

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

<p>Leana Ozminkowski, on behalf of herself and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>Credit Bureau Data, Inc.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No.: 18-cv-1034</p> <p>CLASS ACTION COMPLAINT</p> <p>JURY TRIAL DEMANDED</p>
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**PRELIMINARY STATEMENT**

1. This is a consumer class action brought on behalf of Wisconsin consumers subjected to Defendant’s violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), who were sent materially deceptive and misleading debt collection letters. This law prohibits debt collectors from engaging in misleading and unfair collection practices.
2. The FDCPA prohibits debt collectors from engaging in deceptive and unfair practices, which include falsely representing that a debt collector is a “credit bureau” when it is not.

**JURISDICTION**

3. Jurisdiction of this Court arises out of events emanating from this District and this Court has jurisdiction pursuant to 15 U.S.C. § 1692 *et seq.* and 28 U.S.C § 1331.
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the conduct at issue occurred in this District, Plaintiff resides in this District, and Defendant conducts business in this district.

**PARTIES**

5. Plaintiff Leana Ozminkowski (hereinafter “Ms. Ozminkowski”) is a natural person who resides in the County of Crawford, State of Wisconsin, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
6. Defendant Credit Bureau Data, Inc. (hereinafter “Defendant CBD”) is a business with a principal office located at 518 State Street, La Crosse, WI 54601-3326, and a registered agent of Michael J. Borgen at the same address.
7. Defendant CBD is a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(6).

**FACTUAL ALLEGATIONS AS TO PLAINTIFF**

8. In the year prior to the filing of this case, Plaintiff received a number of collection letters from Defendant.
9. These dunning letters sent by Defendant to Plaintiff sought the collection of debts incurred with non-parties, related to the provision of medical services.
10. These debts were incurred for personal, family, and household purposes.
11. These collection letters were sent on stationary containing the name of Defendant, with the Defendant’s name being clearly and conspicuously stated on the letters.
12. The FDCPA prohibits a debt collector from using any false, deceptive or misleading representations in connection with the collection of a consumer debt. See 15 U.S.C. § 1692e.
13. Defendant CBD is not a “credit bureau.”
14. Defendant CBD does not compile consumer financial information on the borrowing and bill-paying habits of consumers.

15. Defendant CBD uses the term “credit bureau” in its name to intimidate consumers into thinking that it is a powerful and large corporation, houses and controls their sensitive financial data, and is the keeper of their credit report and score.
16. Defendant CBD operates only as a debt collector to consumers such as the Plaintiff.
17. Defendant’s debt collection activities have nothing to do with the assembly or evaluation of consumer credit information and furnishing of that information to third parties.
18. The use of the name “credit bureau” is materially deceptive and misleading - as well as intimidating - to consumers as it improperly suggests that this debt collector is a credit bureau, when it is not.
19. The use of the name “credit bureau” is materially deceptive and misleading – as well as intimidating – to consumers as it improperly suggests that this debt collector is a credit reporting agency, or that her account will be reported to Defendant’s non-existent “credit bureau.”
20. Plaintiff has suffered emotional distress and mental anguish as a result of Defendant’s conduct and specifically was confused and concerned about whether Defendant was a credit reporting agency.

**CLASS ALLEGATIONS**

21. Plaintiff brings this action individually and as a class action, pursuant to Rules 23(a) and 23(b) of the Federal Rules of Civil Procedure, on behalf of the following class:  
  
PLAINTIFF BRINGS THIS ACTION ON BEHALF OF A CLASS, CONSISTING OF  
  
(A) ALL NATURAL PERSONS IN THE STATE OF WISCONSIN (B) WHO WERE  
SENT A WRITTEN COMMUNICATION FROM DEFENDANT, (C) SEEKING TO  
COLLECT A DEBT FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES, (D)

IN THE ONE YEAR PRIOR TO THE DATE THIS CASE WAS FILED, (E) THAT WAS NOT RETURNED BY THE POSTAL SERVICE.

22. Upon information and belief, the class is so numerous that joinder of all members is impracticable. The precise number of Class members is known only to Defendant, but is believed to be greater than 40.
23. There are questions of law and fact common to the Class that predominate over any questions affecting only individual Class members. The predominant common question is whether the Defendant's use of the name "credit bureau" violates 15 U.S.C. §1692e(16).
24. Plaintiff's claims are typical of the claims of the Class, which all arise from the same operative facts and are based on the same legal theories.
25. Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff is committed to vigorously litigating this matter and has retained counsel experienced in handling class actions and claims involving unlawful collection practices. Neither Plaintiff nor her counsel have any interests which might cause them not to vigorously pursue this claim.
26. This action should be maintained as a class action because the prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members which would establish incompatible standards of conduct for the parties opposing the Class, as well as a risk of adjudications with respect to individual members which would as a practical matter be dispositive of the interests of other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.
27. A class action is a superior method for the fair and efficient adjudication of this controversy. The interest of Class members in individually controlling the prosecution of

separate claims against Defendants is slight because the maximum statutory damages are limited to \$1,000.00 under the FDCPA. Management of the Class claims is likely to present significantly fewer difficulties than those presented in many individual claims.

The identities of the Class members may be obtained from Defendant's records.

28. This Class Action seeks statutory damages for the class based on the common injuries sustained by Plaintiff and the putative class.

### **CAUSES OF ACTION**

#### **COUNT I.**

#### **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

29. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.
30. Defendant's collection letters violate the FDCPA by making false, deceptive or misleading representation in connection with the collect of a consumer debt, violating 15 U.S.C. §1692e.
31. Specifically, Defendant falsely represented and/or implied that it operates (or is employed) by a consumer reporting agency, in express violation of 15 U.S.C. § 1692e(16).
32. Defendant's practice of sending letters to consumer falsely purporting to be a credit reporting agency or credit bureau is an unfair practice in violation of 15 U.S.C. §1692f.
33. Defendant's practice of sending letters to consumer falsely purporting to be a credit reporting agency or credit bureau is conduct the natural consequent is to harass and/or oppress the consumer in violation of 15 U.S.C §1692d.

34. Plaintiff has suffered actual damages as a result of these illegal collection communications.
35. Plaintiffs are entitled to actual damages pursuant to 15 U.S.C. §1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

**TRIAL BY JURY**

36. Plaintiff is entitled to and hereby demands a trial by jury. U.S. Const. Amend. 7; Fed. R. Civ. Pro. 38.

**WHEREFORE**, Plaintiff respectfully prays that relief be granted as follows:

- Certify this matter as a class action and appoint Plaintiff as the class representative and her attorneys as class counsel;
- That judgment be entered against Defendant for actual and statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A) and (B);
- That the Court award costs and reasonable attorneys' fees, pursuant to 15 U.S.C. § 1692k(a)(3);
- That an order be entered certifying the proposed Class under Rule 23 of the Federal Rules of Civil Procedure and appointing Plaintiff and her counsel to represent the Class;
- That the Court grant declaratory and injunctive relief, in the form of finding Defendant's conduction to violate the law and prohibiting them from continuing their collection practices; and
- That the Court grants such other and further relief as may be just and proper.

Dated this 12<sup>th</sup> day of December, 2018.

Respectfully submitted,

By: s/ Nathan E. DeLadurantey  
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*ATTORNEYS FOR PLAINTIFF*

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

Leana Ozminkowski

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

(c) Attorneys (Firm Name, Address, and Telephone Number) DeLadurantey Law Office, LLC 330 S. Executive Drive, Suite 109, Brookfield, WI 53005

DEFENDANTS

Credit Bureau Data, Inc.

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.

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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: 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)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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 U.S.C. § 1692

Brief description of cause: Violation of the Fair Debt Collection Practices Act

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: X Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 12/12/2018 SIGNATURE OF ATTORNEY OF RECORD s/ Nathan E. DeLadurantey

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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**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.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

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.

**VI. 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

**VII. 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.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

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

AO 440 (Rev. 12/09) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

Western District of Wisconsin

\_\_\_\_\_  
Leana Ozminkowski,

*Plaintiff*

v.

\_\_\_\_\_  
Credit Bureau Data, Inc.,

*Defendant*

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Civil Action No. 18-cv-1034

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Credit Bureau Data, Inc.  
518 State Street  
La Crosse, WI 54601-3326

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:

Nathan E. DeLadurantey  
DeLadurantey Law Office, LLC  
330 S. Executive Drive, Suite 109  
Brookfield, WI 53005

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. 18-cv-1034

**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:

Print

Save As...

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# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action: Credit Bureau Data, Inc.'s Company Name Is Misleading to Consumers](#)

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