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 11 **UNITED STATES DISTRICT COURT**
 12 **WESTERN DISTRICT OF WASHINGTON**

13 Garam Park, individually and on behalf of all
 14 others similarly situated,

15 Plaintiff,

16 vs.

17 Suttell & Hammer, P.C.,

18 Defendant.

Docket No:

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

19
 20 Garam Park, individually and on behalf of all others similarly situated
 21 (hereinafter referred to as "*Plaintiff*"), by and through the undersigned counsel,
 22 complains, states and alleges against Suttell & Hammer, P.C. (hereinafter referred
 23 to as "*Defendant*"), as follows:

24
 25 **INTRODUCTION**

26 1. This action seeks to recover for violations of the Fair Debt Collection
 27 Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA").
 28

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, Defendant conducted business within the State of Washington.

PARTIES

5. Plaintiff Garam Park is an individual who is a citizen of the State of Washington residing in Snohomish County, Washington.

6. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

7. On information and belief, Defendant Suttell & Hammer, P.C., is a Washington Professional Corporation with a principal place of business in King County, Washington.

8. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

9. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS

10. Defendant alleges Plaintiff owes a debt (“the Debt”).

11. The Debt was primarily for personal, family or household purposes and is therefore a “debt” as defined by 15 U.S.C. § 1692a(5).

12. Sometime after the incurrence of the Debt, Plaintiff fell behind on payments owed.

13. Thereafter, at an exact time known only to Defendant, the Debt was assigned or otherwise transferred to Defendant for collection.

1 14. In its efforts to collect the debt, Defendant contacted Plaintiff by letter
2 (“the Letter”) dated September 22, 2017. (“**Exhibit 1.**”)

3 15. The Letter was the initial communication Plaintiff received from
4 Defendant.

5 16. The Letter is a “communication” as defined by 15 U.S.C. § 1692a(2).

6 17. 15 U.S.C. § 1692e prohibits a debt collector from using any false,
7 deceptive, or misleading representation or means in connection with the collection
8 of any debt.

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

12 19. The question of whether a collection letter is deceptive is determined
13 from the perspective of the “least sophisticated consumer.”

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

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

20 22. 15 U.S.C. § 1692e prohibits a debt collector from using any false,
21 deceptive, or misleading representations or means in connection with the collection
22 of any debt.

23 23. The question of whether a collection letter is deceptive is determined
24 from the perspective of the “least sophisticated consumer.”

25 24. 15 U.S.C. § 1692e(3) prohibits a debt collector from using the false
26 representation or implication that any individual is an attorney or that any
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1 communication is from an attorney.

2 25. 15 U.S.C. § 1692g(b) provides that collection activities and
3 communication during the 30-day period may not overshadow or be inconsistent
4 with the disclosure of the consumer's right to dispute the debt or request the name
5 and address of the original creditor.

6 26. The Letter is on the letterhead of "Suttell & Hammer, Attorneys at
7 Law."

8 27. The Letter identifies Defendant as a debt collector.

9 28. Defendant was acting as a debt collector, as defined by the FDCPA,
10 concerning Plaintiff's alleged debt.

11 29. The Letter is a form collection letter sent to hundreds of consumers.

12 30. The Letter has no opening salutation.

13 31. The Letter states, "Sincerely, Suttell & Hammer."

14 32. The Letter is unsigned.

15 33. The Letter directs Plaintiff to contact Defendant's office rather than
16 any individual attorney.

17 34. No attorney employed by Defendant had any meaningful involvement
18 in the day-to-day collection of Plaintiff's alleged debt.

19 35. The Letter contains no disclaimer concerning the lack of attorney
20 involvement in the collection of Plaintiff's alleged debt.

21 36. The Letter misleads consumers into believing that there is meaningful
22 attorney involvement in the collection of the debt.

23 37. The least sophisticated consumer would likely be deceived by
24 Defendant's conduct.

25 38. The least sophisticated consumer would likely be deceived in a
26 material way by Defendant's conduct.
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1 39. The least sophisticated consumer would likely be deceived into
2 believing that an attorney had meaningful involvement in the collection of the
3 alleged debt.

4 40. Defendant has violated 15 U.S.C. § 1692e(3) by falsely implying that
5 its collection letter is a communication from an attorney.

6 41. Defendant has violated 15 U.S.C. § 1692g(b) as Defendant
7 overshadowed the information required to be provided by that Section.
8

9 **CLASS ALLEGATIONS**

10 42. Plaintiff brings this action individually and as a class action on behalf
11 of all persons similarly situated in the State of Washington from whom Defendant
12 attempted to collect a consumer debt using a collection letter substantially similar to
13 the Letter herein, from one year before the date of this Complaint to the present.

14 43. This action seeks a finding that Defendant's conduct violates the
15 FDCPA, and asks that the Court award damages as authorized by 15 U.S.C. §
16 1692k.

17 44. Defendant regularly engages in debt collection.

18 45. The Class consists of more than 35 persons from whom Defendant
19 attempted to collect delinquent consumer debts using a collection letter
20 substantially similar to the Letter herein.

21 46. Plaintiff's claims are typical of the claims of the Class. Common
22 questions of law or fact raised by this class action complaint affect all members of
23 the Class and predominate over any individual issues. Common relief is therefore
24 sought on behalf of all members of the Class. This class action is superior to other
25 available methods for the fair and efficient adjudication of this controversy.
26

27 47. The prosecution of separate actions by individual members of the
28 Class would create a risk of inconsistent or varying adjudications with respect to

1 the individual members of the Class, and a risk that any adjudications with respect
2 to individual members of the Class would, as a practical matter, either be
3 dispositive of the interests of other members of the Class not party to the
4 adjudication, or substantially impair or impede their ability to protect their
5 interests. Defendant has acted in a manner applicable to the Class as a whole such
6 that declaratory relief is warranted.

7
8 48. Plaintiff will fairly and adequately protect and represent the interests
9 of the Class. The management of the class action proposed is not extraordinarily
10 difficult, and the factual and legal issues raised by this class action complaint will
11 not require extended contact with the members of the Class, because Defendant's
12 conduct was perpetrated on all members of the Class and will be established by
13 common proof. Moreover, Plaintiff has retained counsel experienced in actions
14 brought under consumer protection laws.

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16 **JURY DEMAND**

17 49. Plaintiff hereby demands a trial of this action by jury.

18 **PRAYER FOR RELIEF**

19 **WHEREFORE**, Plaintiff respectfully requests judgment as follows:

- 20
21 a. Certify this action as a class action; and
22 b. Appoint Plaintiff as Class Representative of the Class,
23 and Plaintiff's attorneys as Class Counsel; and
24 c. Find that Defendant's actions violate the FDCPA; and
25 d. Grant damages against Defendant pursuant to 15 U.S.C.
26 § 1692k; and
27 e. Grant Plaintiff's attorneys' fees pursuant to 15 U.S.C. §
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1692k; and

f. Grant Plaintiff's costs; together with

g. Such other relief that the Court determines is just and proper.

DATED: September 18, 2018

BARSHAY SANDERS, PLLC

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ATTORNEYS AT LAW

*SUTTELL & HAMMER, P.S. in AK, OR, UT, WA (FKA SUTTELL, HAMMER & WHITE, P.S.)

*SUTTELL & HAMMER, P.C. in CO, ID (FKA SUTTELL, HAMMER & WHITE, P.C.)

*SUTTELL & HAMMER, APC in CA (FKA SUTTELL, HAMMER & WHITE, APC)

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September 22, 2017



Garam Park
12303 Harbour Pointe Blvd Unit Aa306
Mukilteo WA 98275-5219

Re: Creditor: Bank of America, N.A.
 Consumer: Garam Park
 Balance Owed: \$5632.92
 Account #XXXXXXXXXXXX9615
 [REDACTED] 9.001

Bank of America, N.A. has referred the above account to our offices for collection.

If you fail to dispute the debt or any portion thereof within 30 days after your receipt of this letter we will assume the debt is valid.

If you notify this office in writing within 30 days after your receipt of this letter that the debt or any portion thereof is disputed, our offices will obtain verification of the debt or a copy of a judgment, if any, and mail such verification or judgment to you. Upon your written request within the same 30 day period stated above, we will provide you the name and address of the original creditor if different from the current creditor.

This communication is from a debt collector. We are attempting to collect a debt and any information obtained will be used for that purpose.

Please contact our offices if you have any issues and/or comments.

Sincerely,

Suttell & Hammer

This account is issued and administered by Bank of America, N.A., successor-in-interest to FIA Card Services, N.A.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

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: GARAM PARK
(b) County of Residence of First Listed Plaintiff: SNOHOMISH
(c) Attorneys: BARSHAY SANDERS, PLLC
DEFENDANTS: SUTTELL & HAMMER, P.C.
County of Residence of First Listed Defendant: KING

II. BASIS OF JURISDICTION
III. CITIZENSHIP OF PRINCIPAL PARTIES
Grid with categories: U.S. Government Plaintiff/Defendant, Federal Question, Diversity, Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF, DEF, PIF, DEF.

IV. NATURE OF SUIT
Grid with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN
Grid with categories: Original Proceeding, Removed from State Court, Remanded from Appellate Court, Reinstated or Reopened, Transferred from Another District, Multidistrict Litigation - Transfer, Multidistrict Litigation - Direct File.

VI. CAUSE OF ACTION: 15 USC §1692 - Fair Debt Collection Practices
VII. Previous Bankruptcy Matters: (For nature of suite 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court.)

VIII. 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 No

IX. RELATED CASE(S) IF ANY: JUDGE DOCKET NUMBER

X. This Case (check one box) Is not a refiling of a previously dismissed action is a refiling of case number previously dismissed by Judge

DATE: September 24, 2018 SIGNATURE OF ATTORNEY OF RECORD: /s Craig B. Sanders

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

UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT OF WASHINGTON

Garam Park, individually and on behalf of all others
similarly situated,

Plaintiff(s)

v.

Suttell & Hammer, P.C.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To:(Defendant's name and address)

Suttell & Hammer, P.C.
10900 NE 8th St Ste 605
Bellevue, Washington 98004

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

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Consumer Misled by False Representations in Suttel & Hammer Letter, Lawsuit Claims](#)
