box 12914  
Norfolk, VA 23541

**Call our toll free number 1-800-772-1413 to discuss your account.**

Hours of Operation (EST): 8 AM to 11 PM Mon.-Fri., 8 AM to 8 PM Sat., 11 AM to 10 PM Sun.

**We're also available by e-mail** at [help@portfoliorecovery.com](mailto:help@portfoliorecovery.com).

PORTFOLIO RECOVERY ASSOCIATES, LLC

PORTFOLIO RECOVERY ASSOCIATES, LLC purchased this account on 12/20/2016. 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, but is not an attempt to collect a debt.**

**Notice: See Reverse Side for Important Information**

DEPT 922 2161015017018  
PO BOX 4115  
CONCORD CA 94524



Account Number: 4862368809673981

ADDRESS SERVICE REQUESTED

#BWNFTZF #9222161015017018#



SERGIO MAXIMILIANO  
6659 ALISO AVE  
WEST PALM BEACH FL 33413-1035

001E





**COMPANY ADDRESS:** PORTFOLIO RECOVERY ASSOCIATES, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

**DISPUTES CORRESPONDENCE ADDRESS:** PORTFOLIO RECOVERY ASSOCIATES, LLC Disputes Department, 140 Corporate Boulevard, Norfolk, VA 23502

**DISPUTES DEPARTMENT E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

**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](mailto: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.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Portfolio Recovery Associates Facing FDCA Lawsuit](#)

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