

**BARSHAY SANDERS, PLLC**  
100 Garden City Plaza, Suite 500  
Garden City, New York 11530  
Tel: (516) 203-7600  
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Email: *ConsumerRights@BarshaySanders.com*  
*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

Keyla Mesch and Victor Adams, individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

Third Round, L.P., Second Round, L.P. and Second Round Sub, LLC,

Defendants.

Docket No:

**COMPLAINT**

**JURY TRIAL DEMANDED**

BARSHAY | SANDERS<sup>PLLC</sup>  
100 GARDEN CITY PLAZA, SUITE 500  
GARDEN CITY, NEW YORK 11530

Keyla Mesch and Victor Adams, individually and on behalf of all others similarly situated (hereinafter referred to as “*Plaintiffs*”), by and through the undersigned counsel, complain, state and allege against Third Round, L.P., Second Round, L.P. and Second Round Sub, LLC, (hereinafter referred to collectively as “*Defendants*”), 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.

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

### **PARTIES**

5. Plaintiff Keyla Mesch is an individual who is a citizen of the State of New York residing in Nassau County, New York.

6. Plaintiff Victor Adams is an individual who is a citizen of the State of New York residing in New York County, New York.

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

8. On information and belief, Defendant Third Round, L.P., is a Texas Limited Partnership with a principal place of business in Travis County, Texas.

9. On information and belief, Defendant Second Round, L.P., is a Texas Limited Partnership with a principal place of business in Travis County, Texas.

10. On information and belief, Defendant Second Round Sub, LLC, is a Texas Limited Liability Company with a principal place of business in Travis County, Texas.

11. Defendants are regularly engaged, for profit, in the collection of debts allegedly owed by consumers, and are “debt collectors” as defined by 15 U.S.C. § 1692a(6).

### **ALLEGATIONS**

12. Defendants allege Plaintiffs owe a debt (“the Debts”).

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

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

15. Thereafter, at an exact time known only to Defendants, the debt was assigned or otherwise transferred to Defendants for collection.

16. In their efforts to collect the debt allegedly owed by Plaintiff Mesch, Defendants Third Round, L.P. and Second Round Sub, LLC contacted Plaintiff Mesch by letter (“the Mesch Letter”) dated November 16, 2017. (“**Exhibit 1.**”)

17. In their efforts to collect the debt allegedly owed by Plaintiff Adams, Defendants Third Round, L.P. and Second Round, L.P. contacted Plaintiff Adams by letter (“the Adams Letter”) dated January 18, 2018. (“**Exhibit 2.**”)

18. The letters are “communications” as defined by 15 U.S.C. § 1692a(2).

19. The letters are materially identical as related to Plaintiffs' claims.

20. 15 U.S.C. § 1692e prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt.

21. While § 1692e specifically prohibits certain practices, the list is non-exhaustive, and does not preclude a claim of falsity or deception based on any non-enumerated practice.

22. The question of whether a collection letter is deceptive is determined from the perspective of the "least sophisticated consumer."

23. A collection letter is deceptive under 15 U.S.C. § 1692e if it can reasonably be read by the least sophisticated consumer to have two or more meanings, one of which is inaccurate.

24. A collection letter is also deceptive under 15 U.S.C. § 1692e if it is reasonably susceptible to an inaccurate reading by the least sophisticated consumer.

25. For purposes of 15 U.S.C. § 1692e, the failure to clearly and accurately identify the creditor to whom the debt is owed is unfair and deceptive to the least sophisticated consumer.

26. The identity of creditor to whom the debt is owed is a material piece of information to a consumer.

27. Knowing the identity of creditor to whom the debt.

28. A debt collector has the obligation not just to convey the name of the creditor to whom the debt is owed, but also to convey such clearly.

29. A debt collector has the obligation not just to convey the name of the creditor to whom the debt is owed, but also to state such explicitly.

30. Even if a debt collector conveys the required information, the debt collector nonetheless violates the FDCPA if it conveys that information in a confusing or contradictory fashion so as to cloud the required message with uncertainty.

31. When determining whether the name of the creditor to whom the debt is owed has been conveyed clearly, an objective standard, measured by how the "least sophisticated consumer" would interpret the notice, is applied.

32. The Mesch Letter identifies Defendant Second Round Sub, LLC as the "Current Creditor."

33. The Adams Letter identifies Defendant Second Round, LP as the "Current Creditor."

34. Both letters are on letterhead that references only “SECONDRound.”

35. Both letters state “Third Round L.P. is excited to offer you 2 money saving options to take care of this account.”

36. The Mesch Letter contains no explanation as to Defendant Third Round L.P.’s relationship to Defendant Second Round Sub, LLC.

37. The Adams Letter contains no explanation as to Defendant Third Round L.P.’s relationship to Defendant Second Round, LP.

38. Neither letter contains an explanation of Defendant Third Round L.P.’s relationship to Plaintiffs’ debts.

39. The least sophisticated consumer would likely be uncertain as to whether payment to Defendant Third Round L.P., as requested, would resolve her debt with Defendant Second Round Sub, LLC.

40. The least sophisticated consumer would likely be uncertain as to whether payment to Defendant Third Round L.P., as requested, would resolve her debt with Defendant Second Round, LP.

41. The least sophisticated consumer would likely be confused as to whether the creditor to whom the debt is owed is Defendant Third Round L.P., or Defendant Second Round, LP, or Defendant Second Round Sub, LLC.

42. The least sophisticated consumer would likely be uncertain as to whether the creditor to whom the debt is owed is Defendant Third Round L.P., or Defendant Second Round, LP, or Defendant Second Round Sub, LLC.

43. Defendants failed to explicitly state the name of the creditor to whom the debt is owed.

44. Defendants failed to clearly state the name of the creditor to whom the debt is owed.

45. The least sophisticated consumer would likely be confused as to the name of the creditor to whom the debt is owed.

46. The least sophisticated consumer would likely be uncertain as to the name of the creditor to whom the debt is owed.

47. Because the Letter can reasonably be read by the least sophisticated consumer to have two or more meanings, one of which is inaccurate, as described, it is deceptive within the

meaning of 15 U.S.C. § 1692e.

48. Because the Letter is reasonably susceptible to an inaccurate reading by the least sophisticated consumer, as described, it is deceptive within the meaning of 15 U.S.C. § 1692e.

49. The least sophisticated consumer would likely be deceived by the Letter.

50. The least sophisticated consumer would likely be deceived in a material way by the Letter.

51. Defendants violated § 1692e by using a false, deceptive and misleading representation in its attempt to collect a debt.

### **CLASS ALLEGATIONS**

52. 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 Defendants attempted to collect a consumer debt using a collection letter substantially similar to the letters used herein, from one year before the date of this Complaint to the present.

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

54. Defendants regularly engage in debt collection.

55. The Class consists of more than 35 persons from whom Defendants attempted to collect delinquent consumer debts using a collection letter substantially similar to the letters used herein.

56. 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.

57. 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. Defendants have acted in a manner applicable to the Class as a whole such that

declaratory relief is warranted.

58. 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 Defendants' 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**

59. 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 Representative of the Class, and Plaintiffs' attorneys as Class Counsel; and
- c. Find that Defendants' actions violate the FDCPA; and
- d. Grant damages against Defendants 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.

DATED: September 10, 2018

**BARSHAY SANDERS, PLLC**

By:     /s/ Craig B. Sanders      
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.: 116155


BARSHAY | SANDERS<sup>PLLC</sup>  
100 GARDEN CITY PLAZA, SUITE 500  
GARDEN CITY, NEW YORK 11530


PO Box 1259  
 Dept. 137267  
 Oaks, PA 19456



Date	11/16/2017
Reference #	7097
Balance	\$560.05
Payment Amount	

Pay Online: <http://payments.second-round.com>  
 Pay By Phone: (866) 950-6357  
 Hours of Operation (CST):  
 Mon.-Thur. 8:00 AM - 6:00 PM  
 Fri. 8:00 AM - 5:00 PM

 002982  
 KEYLA MESCH  
 231 GARDINERS AVE  
 LEVITTOWN NY 11756-3727

 PO Box 41955  
 Austin, TX 78704  


Balance	Principal		Original Account Number
\$560.05	\$560.05		XXXXXXXXXXXX7921
Current Creditor	Original Creditor	Account Name	
Second Round Sub, LLC	Synchrony Bank fka GE Capital Retail	Home Design - NHFA	

Dear KEYLA MESCH,

Third Round L.P. is excited to offer you 2 money saving options to take care of this account.

Monthly Payments	One Payment
Payment Amount \$75.00	Payment Amount \$280.02
Number of Payments 5	Number of Payments 1
1st Payment Due Date 11/29/2017	Due Date 11/29/2017
Savings Amount \$185.05	Savings Amount \$280.02

We believe most people prefer to satisfy their past financial obligations. We also understand that times are tough and it can be difficult to pay the full amount owed. Because of this, we work directly with our clients and creditors to negotiate the best possible deal for you and to help you satisfy your account in an affordable manner.

Taking care of this account will put an end to the calls and letters attempting to collect this account. Keep in mind, we are not obligated to renew or extend this offer in the future.

How can you take advantage of this offer?

1. You can mail a check or money order for the first payment of \$75.00. We will then send out a payment coupon book for the remaining payments; or
2. You can call us at 866-950-6357 during our normal business hours; our friendly representatives can set up your payments over the phone using a variety of payment methods. You can also call to discuss alternate payment arrangements.

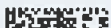
We may report information about your account to credit bureaus. This information may already appear on your credit report.

**This is a communication from a debt collector and is an attempt to collect a debt.  
 Any information obtained will be used for that purpose.**

**NOTICE: SEE REVERSE SIDE FOR IMPORTANT CONSUMER RIGHTS**

1701 Directors Blvd, Ste. 900, Austin, TX 78744

129074-54-2920





**New York:**

We are authorized by the city of New York Dept. of Consumer Affairs: License # 1365096.

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, obscene or profane language, and 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, Public assistance (welfare), Spousal support, maintenance (alimony) or child support, Unemployment benefits, Disability benefits, Workers' compensation benefits, Public or private pensions, Veterans' benefits, Federal student loans, federal student grants, and federal work study funds, and Ninety percent of your wages or salary earned in the last sixty days.

PO Box 1259  
Dept. 137267  
Oaks, PA 19456



Reference #

1001

Balance

\$311.03

Payment Amount

Pay Online: <http://payments.second-round.com>  
Pay By Phone: (866) 950-6357  
Hours of Operation (CST):  
Mon.-Thur. 8:00 AM - 6:00 PM  
Fri. 8:00 AM - 5:00 PM



013594

VICTOR ADAMS  
302 W 150TH ST APT 1A  
NEW YORK NY 10039-2247



PO Box 41955  
Austin, TX 78704



Balance

Principal

Original Account Number

\$311.03

\$311.03

XXXXXXXXXXXX1094

Current Creditor

Original Creditor

Account Name

Second Round, LP

Synchrony Bank

Walmart Credit Card

Dear VICTOR ADAMS,

Third Round L.P. is excited to offer you 2 money saving options to take care of this account.

Monthly Payments		One Payment	
Payment Amount	\$25.00	Payment Amount	\$233.27
Number of Payments	12	Number of Payments	1
1st Payment Due Date	01/30/2018	Due Date	01/30/2018
Savings Amount	\$11.03	Savings Amount	\$77.76

We believe most people prefer to satisfy their past financial obligations. We also understand that times are tough and it can be difficult to pay the full amount owed. Because of this, we work directly with our clients and creditors to negotiate the best possible deal for you and to help you satisfy your account in an affordable manner.

Taking care of this account will put an end to the calls and letters attempting to collect this account. Keep in mind, we are not obligated to renew or extend this offer in the future.

How can you take advantage of this offer?

1. You can mail a check or money order for the first payment of \$25.00. We will then send out a payment coupon book for the remaining payments; or
2. You can call us at 866-950-6357 during our normal business hours; our friendly representatives can set up your payments over the phone using a variety of payment methods. You can also call to discuss alternate payment arrangements.

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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: KEYLA MESCH; (b) County of Residence of First Listed Plaintiff: NASSAU; (c) Attorneys: BARSHAY SANDERS, PLLC; DEFENDANTS: SECOND ROUND SUB, LLC; County of Residence of First Listed Defendant: TRAVIS; NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

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); O 1 U.S. Government Plaintiff; O 2 U.S. Government Defendant; O 3 Federal Question; O 4 Diversity; Citizen of This State; Citizen of Another State; Citizen or Subject of a Foreign Country; PTF DEF; O 1 O 1; O 2 O 2; O 3 O 3; PIF DEF; O 4 O 4; O 5 O 5; O 6 O 6

IV. NATURE OF SUIT (Place an "X" in One Box Only); CONTRACT; REAL PROPERTY; TORTS; CIVIL RIGHTS; PRISONER PETITIONS; FORFEITURE/PENALTY; LABOR; IMMIGRATION; BANKRUPTCY; SOCIAL SECURITY; FEDERAL TAX SUITS; OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only); O 1 Original Proceeding; O 2 Removed from State Court; O 3 Remanded from Appellate Court; O 4 Reinstated or Reopened; O 5 Transferred from Another District (specify); O 6 Multidistrict Litigation - Transfer; O 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; Brief description of cause: 15 USC §1692 Fair Debt Collection Practices Act Violation

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 O No

VIII. RELATED CASE(S) IF ANY; JUDGE; DOCKET NUMBER

DATE: September 10, 2018; SIGNATURE OF ATTORNEY OF RECORD: /s Craig Sanders

FOR OFFICE USE ONLY; RECEIPT #; AMOUNT; APPLYING IFP; JUDGE; MAG. JUDGE

**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.

Case is Eligible for Arbitration

I, \_\_\_\_\_, counsel for \_\_\_\_\_, 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,
- the complaint seeks injunctive relief,
- 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 of 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?  Yes  No
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County?  Yes  No
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District?  Yes  No
  - c) If this is a Fair Debt Collection Practice Act case, specific the County in which the offending communication was received: NASSAU

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?  Yes  No

(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.  Yes  No

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

Keyla Mesch and Victor Adams, individually and on behalf of all others similarly situated,

Plaintiff(s)

v.

Third Round, L.P., Second Round, L.P. and Second Round Sub, LLC,,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To:(Defendant's name and address)

Second Round Sub, LLC
NATIONAL CORPORATE RESEARCH, LTD.
10 EAST 40TH STREET 10TH FLOOR
NEW YORK, NEW YORK, 10016

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

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

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF NEW YORK

Keyla Mesch and Victor Adams, individually and on behalf of all others similarly situated,

Plaintiff(s)

v.

Third Round, L.P., Second Round, L.P. and Second Round Sub, LLC,,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To:(Defendant's name and address)

Third Round, L.P.
c/o LARRY VASBINDER
817 THE HIGH ROAD
AUSTIN, TX 78746

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

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

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF NEW YORK

Keyla Mesch and Victor Adams, individually and on behalf of all others similarly situated,

Plaintiff(s)

v.

Third Round, L.P., Second Round, L.P. and Second Round Sub, LLC,,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To:(Defendant's name and address)

Second Round, L.P.
817 The High Road
Austin, Texas 78746

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





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

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 \$ \_\_\_\_\_ .

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:

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Consumers File Suit Against Three Texas Debt Collectors Over Allegedly Misleading Letters](#)

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