

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

Michael Parajecki on behalf of himself and all others similarly situated, Plaintiff, v. National Credit Adjusters, LLC Defendant.	Case No.: 18-cv-1167 CLASS ACTION COMPLAINT JURY TRIAL DEMANDED
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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”). This law prohibits debt collectors from engaging in misleading and unfair collection practices.

JURISDICTION

2. 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.
3. 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

4. Plaintiff Michael Parajecki (hereinafter “Mr. Parajecki”) is a natural person who resides in the County of Waukesha, State of Wisconsin, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant National Credit Adjusters, LLC (hereinafter “Defendant NCA”) is a business with offices located at 327 W. 4th Street, Hutchinson, Kansas, 67504, and a registered agent of Corporation Service Company, 8040 Excelsior Drive, Suite 400, Madison, WI 53717.
6. Defendant NCA is a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS AS TO PLAINTIFF

7. In 2015, Mr. Parajecki incurred a consumer debt as that term is defined at 15 U.S.C. § 1692a(5) to “Cash Central.”
8. This debt was for a personal extension of consumer credit.
9. Later, Cash Central sold the debt to a third party called “Reviver Financial, LLC.”
10. Reviver Financial, LLC then retained Defendant NCA to collect the debt from Plaintiff.
11. Defendant NCA then sent Plaintiff several collection letters that contained the following paragraph”

This letter is to confirm that you and National Credit Adjusters were not able to agree to a payment arrangement on the account referenced above during our most recent communication. If for any reason there is a misunderstanding, and it is your wish to resolve the delinquency through means satisfactory to both parties, please contact National Credit Adjusters at 1-877-824-9372 and an NCA account manager will assist you.

12. A true and correct copy of the letter is attached as Exhibit A.
13. Defendant NCA and Plaintiff had never had a “communication” related to a “payment arrangement” for the debt.
14. The language used in the collection letter appears to be a template collection letter used by Defendant NCA in their collection attempts from consumers. The letter was generated by computer, and with the information specific to Plaintiff inserted by computer.

15. Defendant NCA sent the letter with actual (or constructive) knowledge that no such communications or conversations related to payment arrangements had occurred.
16. Defendant NCA sent the letters to Plaintiff in an attempt to collect funds from Plaintiff, and were designed to induce Plaintiff to make a payment or to call Defendant NCA.
17. The template collection letters used by Defendant were objectively confusing, false, and misleading to an unsophisticated consumer.
18. Defendant NCA's letter to Plaintiff illegally attempts to collect a debt from Plaintiff in violation of 15 USC §§ 1692d, 1692e, 1692e(2), 1692e(10), and 1692f.
19. The letter caused Plaintiff anxiety, concern, fear and worry that someone other than himself was communicating about his alleged debt with Defendant and/or that he was the victim of identity theft and Defendant may be providing confidential personal and private identifying information about him to others.

CLASS ALLEGATIONS

20. 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:

CONSISTING OF (A) ALL NATURAL PERSONS IN THE STATE OF WISCONSIN (B) WHO WERE SENT A COLLECTION LETTER IN THE FORM REPRESENTED BY EXHIBIT A, (C) SEEKING TO COLLECT A DEBT FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES, (D) WITHIN ONE (1) YEAR PRIOR TO THE FILING OF THIS COMPLAINT (E) THAT WAS NOT RETURNED BY THE POSTAL SERVICE.

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 above 100.

21. 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 complied with 15 U.S.C. §§ 1692d, 1692e, 1692e(2), 1692e(10), and 1692f.
22. 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.
23. 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 has any interests which might cause her not to vigorously pursue this claim.
24. 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.
25. 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.

26. 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

27. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.
28. Exhibit A seeks to collect from Plaintiff by falsely implying or stating that a prior settlement or payment discussion had occurred.
29. 15 U.S.C. § 1692d prohibits, in relevant part, the use of: “unfair or unconscionable means to collect or attempt to collect any debt.”
30. 15 U.S.C. § 1692e prohibits, in relevant part: “any false, deceptive, or misleading representation or means in connection with the collection of any debt.”
31. 15 U.S.C. § 1692e(2) prohibits, in relevant part: “The false representation of – (A) the character, amount, or legal status of any debt.”
32. 15 U.S.C. § 1692e(10) prohibits: “The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.”
33. 15 U.S.C. § 1692f prohibits, in relevant part: “any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.”
34. By sending a letter stating that a prior (failed) discussion to settle or establish payment arrangements had occurred, Defendant NCA violated 15 U.S.C. §§ 1692d, 1692e,

1692e(2), 1692e(10), and 1692f and caused Plaintiff actual damages in the form of emotional distress and mental anguish.

TRIAL BY JURY

35. 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:

- 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 30th day of July, 2018

Respectfully submitted,

By: s/ Nathan E. DeLadurantey
Nathan E. DeLadurantey, (WI #1063937)
DELADURANTEY LAW OFFICE, LLC
330 S. Executive Drive, Suite 109
Brookfield, WI 53005
Telephone: (414) 377-0515
Facsimile: (414) 755-0860
Nathan@de-la-law.com

Thomas J. Lyons, Jr., Esq. (MN #249646)
CONSUMER JUSTICE CENTER, P.A.
367 Commerce Court
Vadnais Heights, MN 55127
Telephone: (651) 770-9707
Facsimile: (651) 704-0907
tommycjc@aol.com

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.)

Place an "X" in the appropriate box: Green Bay Division Milwaukee Division

I. (a) PLAINTIFFS

Michael Parajecki

(b) County of Residence of First Listed Plaintiff **Waukesha**
(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

National Credit Adjusters, 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.

Attorneys (If Known)

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 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

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<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	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	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other 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	<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 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))	<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
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<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	<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	<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	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
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 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: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

07/30/2018

s/ Nathan E. DeLadurantey

FOR OFFICE USE ONLY

RECEIPT #

Print

Save As...

Reset

DEPT 835 5228577118066

PO BOX 4115
CONCORD CA 94524



June 14, 2018

ADDRESS SERVICE REQUESTED



PERSONAL AND CONFIDENTIAL
MICHAEL PARAJECKI
W253S10960 HUNTERS RUN
MUKWONAGO WI 53149-8864



National Credit Adjusters

PO Box 3023 - 327 W 4th St.
Hutchinson, KS 67504-3023
Toll Free: 1-877-824-9372
Fax: 620-664-5947
www.ncaks.com

NCA Acct #	[REDACTED]
Current Balance:	\$7,308.51
Original Creditor:	Cash Central
Original Acct #:	6998942
Current Owner:	Reviver Financial, LLC
Serviced By:	National Credit Adjusters, LLC

Dear MICHAEL PARAJECKI,

This letter is to confirm that you and National Credit Adjusters were not able to agree to a payment arrangement on the account referenced above during our most recent communication. If for any reason there is a misunderstanding, and it is your wish to resolve the delinquency through means satisfactory to both parties, please contact National Credit Adjusters at 1-877-824-9372 and an NCA account manager will assist you.

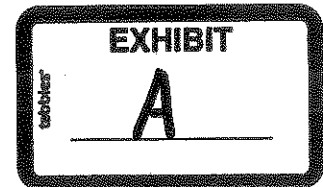
If you wish to resolve this account without speaking to an NCA account manager, please go online to www.NCAKS.com/pay-online.htm and enter your NCA account number ([REDACTED]) along with your five digit zip code printed on this letter. This online service is available 24 hours a day.

If you have secured prior arrangements with NCA before receipt of this letter, and the arrangements are still active, please disregard this notice.

This communication is from a debt collector attempting to collect a debt. All information obtained will be used for that purpose.

Sincerely,

National Credit Adjusters
1-877-824-9372 Toll Free



NATIONAL CREDIT ADJUSTERS, LLC

HOURS: M-TH 8AM-8PM CST, FRI 8AM-2PM CST

LETTER CODE: LREF

NCALREF-0614-1048150105-00360-380

S178870267

UNITED STATES DISTRICT COURT
for the
Eastern District of Wisconsin

Michael Parajecki,

Plaintiff(s)

v.

National Credit Adjusters, LLC,

Defendant(s)

Civil Action No. 18-cv-1167

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) National Credit Adjusters, LLC
327 W. 4th Street
Hutchinson, KS 67504

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you receive 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 the 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.

STEPHEN C. DRIES, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

PROOF OF SERVICE

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

This summons and the attached complaint for *(name of individual and title, if any)*:

_____ were received by me on *(date)* _____.

I personally served the summons and the attached complaint on the individual at *(place)*:

_____ on *(date)* _____ ; or

I left the summons and the attached complaint 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 and the attached complaint 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.:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [National Credit Adjusters Accused of FDCPA Violations in Lawsuit](#)
