

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

Amber Parsons, f/k/a Allen, individually)
and on behalf of all others similarly)
situated,)

Plaintiff,)

v.)

No.)

GC Services Limited Partnership, a)
Delaware limited partnership, and ORG)
GC GP Buyer, LLC, a Delaware limited)
liability company,)

Defendants.)

Jury Demanded

CLASS ACTION COMPLAINT

Plaintiff, Amber Parsons, f/k/a Allen, individually and on behalf of all others similarly situated, brings this action under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), for a finding that Defendants' form debt collection letters violated the FDCPA, and to recover damages, and alleges:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to § 1692k(d) of the FDCPA, and 28 U.S.C. § 1331.

2. Venue is proper in this District because: a) the acts and transactions occurred here; b) Plaintiff resides here; and, c) Defendants transact business here.

PARTIES

3. Plaintiff, Amber Parson, f/k/a Allen ("Parsons"), is a citizen of the State of Alabama, residing in the Northern District of Alabama, from whom Defendant attempted to collect a defaulted consumer debt, which she allegedly owed for a Macys/Department

Stores National Bank credit card account.

4. Defendant GC Services Limited Partnership (“GC Services”), is a Delaware limited partnership that acts as a debt collector, as defined by § 1692a of the FDCPA, because it regularly uses the mails and/or the telephone to collect, or attempt to collect, defaulted consumer debts. Defendant GC Services operates a nationwide debt collection business and attempts to collect debts from consumers in virtually every state, including consumers in the State of Alabama. In fact, Defendant GC Services was acting as a debt collector as to the defaulted consumer debt it attempted to collect from Plaintiff.

5. Defendant ORG GC GP Buyer, LLC. (ORG), is a Delaware corporation and a general partner in Defendant GC. Defendant ORG directs and controls GC. Moreover, ORG acts as a debt collector, as defined by § 1692a of the FDCPA, because it regularly uses the mails and/or the telephone to collect, or attempt to collect, delinquent consumer debts, indirectly through GC. In fact, Defendant ORG was acting as a debt collector as to the delinquent consumer debt Defendants attempted to collect from Plaintiff.

6. Defendant GC Services is authorized to conduct business in the State of Alabama and maintains a registered agent within the State of Alabama, see, record from the Alabama Secretary of State, attached as Exhibit A. In fact, Defendants conduct extensive business in Alabama.

FACTUAL ALLEGATIONS

7. Ms. Parsons fell behind on paying her bills, including a debt she allegedly owed for a Macy’s/Department Stores National Bank account. Sometime after that debt

went into default, it was placed with Defendants for collection, who began trying to collect upon it by sending Ms. Parsons a form collection letter, dated April 10, 2017.

This letter stated:

* * *

As of the date of this letter, you owe \$1,931.98. Because of interest, late charges, and other charges that may vary from day to day, the amount owed on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your payment, in which event we will inform you.

* * *

A copy of this collection letter is attached as Exhibit B.

8. The above language is a variant of a safe harbor letter created by the Seventh Circuit in Miller v. McCalla, Raymer, Padrick, Cobb, Nichols, and Clark, 214 F.3d 872, 876 (7th Cir. 2000), for mortgage debts where interest, late charges and other charges are continuing to accrue on an account. To include it in collection letters involving other debts, where such charges are not accruing, violates the FDCPA. Boucher v. Finance System of Green Bay, 880 F.3d 362, 367-368 (7th Cir. 2018).

9. In fact, interest was not, and had not been, accruing on Ms. Parsons' account. As a matter of policy, the creditor ceased charging interest and other charges after the account was charged off, and was not, in fact, charging any "interest, late charges and other charges" on this debt.

10. Moreover, as shown by the collection letters dated May 10, 2017 and June 9, 2017, that Defendant sent to Ms. Parsons, the balance has remained the same and no interest, late charges or other charges have been accruing. Copies of these letters are attached as Group Exhibit C.

11. Violations of the FDCPA which would lead a consumer to alter his or her

course of action as to whether to pay a debt, or which would be a factor in the consumer's decision making process, are material, see, Lox v. CDA, 689 F.3d 818, 827 (7th Cir. 2012), and Boucher, 880 F.3d at 368. Here, Defendants' actions would cause a consumer to be confused as to whether she was subject to additional interest/charges, when she was not, in fact, subject to them. This would directly impact her decision on whether to pay off the debt, dispute the debt, or make some other arrangement regarding the debt, and would certainly be a factor in such a decision.

12. Defendants' collection actions complained of herein occurred within one year of the date of this Complaint.

13. Defendants' collection communications are to be interpreted under the "least sophisticated consumer" standard, see, Jeter v. Credit Bureau, 760 F.2d 1168, 1176 (11th Cir. 1985); and LeBlanc v. Unifund CCR Partners, 601 F.3d 1185, 1193-1194 (11th Cir. 2010).

COUNT I
Violation Of § 1692e Of The FDCPA –
False, Deceptive Or Misleading Collection Actions

14. Plaintiff adopts and realleges ¶¶ 1-13.

15. Section 1692e of the FDCPA prohibits a debt collector from using any false, deceptive or misleading representation or means in connection with the collection of any debt, including falsely representing the character, amount or legal status of any debt, see, 15 U.S.C. § 1692e(2)(A), as well as threatening to take any action that cannot legally be taken or that is not intended to be taken, see, 15 U.S.C. § 1692e(5).

16. By sending the collection letters threatening to impose additional interest, late charges and other charges when none would, or could, be imposed, Defendants

violated § 1692e of the FDCPA.

17. Defendants' violations of § 1692e of the FDCPA render them liable for statutory damages, costs, and reasonable attorneys' fees, see, 15 U.S.C. § 1692k.

COUNT II
Violation Of § 1692f Of The FDCPA --
Unfair Or Unconscionable Collection Actions

18. Plaintiff adopts and realleges ¶¶ 1-13.

19. Section 1692f of the FDCPA prohibits a debt collector from using any unfair or unconscionable means to collect or attempt to collect a debt, see, 15 U.S.C. § 1692f.

20. Defendants, by threatening to impose additional "interest, late charges, and other charges", when none would, or could, be imposed, used an unfair or unconscionable means to collect a debt, in violation of § 1692f of the FDCPA.

21. Defendants' violations of § 1692f of the FDCPA render them liable for statutory damages, costs, and reasonable attorneys' fees, see, 15 U.S.C. § 1692k.

CLASS ALLEGATIONS

22. Plaintiff, Amber Parsons, f/k/a Allen, brings this action individually and as a class action on behalf of all persons similarly situated in the State of Alabama from whom Defendant attempted to collect a defaulted consumer debt, allegedly owed for a Macys/Department Stores National Bank debt, via the same form collection letters (Exhibits B and Group C), that Defendants sent to Plaintiff, from one year before the date of this Complaint to the present. This action seeks a finding that Defendants' form letters violates the FDCPA, and asks that the Court award damages as authorized by §

1692k(a)(1) and (2) of the FDCPA.

23. Defendants regularly engage in debt collection, using the same form collection letters they sent Plaintiff Parsons, in their attempts to collect defaulted consumer debts from other consumers.

24. The Class consists of more than 35 persons from whom Defendants attempted to collect defaulted consumer debts by sending other consumers the same form collection letters they sent Plaintiff Parsons.

25. Plaintiff Parsons' 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.

26. 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.

27. Plaintiff Parsons 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, Plaintiff Parsons has retained counsel experienced in class action litigation, including class actions brought under the FDCPA.

PRAYER FOR RELIEF

Plaintiff, Amber Parsons, f/k/a Allen, individually and on behalf of all others similarly situated, prays that this Court:

1. Certify this action as a class action;
2. Appoint Plaintiff Parsons as Class Representative of the Class, and her attorneys as Class Counsel;
3. Find that Defendants' form collection letters violate the FDCPA;
4. Enter judgment in favor of Plaintiff Parsons and the Class, and against Defendant, for statutory damages, costs, and reasonable attorneys' fees as provided by § 1692k(a) of the FDCPA; and,
5. Grant such further relief as deemed just.

JURY DEMAND

Plaintiff, Amber Parsons, f/k/a Allen, individually and on behalf of all others similarly situated, demands trial by jury.

Amber Parsons, f/k/a Allen, individually
and on behalf of all others similarly
situated,

By: /s/ David J. Philipps
One of Plaintiff's Attorneys

By: /s/ Bradford W. Botes
One of Plaintiff's Attorneys

Dated: April 9, 2018

David J. Philipps (Ill. Bar No. 06196285)(Pro hac vice to be sought)
Mary E. Philipps (Ill. Bar No. 06197113)(Pro hac vice to be sought)
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Bradford W. Botes (AL Bar No. ASB-1379043B)
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(205) 802-2209 (FAX)
bbotes@bondnbotes.com



Alabama Secretary of State

GC Services Limited Partnership	
Entity ID Number	817 - 540
Entity Type	Foreign Limited Partnership
Principal Address	6330 GULFTON HOUSTON, TX 77081
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Delaware
Formation Date	10-1-1986
Qualify Date	4-14-2003
Registered Agent Name	C T CORPORATION SYSTEM
Registered Office Street Address	2 NORTH JACKSON ST., SUITE 605 MONTGOMERY, AL 36104
Registered Office Mailing Address	Not Provided
Nature of Business	
Capital Authorized	
Capital Paid In	
General Partners	
General Partner Name	GC FINANCIAL CORP
General Partner Street Address	Not Provided
General Partner Mailing Address	Not Provided
General Partner Name	DLS ENTERPRISES INC
General Partner Street Address	Not Provided
General Partner Mailing Address	Not Provided
Annual Reports	
Annual Report information is filed and maintained by the Alabama Department of Revenue. If you have questions about any of these filings, please contact Revenue's Business Privilege Tax Division at 334-242-1170 or www.ador.alabama.gov . The Secretary of State's Office cannot answer questions about or make changes to these reports.	
Report Year	2012 2013 2014 2015 2016 2017
Transactions	
Transaction Date	3-8-2010
Registered Agent Changed From	THE CORPORATION COMPANY 2000 INTERSTATE PARK DR STE 204 MONTGOMERY, AL 36109
Scanned Documents	



GC Services Limited Partnership

Purchase Document Copies

Document Date / Type / Pages	
4-14-2003	Certificate of Formation 2 pgs.
3-8-2010	Registered Agent Change 1 pg.

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[New Search](#)

CDGCSV70 057
PO Box 930824
Wixom MI 48393-0824
RETURN SERVICE REQUESTED



Please call: 866-804-3919
Calls may be monitored or recorded

April 10, 2017

CORRESPONDENCE AND PAYMENT MAILING ADDRESS:

[Redacted]

Amber B Allen

[Redacted] AL [Redacted]

PO BOX 3855
HOUSTON TX 77253

YOU OWE: Department Stores National Bank CLIENT ACCOUNT NUMBER: ENDING 8040	GC NUMBER: [Redacted] MINIMUM PAYMENT DUE: \$1,931.98
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PLEASE DETACH AND RETURN UPPER PORTION OF STATEMENT WITH PAYMENT

April 10, 2017

File Number: [Redacted]
Client Account Number: **ENDING 8040**
New Balance: \$1,931.98

RE: MACYS

Dear AMBER B ALLEN,

We are writing to let you know that your account with Department Stores National Bank, with a new balance of \$1,931.98, has been referred to us.

This letter shows your minimum payment amount currently due. If you are making a payment, please send us your payment using the enclosed envelope, and, if paying by check, make your check payable to "Department Stores National Bank".

We are here to work with you to find a mutually agreeable solution. We invite you to contact us so that we can discuss your particular financial circumstances, as well as opportunities our client may have available for you. Please contact us at 866-804-3919 to discuss payment options that may be available to you on your account.

We look forward to helping you resolve your account. Thank you.

Sincerely,

Douglas Kemp
Account Representative

If you would prefer, you can make a payment on your account using a debit card by going to our website at iwant2.solveyourdebt.com or calling us at 844-694-2080. Use the following number to identify yourself when prompted: [Redacted]

** As of the date of this letter, you owe \$1,931.98. Because of interest, late charges, and other charges that may vary from day to day, the amount owed on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your payment, in which event we will inform you.*

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

NOTICE: SEE REVERSE SIDE FOR IMPORTANT CONSUMER INFORMATION

GC Services Limited Partnership – 6330 Gulfon, Houston, TX 77081

[Redacted]



IMPORTANT: BE CERTAIN YOUR ACCOUNT IS CORRECT.

HOME PHONE : _____

NEW ADDRESS : _____

GC Services Limited Partnership

CONSUMER INFORMATION:

Unless you, within thirty (30) days after your receipt of this letter, dispute the validity of the debt, or any portion thereof, we will assume the debt to be valid. If you notify us in writing within the above described thirty (30) day period that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or a copy of a judgment against you and a copy of such verification or judgment will be mailed to you. Additionally, upon your written request within the above described thirty (30) day period, we will provide you with the name and address of the original creditor, if it is different than the current creditor.

The request for you to pay the balance owed in this letter does not reduce your rights to dispute this debt, or any portion thereof, and/or to request verification within the thirty (30) day period as set forth above.

CDGCSV70 057
PO Box 930824
Wichita MI 48393-0824
RETURN SERVICE REQUESTED



Please call: 866-804-3919
Calls may be monitored or recorded

May 10, 2017

CORRESPONDENCE AND PAYMENT MAILING ADDRESS:

[Redacted]
[Redacted]
Amber B Allen
[Redacted] AL [Redacted]

PO BOX 3855
HOUSTON TX 77253

YOU OWE: Department Stores National Bank	GC NUMBER: [Redacted]
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PLEASE DETACH AND RETURN UPPER PORTION OF STATEMENT WITH PAYMENT

May 10, 2017

File Number: [Redacted]
Client Account Number: **ENDING 8040**
New Balance: **\$1,931.98**

RE: MACYS

Dear AMBER B ALLEN,

We'd like to speak to you about your tax refund and how it can help you take advantage of the following offer to settle your Department Stores National Bank account. If you pay 75% of the new balance, our client will consider your account settled.

If you've received your tax refund, this is an excellent opportunity to take care of your account. If you wish to take advantage of this offer, either call our office at 866-804-3919 or mail us your payment for \$1,448.99. Please note the payment must be for the exact amount stated in this letter and must be received no later than fourteen (14) days from the date of this letter or this particular offer will be null and void. Please understand our client is not obligated to renew this offer.

If you are making a payment, please send it along with the top portion of this notice to the post office box listed above, and, if paying by check, make your check payable to "Department Stores National Bank".

Department Stores National Bank may report a discharge of indebtedness if required by applicable tax law. This reporting may have tax consequences to you. Please contact your tax advisor if you have any questions.

If you have any questions or wish to propose an alternative payment solution, please do not hesitate to contact us.

Sincerely,

Daniel Gonzalez
Account Representative

If you would prefer, you can make a payment on your account using a debit card by going to our website at www.gcpayonline.com or calling us at 844-694-2080. Use the following number to identify yourself when prompted: [Redacted]

** As of the date of this letter, you owe \$1,931.98. Because of interest, late charges, and other charges that may vary from day to day, the amount owed on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your payment, in which event we will inform you.*

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

NOTICE: SEE REVERSE SIDE FOR IMPORTANT CONSUMER INFORMATION

GC Services Limited Partnership - 6330 Gulfport, Houston, TX 77081
[Redacted]



Federal and state law prohibit certain methods of debt collection, and require that we treat you fairly. If you have a complaint about the way we are collecting your debt, please visit our website at www.gcserv.com or contact the FTC online at www.ftc.gov; by phone at 1-877-FTC-HELP; or by mail at 600 Pennsylvania Ave., NW, Washington, DC 20580. If you want information about your rights when you are contacted by a debt collector, please contact the FTC online at www.ftc.gov.

CDGCSV70 057
PO Box 930824
Wixom MI 48393-0824
RETURN SERVICE REQUESTED



GC Services Limited Partnership



Please call: 866-804-3919
Calls may be monitored or recorded

June 9, 2017



CORRESPONDENCE AND PAYMENT MAILING ADDRESS:

[REDACTED]
Amber B Allen
[REDACTED] AL [REDACTED]

**PO BOX 3855
HOUSTON TX 77253**

YOU OWE: Department Stores National Bank **GC NUMBER: [REDACTED]**

PLEASE DETACH AND RETURN UPPER PORTION OF STATEMENT WITH PAYMENT

June 9, 2017

File Number: [REDACTED]
Client Account Number: **ENDING 8040**
New Balance: **\$1,931.98**
Minimum Payment Due: **\$1,931.98**

RE: MACYS

Dear AMBER B ALLEN,

We are writing in reference to your account with Department Stores National Bank.

We understand that you may not be able to pay the minimum payment due in one payment. We are willing to work with you to find a mutually agreeable repayment plan that will both take your particular financial circumstances into account and satisfy our client. We urge you to contact us at 866-804-3919 to discuss your repayment plan options. Or, if you'd like, you can answer the questions on the reverse side of this letter and return the top portion to us and we'll evaluate your request. We look forward to helping you resolve your account.

If you are making a payment, please send it along with the top portion of this notice to the post office box listed above, and, if paying by check, make your check payable to "Department Stores National Bank".

Sincerely,

Marilyn Hall
Account Representative

If you would prefer, you can make a payment on your account using a debit card by going to our website at www.gcpayonline.com or calling us at 844-694-2080. Use the following number to identify yourself when prompted: [REDACTED]

** As of the date of this letter, you owe \$1,931.98. Because of interest, late charges, and other charges that may vary from day to day, the amount owed on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your payment, in which event we will inform you.*

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

NOTICE: SEE REVERSE SIDE FOR IMPORTANT CONSUMER INFORMATION

GC Services Limited Partnership – 6330 Gulfon, Houston, TX 77081

[REDACTED]

Please indicate below your proposed monthly payment and due date.

Proposed Monthly Payment: \$ _____ Due Date: _____

Home Phone Number: _____

Alternate Phone Number: _____

Federal and state law prohibit certain methods of debt collection, and require that we treat you fairly. If you have a complaint about the way we are collecting your debt, please visit our website at www.gcserv.com or contact the FTC online at www.ftc.gov; by phone at 1-877-FTC-HELP; or by mail at 600 Pennsylvania Ave., NW, Washington, DC 20580. If you want information about your rights when you are contacted by a debt collector, please contact the FTC online at www.ftc.gov.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [GC Services, ORG GC GP Buyer Named as Defendants in Alabama Debt Collection Suit](#)
