

1 Alex Asil Mashiri, Esq. (SBN 283798)
alex mashiri@yahoo.com
2 **MASHIRI LAW FIRM**
3 A Professional Corporation
4 11251 Rancho Carmel Drive #500694
5 San Diego, CA 92150
6 Tel: (858) 348-4938
7 Fax: (858) 348-4939

7 Babak Semnar, Esq. (SBN 224890)
bob@sandiegoconsumerattorneys.com
8 Jared M. Hartman (SBN 254860)
jared@sandiegoconsumerattorneys.com
9 **SEMNAR & HARTMAN, LLP**
10 400 S. Melrose Drive, Suite 209
11 Vista, CA 92081
12 Tel: (951) 293-4187
13 Fax: (888) 819-8230

14 Attorneys for Plaintiff:
15 **JUAN PAVLOVICH**

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 JUAN PAVLOVICH, individually and
19 on behalf of others similarly situated,

20 Plaintiff,

21 vs.

22 ACCOUNT DISCOVERY SYSTEMS,
23 LLC.; and DNF ASSOCIATES, LLC.

24 Defendant.

) Case No. '17CV412 AJB KSC
)
) **CLASS ACTION**
)
) **COMPLAINT FOR VIOLATION OF:**
)
) **1. THE FAIR DEBT COLLECTION**
) **PRACTICES ACT; AND**
)
) **2. THE ROSENTHAL FAIR DEBT**
) **COLLECTION PRACTICES ACT**
)
) **DEMAND FOR JURY TRIAL**
)
)
)

MASHIRI LAW FIRM
A PROFESSIONAL CORPORATION
11251 RANCHO CARMEL DR. # 500694
SAN DIEGO, CA 92150
TEL: (858) 348-4938
FAX: (858) 858-348-4939

1 Plaintiff JUAN PAVLOVICH alleges as follows:

2 **INTRODUCTION**

3 1. Plaintiff JUAN PAVLOVICH (hereinafter referred to as “Plaintiff”),
4 brings this lawsuit against ACCOUNT DISCOVERY SYSTEMS, LLC. (“ADS”) and
5 DNF ASSOCIATES, LLC. (hereinafter “DNF”) (collectively referred to as
6 “Defendants”) for violations of the Federal Fair Debt Collection Practices Act
7 (“FDCPA”), and Rosenthal Fair Debt Collections Practice Act (“Rosenthal FDCPA”).

8 2. Plaintiff brings this action to seek actual damages, statutory damages,
9 injunctive relief, attorneys’ fees and costs, and other relief the Court deems
10 appropriate.

11 3. Plaintiff alleges as follows, upon personal knowledge as to himself and
12 his own acts and experiences, and, as to all other matters, upon information and
13 belief, including investigation conducted by his attorneys.

14 4. Plaintiff makes these allegations on information and belief, with the
15 exception of those allegations that pertain to Plaintiff, or to a Plaintiff’s counsel,
16 which Plaintiff alleges on personal knowledge.

17 5. While many violations are described below with specificity, this
18 Complaint alleges violations of the statutes cited in their entirety.

19 6. Unless otherwise stated, Plaintiff alleges that any violations by
20 Defendant were knowing and intentional, and that Defendant did not maintain
21 procedures reasonably adapted to avoid any such violations.

22 7. Unless otherwise indicated, the use of Defendant in this Complaint
23 includes all agents, employees, officers, members, directors, heirs, successors,
24 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of
25 Defendant.

26 **PARTIES**

27 8. Plaintiff is, and at all times mentioned herein was, an individual, residing
28 in the County of San Diego, State of California.

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11251 RANCHO CARMEL DR. # 500604
SAN DIEGO, CA 92150
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1 9. Plaintiff is a “consumer” as the term is defined by 15 U.S.C. section
2 1692a(3) and a “debtor” as the term is defined by California Civil Code section
3 1788.2(h).

4 10. Plaintiff is informed and believes, and thereupon alleges, that Defendant
5 ADS is, and at all times mentioned herein was, a limited liability company who was
6 conducting and engaging in business in the County of San Diego, State of California.

7 11. Plaintiff is informed and believes, and thereupon alleges, that Defendant
8 DNF is, and at all times mentioned herein was, a limited liability company who was
9 conducting and engaging in business in the County of San Diego, State of California.

10 12. Plaintiff is informed and believes, and thereupon alleges, that Defendants
11 use an instrumentality of interstate commerce or the mails in a business the principal
12 purpose of which is the collection of debts, or who regularly collect or attempt to
13 collect, directly or indirectly, debts owed or due or asserted to be owed or due another
14 and are therefore “debt collectors” as the term is defined by 15 U.S.C. section
15 1692a(6).

16 13. Plaintiff is informed and believes, and thereupon alleges that Defendants
17 are “debt collector” as the term is defined by Civil Code section 1788.2(c).

18 14. Defendants attempted to collect a “consumer debt” as the term is defined
19 by the FDCPA and Rosenthal FDCPA.

20 15. Plaintiff is informed and believes and thereupon alleges that at all times
21 herein mentioned each of the Defendants was the agent, servant, employee, or partner
22 of each of the remaining defendants and, in committing the acts and omissions
23 hereinafter alleged, was acting within the course and scope of such agency,
24 employment, partnership, or other business relationship, and were each responsible
25 for the acts and omissions alleged in this complaint.

26 **JURISDICTION AND VENUE**

27 16. This Court has jurisdiction under 15 U.S.C. section 1692k(d), 28 U.S.C.
28 section 1331, and 28 U.S.C. section 1367 for supplemental state claims.

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1 17. This action arises out of violations of the FDCPA and Rosenthal
2 FDCPA. Because Defendants do business within the State of California, County of
3 San Diego, personal jurisdiction is established.

4 18. Venue is proper pursuant to 28 U.S.C. section 1391.

5 **RELEVANT FACTS**

6 19. Sometime after March 2, 2016, Plaintiff received his first collection
7 notice dated March 2, 2016 (hereinafter referred to as “Validation Notice”) from
8 Defendants, attempting to collect a debt in the amount of \$1,997.73. The debt was
9 allegedly owed to DNF. A copy of the Validation Notice is attached hereto as
10 **Exhibit 1**, and is incorporated herein by reference.

11 20. Defendant’s Validation Notice states in part “At our discretion, a
12 statement or correspondence may include post charge off interest....” Defendant’s
13 Validation Notice, however, is unclear whether the \$1,997.73 debt included the post
14 charge off interest or not.

15 21. Upon information and belief, Defendant’s debt collection practice is
16 largely automated and utilizes standardized form letters or templates.

17 **CLASS ALLEGATIONS**

18 22. Plaintiff brings this action on his own behalf, and on behalf of all others
19 similarly situated.

20 **FDCPA CLASS**

21 23. Plaintiff defines the FDCPA CLASS as follows:

22 All persons located in the State of California to whom
23 Defendant sent, within one year before the date of this
24 complaint and in connection with the collection of a consumer
25 debt, an initial written communication that is substantially
26 similar or materially identical to Defendants’ March 2, 2016
27 Validation Notice which was not returned undelivered by the
28 United States Postal Service.

MASHIRI LAW FIRM
A PROFESSIONAL CORPORATION
11251 RANCHO CARMEL DR. # 500694
SAN DIEGO, CA 92150
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1 **ROSENTHAL FDCPA CLASS**

2 24. Plaintiff defines the Rosenthal FDCPA CLASS as follows:

3 All persons located in the State of California to whom
4 Defendant sent, within one year before the date of this
5 complaint and in connection with the collection of a consumer
6 debt, an initial written communication that is substantially
7 similar or materially identical to Defendants’ March 2, 2016
8 Validation Notice which was not returned undelivered by the
9 United States Postal Service.

10 25. The FDCPA Class and the Rosenthal FDCPA Class shall be referred to
11 jointly as “The Classes.”

12 26. Defendant and its employees or agents are excluded from the Classes.

13 27. Plaintiff does not know the exact number of persons in the Classes, but
14 believes them to be in the several hundreds, if not thousands, making joinder of all
15 these actions impracticable.

16 28. The identity of the individual members is ascertainable through
17 Defendant’s and/or Defendant’s agents’ records or by public notice.

18 29. There is a well-defined community of interest in the questions of law and
19 fact involved affecting the members of the Classes. The questions of law and fact
20 common to the Classes predominate over questions affecting only individual class
21 members, and include, but are not limited to, the following:

- 22 a) Whether Defendant violated the FDCPA by sending a written
23 communication substantially in the form of Exhibit 1 to the members of
24 the Classes;
- 25 b) Whether Defendant violated the Rosenthal FDCPA by sending using a
26 written communication substantially in the form of Exhibit 1 to the
27 members of the Classes;
- 28 c) Whether members of the Classes are entitled to the remedies under the
FDCPA;

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A PROFESSIONAL CORPORATION
11251 RANCHO CARMEL DR. # 500694
SAN DIEGO, CA 92150
TEL: (858) 348-4938
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- 1 d) Whether members of the Classes are entitled to the remedies under the
2 Rosenthal FDCPA;
- 3 e) Whether members of the Classes are entitled to declaratory relief;
- 4 f) Whether members of the Classes are entitled to an award of reasonable
5 attorneys' fees and costs of suit pursuant to the FDCPA;
- 6 g) Whether members of the Classes are entitled to an award of reasonable
7 attorneys' fees and costs of suit pursuant to the Rosenthal FDCPA.
- 8 30. Plaintiff will fairly and adequately protect the interest of the Classes.
- 9 31. Plaintiff has retained counsel experienced in consumer class action
10 litigation and in handling claims involving unlawful debt collection practices.
- 11 32. Plaintiff's claims are typical of the claims of the Classes, which all arise
12 from the same operative facts involving unlawful collection practices.
- 13 33. A class action is a superior method for the fair and efficient adjudication
14 of this controversy.
- 15 34. Class-wide damages are essential to induce Defendant to comply with
16 the Federal and State laws alleged in the Complaint.
- 17 35. The interests of class members in individually controlling the
18 prosecution of separate claims against Defendant is small because the maximum
19 statutory damages in an individual action under the FDCPA or Rosenthal FDCPA is
20 \$1,000. Management of these claims is likely to present significantly fewer
21 difficulties than those presented in many class claims, *e.g.* securities fraud.
- 22 36. Defendant has acted on grounds generally applicable to the Classes,
23 thereby making appropriate final declaratory relief with respect to the class as a
24 whole.
- 25 37. Plaintiff contemplates providing notice to the putative class members by
26 direct mail in the form of a postcard and via Internet website.
- 27 38. Plaintiff requests certification of a hybrid class combining the elements
28 of Fed. R. Civ. P. 23(b)(3) for monetary damages and Fed. R. Civ. P. 23(b)(2) for

1 equitable relief.

2 **FIRST CAUSE OF ACTION**
3 **(Violation of the FDCPA)**

4 39. Plaintiff re-alleges all paragraphs above, as if fully set forth herein.

5 40. Defendants violated 15 U.S.C. sections 1692e, 1692e(2)(A), 1692e(10)
6 and 1692g(a) because their Validation Notice is confusing and misleading. The
7 Validation Notice states that the debt owed is \$1,997.73, but then states that the debt
8 “may include post charge off interest”, without clearly stating whether or not the debt
9 actually includes any post charge off interest. By way of example, the least
10 sophisticated debtor would not know whether the \$1,997.73 is all he owes, or whether
11 there is an additional amount due for the “post charge off interest” that was not
12 included in the Validation Notice.

13 41. As a result of each and every violation of the Rosenthal FDCPA,
14 Plaintiff has suffered actual damages and harm resulting from Defendant’s actions as
15 heretofore alleged, including but not limited to worry, emotional distress, anxiety, and
16 humiliation, the exact amount of which is to be proven at trial.

17 42. As a result of each and every violation of the Rosenthal FDCPA,
18 Plaintiff incurred additional actual damages including, but not limited to,
19 transportation and gasoline costs to the law firm, telephone call charges, copies,
20 postage, and other damages.

21 43. As a result of each and every violation of the FDCPA, Plaintiff is entitled
22 to actual damages pursuant to 1692k(a)(1); statutory damages in an amount up to
23 \$1,000.00 pursuant to 1692k(a)(2)(A); and reasonably attorneys’ fees and costs
24 pursuant to 15 U.S.C. section 1692k(a)(3).

25 **SECOND CAUSE OF ACTION**
26 **(Violation of the Rosenthal FDCPA)**

27 44. Plaintiff re-alleges all paragraphs above, as if fully set forth herein.

28 45. Any violation of the FDCPA is a violation of California Civil Code
section 1788.17, also known as the Rosenthal FDCPA, because section 1788.17

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A PROFESSIONAL CORPORATION
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SAN DIEGO, CA 92150
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1 incorporates the FDCPA.

2 46. Defendant violated Civil Code section 1788.17 because it violated 15
3 U.S.C. sections 1692e, 1692e(2)(A), 1692e(10), and 1692g(a), as discussed above.

4 47. The Ninth Circuit in *Gonzales v. Arrow Fin. Servs., LLC*, 660 F.3d 1055,
5 1066 (9th Cir. 2011) has ruled that the Rosenthal FDCPA incorporates the FDCPA's
6 class action damages provision in 15 U.S.C. section 1692k(a)(2)(B) via California
7 Civil Code section 1788.17.

8 48. As a result of each and every violation of the Rosenthal FDCPA,
9 Plaintiff has suffered actual damages and harm resulting from Defendant's actions as
10 heretofore alleged, including but not limited to worry, emotional distress, anxiety, and
11 humiliation, the exact amount of which is to be proven at trial.

12 49. As a result of each and every violation of the Rosenthal FDCPA,
13 Plaintiff incurred additional actual damages including, but not limited to,
14 transportation and gasoline costs to the law firm, telephone call charges, copies,
15 postage, and other damages.

16 50. As a result of each and every violation of the Rosenthal FDCPA,
17 Plaintiff is entitled to actual damages pursuant to California Civil Code section
18 1788.30(a); statutory damages under 1692k(a)(2)(A) which is incorporated by
19 California Civil Code section 1788.17; statutory damages for a knowing or willful
20 violation in the amount of up to \$1,000.00 pursuant to California Civil Code section
21 1788.30(b); and reasonable attorney's fees and costs pursuant to California Civil
22 Code section 1788.30(c).

23 **REQUEST FOR PRESERVATION OF EVIDENCE**

- 24 1. Preserve all forms of electronic data, regardless of where the data exists,
25 without modification to or deletion of any potentially discoverable data;
- 26 2. Suspend all procedures that may alter or delete computer data;
- 27 3. Prevent deleting, overwriting, defragmenting, or compressing the data;
- 28 4. Preserve all archived back-up tapes and ensure that (a) if archive tapes

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A PROFESSIONAL CORPORATION
11251 RANCHO CARMEL DR. # 500694
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1 are rotated, the relevant tapes are removed from the rotation; (b) if backups are made
2 to hard drives, preserve the hard drive as well;

3 5. Preserve the contents of all hard drives, network drives, tape drives,
4 optical drives, floppy disks, CD and DVD drives, and all other types of drives or
5 storage media that are within the possession, custody or control of all people who
6 have knowledge of relevant facts and those who work with them, such as assistants;

7 6. Preserve the contents of all information on portable computers—such as
8 laptops and palmtops—used by those people as well as home computers, if these are
9 used for work purposed;

10 7. Preserve the contents of all data on computers that were used since the
11 limitations period on the lawsuit began (for example; one year prior to filing) but that
12 are no longer in use.

13 **REQUEST FOR JURY TRIAL**

14 As declared by the seventh amendment to the Constitution of the United States
15 of America, Plaintiff is entitled to, and demands, a trial by jury.

16 **PRAYER FOR DAMAGES AND OTHER REMEDIES**

17 1. An order certifying the Class as requested herein;
18 2. An order appointing the Plaintiff as the representative of the Class;
19 3. An order certifying Plaintiff’s counsel as Class Counsel;
20 4. An order requiring Defendant, at its own cost, to notify all members of
21 the Classes of the unlawful acts discussed herein;

22 5. An award of statutory damages in the amount of \$1,000.00, pursuant to
23 15 U.S.C. section 1692k(a)(2)(A), for each plaintiff and putative class member;

24 6. An award of statutory damages in the amount of \$1,000.00, pursuant to
25 California Civil Code section 1788.17, for each plaintiff and putative class member;

26 7. An award of statutory damages in the amount of \$1,000.00, pursuant to
27 California Civil Code section 1788.30(b), for each plaintiff and putative class
28 member;

MASHIRI LAW FIRM
A PROFESSIONAL CORPORATION
11251 RANCHO CARMEL DR. # 500604
SAN DIEGO, CA 92150
TEL: (858) 348-4938
FAX: (858) 858-348-4939

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8. An award of costs of litigation and reasonable attorney’s fees, pursuant to 15 U.S.C. section 1692k(a)(3);

9 An award of costs of litigation and reasonable attorney’s fees, pursuant to California Civil Code section 1788.30(c); and

10. Any and all other relief that this Court deems just and proper.

Respectfully Submitted,

DATED: February 28, 2017

MASHIRI LAW FIRM
A Professional Corporation

By: /s/ Alex Asil Mashiri
Alex Asil Mashiri
Attorney for Plaintiff
Juan Pavlovich

MASHIRI LAW FIRM
A PROFESSIONAL CORPORATION
11251 RANCHO CARMEL DR. # 500604
SAN DIEGO, CA 92150
TEL: (858) 348-4938
FAX: (858) 858-348-4939

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
JUAN PAVLOVICH

(b) County of Residence of First Listed Plaintiff San Diego, California
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
MASHIRI LAW FIRM, A Professional Corporation
11251 Rancho Carmel Dr. # 500694, San Diego, CA 92150
Tel: 858 348-4938

DEFENDANTS

ACCOUNT DISCOVERY SYSTEMS, LLC. and DNF ASSOCIATES, 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)

'17CV412 AJB KSC

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 and business location (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, TORTS, CIVIL RIGHTS, 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
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. section 1692 et. seq.,
Brief description of cause:
Violation of the Federal and State Debt Collection Laws

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 1,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 02/28/2017 SIGNATURE OF ATTORNEY OF RECORD s/ Alex Asil Mashiri

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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Save As...

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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.Cv.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; **NOTE: 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 clerk(s) 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 six 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.
- 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 actual dollar amount 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.

EXHIBIT 1

495 Commerce Drive, Suite 2
Amherst, NY 14228-2511

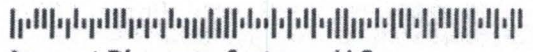
ADS
Account Discovery Systems, LLC

Balance	\$ 1,997.73
Current Creditor	DNF Associates LLC
Current Creditor Acct#	5127593
Original Creditor	NORDSTROM
Original Creditor Acct#	203363396
Date	03/02/2016



Juan C Pavlovich
555 Saturn Blvd Ste B
San Diego, CA 92154-4798

▼ SEND TO: ▼



Account Discovery Systems, LLC
P.O. Box 606
Amherst, NY 14226-0606
Pay online at www.Accountdiscoverysystems.com

Check here if your address or phone number has changed. Please indicate changes on the back of this page, and return in enclosed envelope.



Payment Processed By: PaymentManagementServices

▲ ***PLEASE DETACH THIS PORTION AND RETURN WITH PAYMENT*** ▲
▼ *** PLEASE RETAIN THIS PORTION FOR YOUR RECORDS *** ▼

Dear Juan C Pavlovich,

Our client, DNF Associates LLC has placed the above referenced account in the amount of \$ 1,997.73 with us for collections.

Please contact us at (866) 412-2734 or (716) 504-6864 to discuss resolving this matter. Our representatives are available Monday - Thursday from 8:00AM - 7:00PM Friday from 8:00AM - 4:30PM Eastern Time .

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.

Unless you notify us within 30 days after receiving this notice that you dispute the debt or any portion thereof, we will assume this debt is valid. If you notify us in writing within 30 days after receiving this notice, that the debt or any portion thereof is disputed, we will obtain verification of the debt or obtain a copy of the judgment and mail you a copy of such verification or judgment. If you request from us in writing, within 30 days after receiving this notice, we will provide you with the name and address of the original creditor, if different from the current creditor.

PLEASE SEE ADDITIONAL NOTICES AND DISCLOSURES ON THE REVERSE SIDE OF THIS LETTER.

www.payadslc.com

Monday - Thursday from 8:00AM - 7:00PM
Friday from 8:00AM - 4:30PM Eastern Time

PAYMENTS - Visit www.payadsl.com to pay online with a credit card or for additional information regarding payments by personal check, money order, certified check, bank wire, check by phone, Western Union or Money Gram. **DISPUTED PAYOFFS** - If you are sending a payoff amount that you intend to be payment in full but is less than the now due balance, you must mail your disputed payoff remittance to Account Discovery Systems, LLC Disputed Payoff, 495 Commerce Drive, Suite 2, Amherst, NY 14228. "If Applicable" **INTEREST CHARGES & SETTLEMENTS** - At our discretion, a statement or correspondence may include post charge off interest and/or offer a settlement amount less than the legal now due balance. Account Discovery Systems, LLC, LLC reserves the right to withdraw an offer of settlement for less than the full payoff amount any time after the settlement offer period expires.

GENERAL CORRESPONDENCE - Should include your name, account no. and phone no. mailed to P.O. Box 606 Amherst, NY 14226-0623. Please use the payment form above to report any address or phone changes or faxed to 716-691-5397.

CREDIT REPORTING CORRESPONDENCE - Should include your name, account no. & phone no. mailed to the attention of the Credit Reporting Division at Account Discovery Systems, LLC Disputed Payoff, 495 Commerce Drive, Suite 2, Amherst, NY 14228 or faxed to 716-691-5397. With all correspondence it is helpful to include supporting documentation with a clear statement how we may be of assistance. You may visit www.annualcreditreport.com for a free credit file disclosure once every 12 months or contact each company directly. TransUnion - www.transunion.com, 800-916-8800, Experian - www.experian.com, 888-397-3742, Equifax - www.equifax.com, 800-685-1111. **BANKRUPTCY CORRESPONDENCE** - should include bankruptcy and account information sent to Account Discovery Systems, LLC Clerk, 495 Commerce Drive, Suite 2, Amherst, NY 14228, by fax to 716-691-5397 or by phone to (866) 412-2734, ext. 2001. Please disregard this letter if the reverse mentioned debt is the subject of a bankruptcy proceeding or has otherwise been discharged.

NOTICE OF IMPORTANT RIGHTS: **California** - The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may not contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov. **Colorado** - FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COAG.GOV/CAR. A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt. **Massachusetts** - You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the debt collector. **Minnesota** - This collection agency is licensed by the Minnesota Department of Commerce. **New York City** - Department of Consumer Affairs License No.1435033. Debt collectors, in accordance with the Fair Debt Collection Practices Act, 15 U.S.C. section 1692 et seq., are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to: (i) the use or threat of violence; (ii) the use of obscene or profane language; and (iii) repeated phone calls made with the intent to annoy, abuse, or harass. If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt: (1) Supplemental security income, (SSI); (2) Social security; (3) Public assistance (welfare); (4) Spousal support, maintenance (alimony) or child support; (5) Unemployment benefits; (6) Disability benefits; (7) Workers' compensation benefits; (8) Public or private pensions; (9) Veterans' benefits; (10) Federal student loans, federal student grants, and federal work study funds; and; (11) Ninety percent of your wages or salary earned in the last sixty days. **North Carolina** - Department of Insurance Permit No.: 110172. **Tennessee** - This collection agency is licensed by the collection Service Board, State Department of Commerce and Insurance of Tennessee. **Utah** - As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations. **PRIVACY STATEMENT:** Account Discovery Systems, LLC wants to inform you of how we will handle confidential information we obtain about you. Information we collect - Account Discovery Systems, LLC, LLC may collect nonpublic personal information about you from the original creditor, consumer reporting agencies, and other parties for the purposes of acquiring location information as provided for by the Fair Debt Collection Practices Act, 15 USC § 1692 et seq. Information we disclose - We do not disclose any nonpublic personal information about you to anyone, except as provided for by the Fair Debt Collection Practices Act, 15 USC § 1692 and the Fair Credit Reporting Act, 15 USC § 1681 et seq. Security - Account Discovery Systems, LLC restricts access to nonpublic personal information about you to those employees who need to know that information to process this account. Account Discovery Systems, LLC maintains physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information. **Additional Rights** - If your state's privacy laws provide for different rights, require a different procedure to exercise your privacy rights under those laws or you need additional explanations, we will explain your rights when you call (866) 412-2734.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [FDCPA Class Action Aimed at Account Discovery Systems, DNF Associates](#)
