

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ DEC 27 2017 ★

LONG ISLAND OFFICE

Gary Murphy on behalf of himself
and all others similarly situated,

No.

Plaintiff,

v.

CLASS ACTION

CV-17 7537

HF Holdings, Inc, Basil Hamdam, and
Mineola Medical Lab, LLC

Jury Demanded

Defendant.

BIANCO, J.

LOCKE, M. J.

Complaint for
Violations of the Fair Debt Collection Practices Act and
New York General Business Law

1. Plaintiff Gary Murphy ("Plaintiff" or "Murphy") files this Complaint seeking redress for the illegal practices of Defendants in connection with the collection of a medical debt allegedly owed by Plaintiff in violation of the Fair Debt Collection Practices Act, ("FDCPA"), 15 U.S.C. § 1692, *et seq.* and the New York General Business Law.

Parties

2. Plaintiff Gary Murphy is a citizen of New York State who resides within this District.
3. Plaintiff is a "consumer" as that term is defined by FDCPA § 1692a(3).
4. The alleged debt of Plaintiff is a "debt" as defined by 15 U.S.C. § 1692a in that it is a debt alleged to be owed for personal, family, or household services.
5. The alleged debt was for the purchase of household and personal products and no part of the alleged debt was incurred for business related items or services. The alleged debt was allegedly incurred for a medical test.

6. Defendants HF Holdings, Inc. is a debt collector regularly engaged in the collection of debts allegedly due to others, as defined by the FDCPA § 1692a(6), in that they are directly or indirectly collecting debts.

7. Defendant Basil Hamdam (Hamdam) is the owner and President of HF Holdings, Inc. Basil Hamdam was engaged in the actions that led to the violation of the FDCPA as alleged herein. Hamdam approved, adopted and/or ratified the illegal actions alleged in this matter in that he was personally involved in the training of personnel to engage in the day to day operations of the business. As such, he would have created, approved, and/or ratified the letter at issue in this matter. Additionally, HF Holdings, Inc. has been sued numerous times for violating the FDCPA, but chooses to default. As owner and President, Mr. Hamdam is, or should be, aware that his company is violating the FDCPA, but is not correcting their practices. Mr. Hamdam is a debt collector as defined by the FDCPA 1692a(6) in that he is directly or indirectly collecting debts on a regular basis.

8. Defendant Mineola Medical Lab, LLC is an original creditor who hired HF Holdings, Inc. to collect an alleged debt.

Jurisdiction and Venue

9. This Court has federal question jurisdiction pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k(d).

10. This Court has supplemental jurisdiction for the Plaintiff's claims under the New York General Business Law pursuant to 28 U.S.C. §§ 1367.

11. Declaratory relief is available under 28 U.S.C. §§ 2201 and 2202.

12. Venue is proper in this district under 28 U.S.C. § 1391(b), as the acts and transactions that give rise to this action occurred, in substantial part, in this district. Venue is also proper in this district since Defendants reside and transact business in this district.

Factual Allegations

13. Defendant Mineola Medical Lab, LLC alleges that the Plaintiff owed them \$20.00. Plaintiff disputes this.

14. Defendant Mineola Medical Lab, LLC hired HF Holdings and Hamdam to help them collect the alleged debt.

15. Plaintiff contends that he did not have any business with Mineola Medical and never agreed to pay any money for services by Mineola Medical. Plaintiff contends that he did not owe Mineola Medical any money.

16. On or about October 10, 2017 the Defendants sent the Plaintiff the letter attached as Exhibit A hereto.

17. Plaintiff received Exhibit A.

18. Exhibit A seeks to collect \$20.00 for the alleged debt that is not owed.

19. Exhibit A falsely threatens an imminent lawsuit.

20. Exhibit A falsely indicates that interest is accruing.

21. Exhibit A does not explain what interest is accruing as required by *Avila v. Riexinger & Assocs., LLC*, 817 F.3d 72 (2d Cir. N.Y. 2016); *Carlin v. Davidson Fink LLP*, 852 F.3d 207, 215-17 (2d Cir. 2017).

22. Exhibit A does not properly indicate the amount of the debt.

23. Exhibit A falsely indicates that the Plaintiff will be responsible for attorney fees, and court costs if the debt is not settled immediately.

24. Exhibit A fails to provide the notice required by 15 USC 1692g(a) in that the language in the letter indicates that negative consequences will befall the Plaintiff if the debt is not settled “immediately.” The language of the letter overshadows the provision of the language required by 15 USC 1692g.

25. On or about November 25, 2017 the Defendants sent the Plaintiff the letter attached as Exhibit B hereto.

26. Plaintiff received Exhibit B.

27. Exhibit B seeks to collect \$20.00 for the alleged debt that is not owed.

28. Exhibit B falsely threatens an imminent lawsuit.

29. Exhibit B falsely indicates that interest is accruing.

30. Exhibit B does not explain what interest is accruing as required by *Avila v. Riexinger & Assocs., LLC*, 817 F.3d 72 (2d Cir. N.Y. 2016); *Carlin v. Davidson Fink LLP*, 852 F.3d 207, 215-17 (2d Cir. 2017).

31. Exhibit B does not properly indicate the amount of the debt.

32. Exhibit B falsely indicates that the Plaintiff will be responsible for attorney fees, and court costs if the debt is not settled immediately.

33. Exhibit B falsely threatens to report the debt to credit reporting bureaus.

34. Exhibit B falsely indicates that the reporting of the alleged debt will damage Plaintiff’s credit rating.

35. Exhibit A is a form letter.

36. Exhibit B is a form letter.

37. Upon information and belief, Defendant sent form letters containing language substantially similar or materially identical to that contained in Exhibit A to hundreds of consumers.

38. Upon information and belief, Defendant sent form letters containing language substantially similar or materially identical to that contained in Exhibit B to hundreds of consumers.

39. Exhibits A and B falsely indicate that the Plaintiff is indebted to Mineola Medical.

40. Upon information and belief Mineola Medical has caused to be sent hundreds of such letters to consumers, similarly alleging falsely that a debt is owed to Mineola Medical.

Class Action Allegations

41. Under Federal Rule of Civil Procedure 23, a class action is appropriate and preferable in this case because:

- a. Based on the fact that the collection letter at the heart of this litigation is a mass-mailed form letters, the class is so numerous that joinder of all members is impractical.
- b. There are questions of law and fact common to the class that predominate over any questions affecting only individual class members. These common questions include whether Exhibit A and/or Exhibit B violates the FDCPA and the New York General Business Law.
- c. The claims of Plaintiff are typical of the class members' claims. All are based on the same facts and legal theories. The only individual issue is the identification of the consumers who received the letter, (*i.e.*, the class members), which is a matter capable of ministerial determination from the Defendants' records.
- d. Plaintiff will fairly and adequately represent the class members' interests. All claims are based on the same facts and legal theories, and Plaintiff's interests are consistent with the interests of the class.

- e. Plaintiff has retained counsel experienced in bringing class actions and collection abuse claims.

42. A class action is superior for the fair and efficient adjudication of the class members' claims.

43. Congress specifically envisions class actions as a principal means of enforcing the FDCPA. *See* 15 U.S.C. § 1692k.

44. The class members are generally unsophisticated individuals unaware of the protections afforded them by the FDCPA, which rights will not be vindicated in the absence of a class action.

45. Prosecution of separate actions by individual members of the classes would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties and would not be in the interest of judicial economy.

46. If the facts are discovered to be appropriate, Plaintiff will seek to certify two classes under Rule 23(b)(3) of the Federal Rules of Civil Procedure.

Class One – Claims under the Fair Debt Collection Practices Act

47. This Count is brought pursuant to the FDCPA against Defendants HF Holdings and Hamdam, by Plaintiff, individually, and on behalf of a class that, according to Defendants' records, consists of: (a) all individuals who have mailing addresses within the United States; and (b) within one year before the filing of this action; (c) were sent a collection letter in a form materially identical or substantially similar to Exhibit A and/or Exhibit B attached to Plaintiff's Complaint ; (d) which was not returned by the postal service as undeliverable.

48. Collection letters, such as those sent by Defendant, are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."

Class Two – Claims Under the New York General Business Law Section 349

49. This Count is brought pursuant to the New York General Business Law Section 349 against all Defendants by Plaintiff, individually, and on behalf of a class that, according to Defendants records, consists of: (a) all individuals who have mailing addresses within New York State; and (b) within three years before the filing of this action; (c) were sent a collection letter in a form materially identical or substantially similar to Exhibit A and/or Exhibit B, attached to Plaintiff's Complaint; and (d) which was not returned by the postal service as undeliverable.

Count I
Violations of the Fair Debt Collection Practices Act

50. Plaintiff restates, realleges, and incorporates herein by reference all foregoing paragraphs as if set forth fully in this Count.

Exhibit A and Exhibit B

51. By sending Exhibit A and/or Exhibit B, the Defendants HF Holdings and Hamdam violated numerous provisions of the FDCPA, including 15 U.S.C. §§ 1692 e, e(2), e(5), (10), f, f(1), and g.

52. By sending Exhibit A and/or Exhibit B and attempting to collect interest as described herein, these Defendants violated numerous provisions of the FDCPA, including 15 U.S.C. §§ 1692 e, e(2), e(5), e(10), f, f(1), and g.

53. By sending Exhibit A and/or Exhibit B, these Defendants violated 15 U.S.C. § 1692e, e(2)(A), and e(10), by falsely representing the character, amount, and legal status of the alleged debt. This is also an unfair and unconscionable act under 15 U.S.C. §§ 1692f and -f(1).

54. By sending Exhibit A and/or Exhibit B, these Defendants also violated 15 U.S.C. § 1692f and 15 U.S.C. § 1692f(1) by attempting to collect a fee that is not permitted by law, or authorized by an agreement.

55. By sending Exhibit A and/or Exhibit B, Defendant also violated 15 U.S.C. § 1692g(a)(1), by incorrectly stating the amount of the alleged debt. This is also an unfair and act under 15 U.S.C. § 1692f.

56. By sending Exhibit A and Exhibit B, these Defendants also violated 15 U.S.C. § 1692e, e(5), e(10) by falsely threatening to sue the Plaintiff; falsely threatening to report the alleged debt onto Plaintiff's credit report; falsely indicating that the reporting of such debt would damage Plaintiff's credit report; and falsely indicating that there was a lawsuit pending.

57. Defendant's violations of 15 U.S.C. §1692, *et seq.*, render these Defendants liable to Plaintiff and the Class under the FDCPA.

Count II
Violations of the New York General Business Law Section 349

58. By sending Exhibit A and/or Exhibit B to consumers and collecting money not owed all Defendants violated New York General Business law Section 349.

49. The collection of money not owed, including illegal interest, without proper authority is a false, deceptive, and misleading statement concerning the character, amount, or legal status of those debts, which constitutes a deceptive business practice in violation of NY GBL § 349.

50. Defendants engaged in deceptive acts and practices, in violation of NY GBL §349 by collecting, and attempting to collect, debts not owed, and by collecting or attempting to collect interest on alleged debts without any contractual or legal right to do so.

51. The Defendants' actions complained of herein were committed in the conduct of business, trade, commerce or the furnishing of a service in this state and constituted a violation of NY GBL § 349 independent of whether it also constituted a violation of any other law.

52. The Defendants' actions complained of herein are consumer-oriented, involving deceptive representations made in form/standardized correspondence with large numbers of consumers. The violations alleged herein are recurring and have a broad impact upon the public.

53. Defendants' deceptive acts, by their nature, involve material misrepresentations of the amounts chargeable to the accounts that Defendants are attempting to collect.

54. Defendants engaged in such conduct in the course of trade and commerce.

55. Defendants knowingly and/or recklessly disregarded the unlawful nature of the debts they sought to collect from Plaintiff and other similarly situated consumers in the State of New York.

56. As a result of Defendants' violations of NY GBL § 349, Plaintiff, and the class members he seeks to represent, have each suffered actual damages in the money they paid, statutory damages of up to \$1,000.00; punitive damages; attorney's fees, and costs.

WHEREFORE, Plaintiff asks that this Court enter judgment in his favor and in favor of the members of the Class, against Defendants, awarding damages as follows:

(A) Statutory damages;

(B) Actual damages;

- (C) Punitive damages;
- (D) Attorneys' fees, litigation expenses and costs;
- (E) An injunction preventing the Defendants from collecting debts not owed and from adding illegal interest to New York consumers; and
- (F) Any other relief this Court deems appropriate and just.

Jury Demand

Plaintiff demands trial by jury.

Dated: West Islip , New York
December 21, 2017

RESPECTFULLY SUBMITTED,

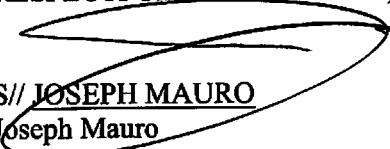

S// JOSEPH MAURO
Joseph Mauro
The Law Office of Joseph Mauro, LLC
306 McCall Ave.
West Islip, NY 11795
(631) 669-0921

EXHIBIT A

HF Holdings, Inc.

PO Box 593080
Orlando, FL 32859

Voice: (877) 680-6064
Fax: (877) 680-7749

DATE: 10/21/2017

Gary Murphy
8 Trezza Ct
Bellmore, NY 11710

Client: Mineola Medical Lab LLC
Account #: 37537

Dear Gary Murphy,

This letter is to inform you that HF Holdings, Inc. has been retained to recover the debt owed by you to our client, Mineola Medical Lab LLC in the amount of \$20.00. This notice provides you the opportunity to remit your payment to us no later than 30 days from the date of this notice. In the event you fail to do so, we will recommend that our client pursue legal action against you. Please be advised that if litigation becomes necessary, you may be held liable for attorney fees and court costs in addition to the debt owed, plus interest.

If you wish to avoid our recommendation for litigation, fax a copy of your check payable to HF Holdings, Inc. to (877) 680-7749 and mail the original payment to our office address listed above in the letterhead. To pay online go to hfholdingsinc.com.

This is an extremely time-sensitive matter, thus if you wish to avoid additional expenses, do not delay in resolving the matter. Once the aforementioned deadline expires, you risk exposing yourself to further possible consequences down the road as it is in your best interest to settle this debt as soon as possible.

If you have any questions regarding this case, do not hesitate to contact our office immediately.

Sincerely,
HF Holdings, Inc.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume the debt to be valid. If you notify this office in writing within 30 days after receiving this notice that you dispute this debt or any portion thereof, this office will obtain verification of the debt or copy of the judgment and mail you a copy of such verification or judgment. If you request this office in writing within 30 days after receiving this notice, this office will provide you the name and address of the original creditor if different from the current creditor.

EXHIBIT B

HF Holdings, Inc.

PO Box 593080
Orlando, FL 32859

Voice: (877) 680-6064
Fax: (877) 680-7749

DATE: 11/25/2017

Gary Murphy
8 Trezza Ct
Bellmore, NY 11710

Client: Mineola Medical Lab LLC
Account #: 37537

Dear Gary Murphy,

Despite our attempts to resolve the delinquency on your account with our client, Mineola Medical Lab LLC, you have, to date, chosen to ignore our letters. Currently, you must remit payment to HF Holdings, Inc. in the amount of \$20.00 within 10 days of receipt of this letter. In the event you decide against your better judgment and allow this deadline to pass, we will not delay in recommending our client pursue legal action against you and, when permitted by law, report your delinquent status to credit reporting agencies.

In order to maintain your credit rating and avoid additional expenses that are often associated with litigation, you must immediately fax a copy of your check payable to HF Holdings, Inc. to (877) 680-7749 and overnight the original copy to our address listed above. To pay online go to hfholdingsinc.com.

It remains in your best interest to accept this opportunity to prevent us from referring the matter for litigation so do not delay and heed the deadline.

If you have any questions regarding this case, do not hesitate to contact me immediately.

Be Governed Accordingly,

HF Holdings, Inc.

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

JS 44 (Rev. 09/11)

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
Gary Murphy on behalf of himself
and all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Joseph Mauro, Esq.
306 McCall Ave.
West Islip, NY 11795

DEFENDANTS
HF Holdings, Inc, Basil Hamdam, and LONG ISLAND OFFICE
Mineola Medical Lab, LLC

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

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

CV-17 7537

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 type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input checked="" type="checkbox"/> 4	<input 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

BIANCO, J.
Citizen of Another State

LOCKE, M. J.
Citizen or Subject of a Foreign Country

SUMMONS ISSUED

IV. NATURE OF SUIT (Place an "X" in One Box Only)		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES			
CONTRACT <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 (Excl. 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	TORTS PERSONAL INJURY <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 - Med. Malpractice	PERSONAL INJURY <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 PERSONAL PROPERTY <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	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <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	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. 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 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <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))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY <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	CIVIL RIGHTS <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	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <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	IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration 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 (specify) 6 Multidistrict Litigation

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 seq.

Brief description of cause:
Debt Collection Abuse

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 12/27/2017 SIGNATURE OF ATTORNEY OF RECORD: /s/ Joseph Mauro

FOR OFFICE USE ONLY

RECEIPT # 24287 AMOUNT \$100.00 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.

I, Joseph mauro, counsel for Plaintiff, 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 **Case is a class action. An Arbitrator can't certify a class. Damages may exceed \$150,000 depending on Defendant's net worth.**

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:

None

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

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

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

BAR ADMISSION

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

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: 

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Complaint Alleges HF Holdings Mailed Collection Notices for 'False' Debts Owed to Mineola Medical Lab](#)
