

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<p>Elizabeth McRobie, <i>on behalf of herself and all others similarly situated</i>,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>Credit Protection Association,</p> <p style="text-align: center;">Defendant.</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>Civil Action No.: _____</p> <p style="text-align: center;"><b>COMPLAINT</b></p>
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For this Class Action Complaint, the Plaintiff, Elizabeth McRobie, by and through her undersigned counsel, pleading on her own behalf and on behalf of others similarly situated, states as follows:

**INTRODUCTION**

1. Plaintiff, Elizabeth McRobie (“Plaintiff”), brings this class action for damages arising from the unlawful, predatory debt collection practices engaged in by Defendant Credit Protection Association (“Defendant” or “CPA”).
2. The Fair Debt Collection Practices Act (the “FDCPA”), 15 U.S.C. § 1692f(7) makes “Communicating with a consumer regarding a debt by post card” an “unfair or unconscionable means to collect or attempt to collect any debt.”
3. Nevertheless, CPA sent Plaintiff, and thousands of other individuals, postcards in an attempt to collect consumer debts in flagrant violation of the FDCPA.
4. The postcards stated “COLLECTION ALERT!” and prominently displayed that the postcards came from “Credit Protection Association” and that “This is an attempt to collect a debt by a collection agency and any information obtained will be used for that purpose.”

5. In addition, the postcards included the consumer's name, the identity of the original creditor, the balance allegedly owed and a reference number.

6. As a consumer who received one of CPA's illegal postcards, Plaintiff sues CPA for its FDCPA violations individually and on behalf of all others similarly situated.

### **JURISDICTION AND VENUE**

7. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331. *Mims v. Arrow Fin. Serv., LLC*, 132 S. Ct. 740, 751-53 (2012).

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391, because Plaintiff resides in this District and because a substantial part of the events giving rise to the claim occurred in this District.

### **PARTIES**

9. Plaintiff is, and at all times mentioned herein was, an adult individual residing in Lititz, Pennsylvania

10. Defendant CPA is a Texas corporation headquartered at 13355 Noel Road, 21st Floor, Dallas, Texas 75240.

### **ALLEGATIONS APPLICABLE TO PLAINTIFF**

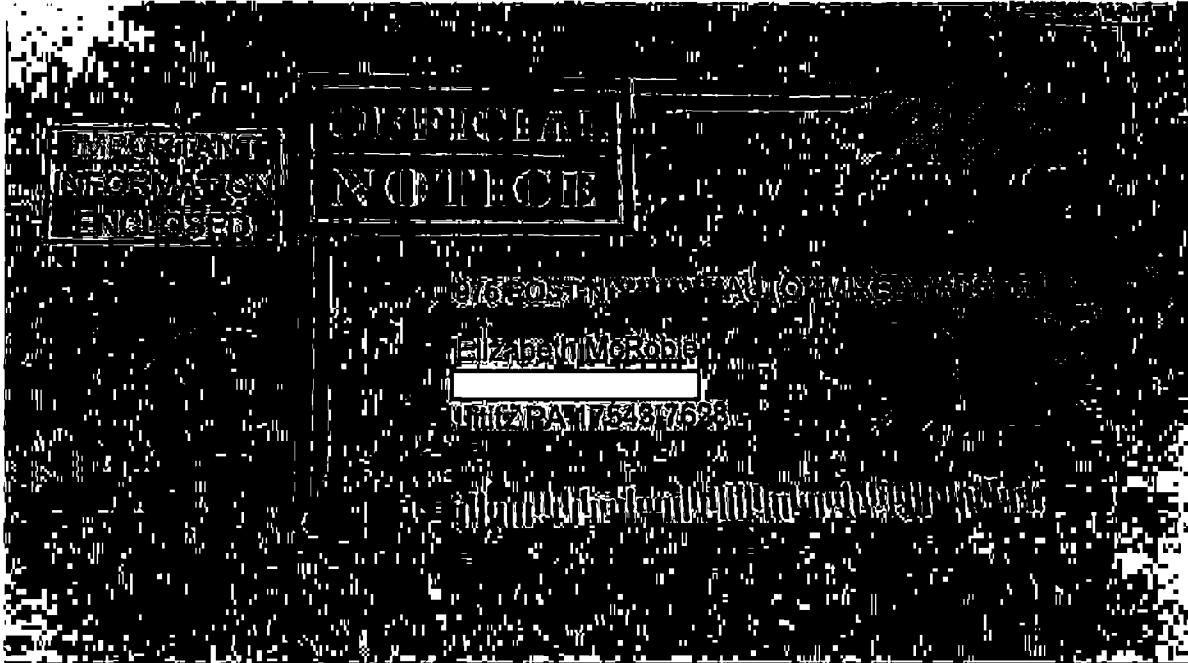
11. Plaintiff incurred an alleged debt (the "Debt") to MetroCast Communications (the "Original Creditor").

12. The Debt meets the definition of a "debt" under 15 U.S.C. § 1692a(5).

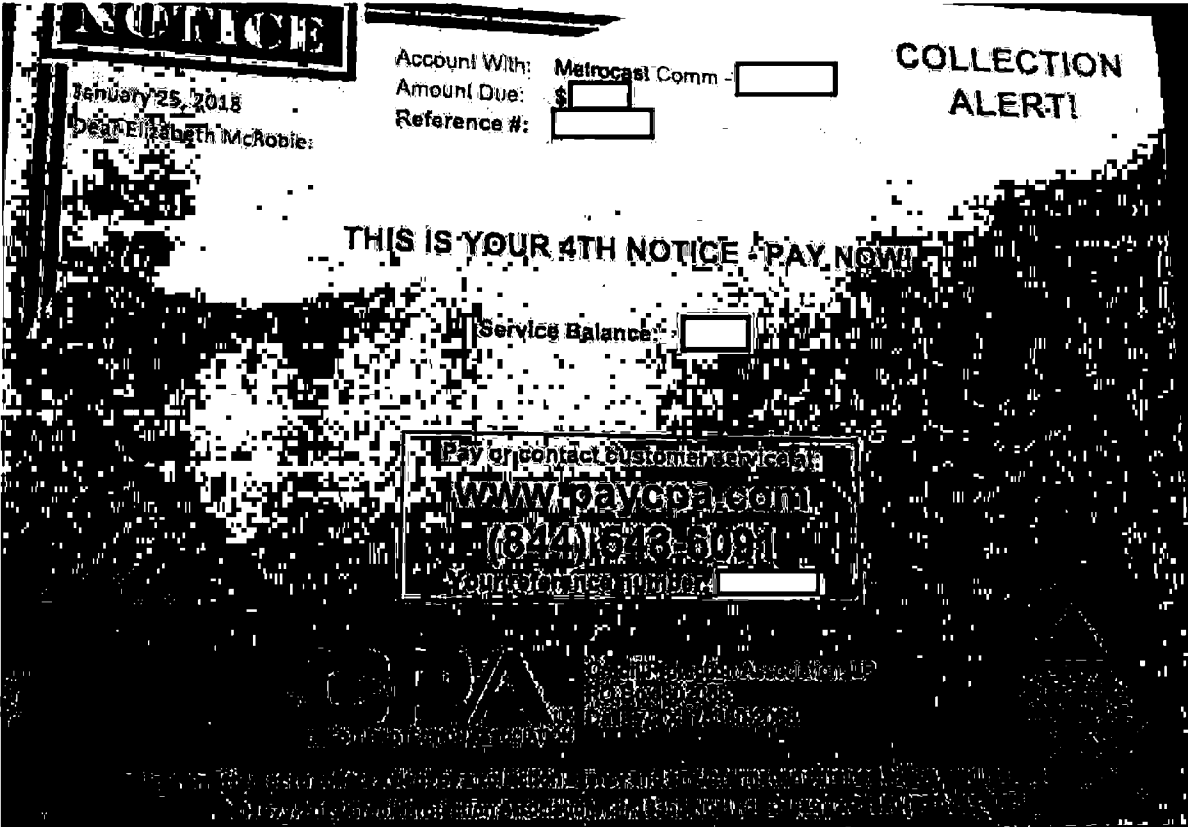
13. Thereafter, the Original Creditor sold the Debt to CPA or otherwise enlisted CPA to collect the Debt on its behalf.

14. On January 25, 2018, CPA sent Plaintiff a postcard in an attempt to collect the Debt (the "Postcard").

15. The front of the Postcard displayed the following:



16. The back of the Postcard displayed the following:



17. Upon opening her mail and seeing the Postcard, Plaintiff was extremely embarrassed and concerned that her personal and financial information was displayed for the public to see.

### **CLASS ACTION ALLEGATIONS**

#### **A. The Class**

18. Plaintiff brings this case as a class action pursuant to Fed. R. Civ. P. 23 on behalf of herself and all others similarly situated.

19. Plaintiff represents, and is a member of the following class (the "Class"):

**All natural persons to whom CPA mailed a postcard, substantially similar to the Postcard sent to Plaintiff, in an attempt to collect a debt, where the postcard was not returned as undeliverable.**

20. Defendant and its employees or agents are excluded from the Class. Plaintiff does not know the number of members in the Class, but believes the class members number in the several thousands, if not more. Thus, this matter should be certified as a class action to assist in the expeditious litigation of this matter.

#### **B. Numerosity**

21. Upon information and belief, Defendant sent postcards substantially similar to the Postcard it sent Plaintiff, to thousands of consumers across the country. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

22. The exact number and identities of the Class members are unknown at this time and can only be ascertained through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant's records.

#### **C. Common Questions of Law and Fact**

23. There are questions of law and fact common to the Class that predominate over any questions affecting only individual Class members. These questions include:

- a. Whether Defendant's practice of transmitting communications to consumers in the form of the Postcard violates the FDCPA;
- b. Whether Defendant is liable for damages, and the amount of such damages; and
- c. Whether Defendant should be enjoined from such conduct in the future.

24. The common questions in this case are capable of having common answers. If Plaintiff's claim that Defendant's transmission of the Postcard to Plaintiff and numerous other consumers violated the FDCPA, then Plaintiff and the Class members will have identical claims capable of being efficiently adjudicated and administered in this case.

**D. Typicality**

25. Plaintiff's claims are typical of the claims of the Class members, as they are all based on the same factual and legal theories.

**E. Protecting the Interests of the Class Members**

26. Plaintiff will fairly and adequately protect the interests of the Class and has retained counsel experienced in handling class actions and claims involving unlawful business practices. Neither Plaintiff nor his counsel has any interests which might cause them not to vigorously pursue this action.

**F. Proceeding Via Class Action is Superior and Advisable**

27. A class action is superior to other available methods for the fair and efficient adjudication of the controversy. Congress specifically provided, at 15 U.S.C. 1692k, for the commencement of class actions as a principal means of enforcing the FDCPA.

28. Absent a class action, most members of the class would find the cost of litigating their claims to be prohibitive and, therefore, would have no effective remedy at law.

29. The members of the class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class action.

30. The class treatment of common questions of law and fact is also superior to multiple individual actions or piecemeal litigation in that it conserves the resources of the court and the litigants and promotes consistency and efficiency of adjudication.

31. Prosecution of separate actions could result in inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for Defendant and other debt collectors. Conversely, adjudications with respect to individual class members would be dispositive of the interest of all other class members.

32. The amount of money at issue is such that proceeding by way of a class action is the only economical and sensible manner in which to vindicate the injuries sustained by Plaintiff and the other members of the Class.

**COUNT I**  
**VIOLATION OF THE FDCPA, 15 U.S.C. § 1692f(7)**

33. Plaintiff repeats and realleges the above paragraphs of this Complaint and incorporates them herein by reference.

34. The FDCPA, 15 U.S.C. § 1692f(7) provides that “A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section . . . (7) Communicating with a consumer regarding a debt by post card.”

35. Defendant sent Plaintiff, and numerous other individuals across the country, postcards regarding a debt.

36. By virtue of the foregoing, Plaintiff is entitled to recover damages as prayed for herein.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff prays that judgment be entered against Defendant:

1. Awarding statutory damages as provided under the FDCPA, pursuant to 15 U.S.C. § 1692k;
2. Awarding reasonable attorney's fees, litigation expenses and costs incurred pursuant to 15 U.S.C. § 1692k(a)(3); and
3. Such other and further relief as the Court deems just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: February 6, 2018

Respectfully submitted,

By   
\_\_\_\_\_

Sergei Lemberg  
LEMBERG LAW, L.L.C.  
43 Danbury Road, 3rd Floor  
Wilton, CT 06897  
Telephone: (203) 653-2250  
Facsimile: (203) 653-3424  
Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

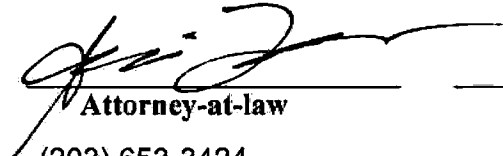
**CASE MANAGEMENT TRACK DESIGNATION FORM**

Elizabeth McRobie, <i>on behalf of herself and all others similarly situated,</i>	:	CIVIL ACTION
v.	:	
Credit Protection Association,	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>02/06/2018</u>		<u>Plaintiff</u>
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
<u>(203) 653-2250</u>	<u>(203) 653-3424</u>	<u>slemberg@lemborglaw.com</u>
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>



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

Elizabeth McRobie, on behalf of herself and all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Lemberg Law, LLC. 43 Danbury Road Wilton, Connecticut 06897; (203) 653-2250

DEFENDANTS

Credit Protection Association,

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

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

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

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

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 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)

Click here for: Nature of Suit Code Descriptions

Table with multiple columns listing various legal categories such as Insurance, Personal Injury, Personal Property, Habeas Corpus, and other civil actions.

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, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. § 1692f(7)

Brief description of cause: VIOLATION OF THE FDPA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 10,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 02/06/2018

SIGNATURE OF ATTORNEY OF RECORD

Handwritten signature of attorney

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 127 Pennwick Drive Lititz, Pennsylvania 17543

Address of Defendant: 13355 Noel Road, 21st Floor, Dallas, Texas 75240

Place of Accident, Incident or Transaction: County of Lancaster  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes  No

Does this case involve multidistrict litigation possibilities? Yes  No

RELATED CASE, IF ANY:  
Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes  No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes  No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes  No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes  No

CIVIL: (Place  in ONE CATEGORY ONLY)

- |   |   |
|---|---|
| <p>A. Federal Question Cases:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Indemnity Contract, Marine Contract, and All Other Contracts</li> <li>2. <input type="checkbox"/> FELA</li> <li>3. <input type="checkbox"/> Jones Act-Personal Injury</li> <li>4. <input type="checkbox"/> Antitrust</li> <li>5. <input type="checkbox"/> Patent</li> <li>6. <input type="checkbox"/> Labor-Management Relations</li> <li>7. <input type="checkbox"/> Civil Rights</li> <li>8. <input type="checkbox"/> Habeas Corpus</li> <li>9. <input type="checkbox"/> Securities Act(s) Cases</li> <li>10. <input type="checkbox"/> Social Security Review Cases</li> <li>11. <input checked="" type="checkbox"/> All other Federal Question Cases<br/>(Please specify) <u>Consumer Credit</u></li> </ol> | <p>B. Diversity Jurisdiction Cases:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Insurance Contract and Other Contracts</li> <li>2. <input type="checkbox"/> Airplane Personal Injury</li> <li>3. <input type="checkbox"/> Assault, Defamation</li> <li>4. <input type="checkbox"/> Marine Personal Injury</li> <li>5. <input type="checkbox"/> Motor Vehicle Personal Injury</li> <li>6. <input type="checkbox"/> Other Personal Injury (Please specify)</li> <li>7. <input type="checkbox"/> Products Liability</li> <li>8. <input type="checkbox"/> Products Liability — Asbestos</li> <li>9. <input type="checkbox"/> All other Diversity Cases<br/>(Please specify) _____</li> </ol> |
|---|---|

ARBITRATION CERTIFICATION  
(Check Appropriate Category)

I, Sergei Lemberg, counsel of record do hereby certify:  
 Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;  
 Relief other than monetary damages is sought.

DATE: 02/06/2018 \_\_\_\_\_ 317359  
Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 02/06/2018 \_\_\_\_\_ 317359  
Attorney-at-Law Attorney I.D.#

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Credit Protection Association Sued After Allegedly Sending Consumers Debt Collection Postcards](#)

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