

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JON PILGRIM, individually and on behalf of all others
similarly situated,

Plaintiff,

-v.-

MERCHANTS & PROFESSIONAL CREDIT BUREAU,
INC. and JOHN DOES 1-25,

Defendants.

C.A. No: 1:18-cv-138

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff Jon Pilgrim (hereinafter, "Plaintiff"), a Texas resident, brings this Class Action Complaint by and through his attorneys, RC Law Group, PLLC, against Defendant Merchants & Professional Credit Bureau, Inc. (hereinafter "Defendant" or "M&P"), individually and on behalf of a class of all others similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure, based upon information and belief of Plaintiff's counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff's personal knowledge.

INTRODUCTION

1. Congress enacted the Fair Debt Collection Practices Act ("FDCPA") in 1977 in response to the "abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors." 15 U.S.C. §1692(a). At that time, Congress was concerned that "abusive debt collection practices contribute to the number of personal bankruptcies, to material instability, to the loss of jobs, and to invasions of individual privacy." *Id.* Congress

concluded that "existing laws...[we]re inadequate to protect consumers," and that "the effective collection of debts" does not require "misrepresentation or other abusive debt collection practices." 15 U.S.C. §§ 1692(b) & (c).

2. Congress explained that the purpose of the FDCPA was not only to eliminate abusive debt collection practices, but also to "insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged." *Id.* § 1692(e). After determining that the existing consumer protection laws were inadequate, Congress created a private cause of action to provide consumers with a remedy against debt collectors who fail to comply with the FDCPA. *Id.* § 1692k.

JURISDICTION AND VENUE

3. The Court has jurisdiction over this class action pursuant to 28 U.S.C. § 1331, as well as 15 U.S.C. § 1692 et. seq. The Court also has pendent jurisdiction over any state law claims in this action pursuant to 28 U.S.C. § 1367(a).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) as this is where a substantial part of the events or omissions giving rise to the claim occurred.

5. Venue is also proper in this judicial district pursuant to 28 U.S.C. §1391(b)(1) as this is where the defendant is located.

NATURE OF THE ACTION

6. Plaintiff brings this class action on behalf of a class of Texas consumers under § 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA"), and

7. Plaintiff is seeking damages and declaratory and injunctive relief.

PARTIES

8. Plaintiff is a resident of the State of Texas, County of Caldwell, residing at 4328 Fm 2984, Luling, TX 78648.

9. Defendant Merchants & Professional Credit Bureau, Inc. is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA with an address at 5508 Parkcrest Drive, Ste 210, Austin, TX 78731.

10. Upon information and belief, Defendant is a company that uses the mail, telephone, and facsimile and regularly engages in business the principal purpose of which is to attempt to collect debts alleged to be due another.

11. Defendant is a "debt collector", as defined under the FDCPA under 15 U.S.C. § 1692a(6).

12. John Does 1-25, are fictitious names of individuals and businesses alleged for the purpose of substituting names of Defendants whose identities will be disclosed in discovery and should be made parties to this action.

CLASS ALLEGATIONS

13. Plaintiffs bring this claim on behalf of the following case, pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3).

14. The Class consists of:

- a. all individuals with addresses in the State of Texas;
- b. to whom Merchants & Professional Credit Bureau, Inc. sent a collection letter attempting to collect a consumer debt;
- c. that contained false and threatening deadlines for payment of the debt;
- d. which letter was sent on or after a date one (1) year prior to the filing of this action and on or before a date twenty-one (21) days after the filing of this action.

15. The identities of all class members are readily ascertainable from the records of Defendants and those companies and entities on whose behalf they attempt to collect and/or have purchased debts.

16. Excluded from the Plaintiff Classes are the Defendants and all officer, members, partners, managers, directors and employees of the Defendants and their respective immediate families, and legal counsel for all parties to this action, and all members of their immediate families.

17. There are questions of law and fact common to the Plaintiff Classes, which common issues predominate over any issues involving only individual class members. The principal issue is whether the Defendants' written communications to consumers, in the forms attached as Exhibits A, violate 15 U.S.C. §§ 1692e and 1692f.

18. The Plaintiff's claims are typical of the class members, as all are based upon the same facts and legal theories. The Plaintiff will fairly and adequately protect the interests of the Plaintiff Classes defined in this complaint. The Plaintiff has retained counsel with experience in handling consumer lawsuits, complex legal issues, and class actions, and neither the Plaintiff nor her attorneys have any interests, which might cause them not to vigorously pursue this action.

19. This action has been brought, and may properly be maintained, as a class action pursuant to the provisions of Rule 23 of the Federal Rules of Civil Procedure because there is a well-defined community interest in the litigation:

- a. **Numerosity:** The Plaintiff is informed and believe, and on that basis alleged, that the Plaintiff Classes defined above are so numerous that joinder of all members would be impractical.

- b. **Common Questions Predominate:** Common questions of law and fact exist as to all members of the Plaintiff Classes and those questions predominate over any questions or issues involving only individual class members. The principal issue is whether the Defendants' written communications to consumers, in the forms **attached as Exhibits A-C** violate 15 § 1692e and §1692f.
- c. **Typicality:** The Plaintiff's claims are typical of the claims of the class members. The Plaintiff and all members of the Plaintiff Classes have claims arising out of the Defendants' common uniform course of conduct complained of herein.
- d. **Adequacy:** The Plaintiff will fairly and adequately protect the interests of the class members insofar as Plaintiff has no interests that are adverse to the absent class members. The Plaintiff is committed to vigorously litigating this matter. Plaintiff has also retained counsel experienced in handling consumer lawsuits, complex legal issues, and class actions. Neither the Plaintiff nor her counsel has any interests which might cause them not to vigorously pursue the instant class action lawsuit.
- e. **Superiority:** A class action is superior to the other available means for the fair and efficient adjudication of this controversy because individual joinder of all members would be impracticable. Class action treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum efficiently and without unnecessary duplication of effort and expense that individual actions would engender.

20. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is also appropriate in that the questions of law and fact common to members of the Plaintiff

Classes predominate over any questions affecting an individual member, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

21. Depending on the outcome of further investigation and discovery, Plaintiff may, at the time of class certification motion, seek to certify a class(es) only as to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).

FACTUAL ALLEGATIONS

22. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered above herein with the same force and effect as if the same were set forth at length herein.

23. Some time prior to February 15, 2017, an obligation was allegedly incurred by Plaintiff.

24. The alleged obligation arose out of a transaction involving medical debts allegedly incurred by Plaintiff with multiple creditors in which money, property, insurance or services, which are the subject of the transaction, are primarily for personal, family or household purposes, specifically in this instance it was multiple personal medical debts.

25. The alleged obligation is a "debt" as defined by 15 U.S.C. § 1692a(5).

26. The owner of the alleged obligation is a "creditor" as defined by 15 U.S.C. § 1692a(4).

27. The owner of the obligation contracted the Defendant to collect the alleged debt.

28. Defendant collects and attempts to collect debts incurred or alleged to have been incurred for personal, family or household purposes on behalf of creditors using the United States Postal Services, telephone and internet.

Violation I – February 15, 2017 Collection Letter

29. On or about February 15, 2017, Defendant sent the Plaintiff a collection letter (the “Letter”) seeking to collect an alleged debt. **See February 15, 2017 Collection Letter – Attached hereto as Exhibit A.**

30. The letter stated: **“48 Hour Notice** – Your account is now being reevaluated. Additional collection efforts are certainly unwanted, but you help govern that. We must notify you, that at any time after 48 hours we plan to take collection action as appropriate to obtain payment in full.”

31. Thereafter, Plaintiff received two additional letters from Defendant threatening similar deadlines for payments.

32. On March 1, 2017, Defendant sent Plaintiff another collection letter threatening “We are advancing your file 72 hours for payment in full. Bring this notice with your payment immediately.” **See March 1, 2017 Collection Letter – Attached hereto as Exhibit B.**

33. On March 15, 2017, Defendant sent Plaintiff a third collection letter threatening “Do we show this account paid or unpaid? The choice is yours. All collection items are reportable for 7 years from the date of your service.” **See March 15, 2017 Collection Letter – Attached hereto as Exhibit C.**

34. The threats in these letters contradict each other and are false since Plaintiff’s account was clearly not escalated in 48 hours (see Exhibit A) and clearly not escalated in 72 hours (see Exhibit B) as he then received the third letter also threatening action (see Exhibit C).

35. These threats are false statements since the Defendant has no intention of escalating or changing the collection status, and only exist to coerce Plaintiff into paying immediately.

36. These threats are false as Defendant had no intention of doing anything but sending more collection letters as evidenced by its subsequent letters to Plaintiff.

37. The language in these letters suggests that Defendant plans to take legal action or more serious collection actions if Plaintiff does not pay within 48 or 72 hours which is additionally false and deceptive as Defendant does not intend to take such action.

38. This false and deceptive information put Plaintiff at an imminent risk of harm as he was being deceived to believe serious actions would occur, such as a lawsuit.

39. As a result of Defendant's deceptive misleading and false debt collection practices, Plaintiff has been damaged.

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692e
et seq.

40. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.

41. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e.

42. Pursuant to 15 U.S.C. §1692e, a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.

43. Defendant violated said section

- a. by making a false and misleading representation in violation of §1692e(10);
- b. by falsely representing the character, amount of legal status of the debt in violation of §1692e(2)(A);
- c. my making the threat to take any action that cannot legally be taken or that is not intended to be taken in violation of §1692e(5).

44. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692e et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

COUNT II
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C.
§1692f et seq.

45. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.

46. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692f.

47. Pursuant to 15 U.S.C. §1692f, a debt collector may not use any unfair or unconscionable means in connection with the collection of any debt.

48. Defendant violated this section by overshadowing Plaintiff's rights to validate or dispute the debt provided him under the FDCPA.

49. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692f et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

DEMAND FOR TRIAL BY JURY

50. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jon Pilgrim, individually and on behalf of all others similarly situated demands judgment from Defendant Merchants & Professional Credit Bureau, Inc. as follows:

1. Declaring that this action is properly maintainable as a Class Action and certifying Plaintiff as Class representative, and Yaakov Saks, Esq. as Class Counsel;
2. Awarding Plaintiff and the Class statutory damages;
3. Awarding Plaintiff and the Class actual damages;
4. Awarding Plaintiff costs of this Action, including reasonable attorneys' fees and expenses;
5. Awarding pre-judgment interest and post-judgment interest; and
6. Awarding Plaintiff and the Class such other and further relief as this Court may deem just and proper.

Dated: February 15, 2018

Respectfully Submitted,


RC LAW GROUP, PLLC

/s/ Yaakov Saks
Yaakov Saks, Esq.
285 Passaic Street
Hackensack, NJ 07601
Ph: 201-282-6500
Fax: 201-282-6501
ysaks@rclawgroup.com
Attorneys For Plaintiff


EXHIBIT A

PO Box 1938
 Southgate, MI 48195-0938

Date: 02/15/17


 Jon Pilgrim
 4328 Fm 2984
 Luling, TX 78648-4507

IF YOU WISH TO PAY BY VISA, MASTERCARD OR AMERICAN EXPRESS FILL IN THE INFORMATION BELOW		
Card Number	Payment Amount	Expiration Date
Security Code on Back of Card	\$	Date
Card Holder Name	Signature of Card Holder	State
Card Holder Billing Address	City	Zip


Merchants & Professional Credit Bureau, Inc.
 PO Box 140675
 Austin, TX 78714-0675

Account Number: 4170600

YOU OWE: YOUR CREDITORS

Remit top portion with your payment

AMOUNT DUE: \$ 1,056.36

YOUR ACCOUNT REPRESENTATIVE
 CLAIMS DEPARTMENT
 PHONE: 512-346-4305
 TOLL FREE 1-800-550-7902
 Pay online at www.mpbcredit.com/pay

48 Hour Notice

Your account is now being reevaluated. Additional collection efforts are certainly unwanted, but you help govern that. We must notify you, that at any time after 48 hours we plan to take collection action as appropriate to obtain payment in full.

Pay this account now, if collection action is to be stopped.

Check one of the below (mail or fax immediately) (fax #512-427-2511)

- ☐ Payment in full enclosed. Show paid on credit record.
- ☐ In process of obtaining loan. Need 3 day extension.
- ☐ Post dated check enclosed for payment in full. (We honor post dated checks and will send you a written reminder at least five days before your check is deposited.)
- ☐ Credit card information given above for payment in full. Show paid on credit report.

For immediate processing call today to do check, credit or debit card payment by phone! We accept major credit cards! No fees added.

Our office hours are 7:45 AM to 4:30 PM (CST) Monday through Friday.

Creditor:	Reference #	Amount
BLUEBONNET ELECTRIC COOP	5000258482	\$211.75
INPATIENT MED PHYSICIANS	26377	\$814.61
AUSTIN HEART-TCMS	66143+	\$30.00
Total		\$ 1,056.36

FEDERAL LAW REQUIRES US TO NOTIFY YOU THIS IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

WE MAY REPORT INFORMATION ABOUT YOUR ACCOUNT TO OTHER CREDIT BUREAUS. LATE PAYMENTS, MISSED PAYMENTS, OR OTHER DEFAULTS ON YOUR ACCOUNT MAY BE REFLECTED IN YOUR CREDIT REPORT.



AFFILIATED WITH OVER 4000 CREDIT BUREAU AND BONDED COLLECTION OFFICES
 Member
 CONSUMER DATA INDUSTRY ASSOC.



EXHIBIT B

Merchants & Professional Credit Bureau, Inc.
 5508 Parkcrest Dr. Suite 210
 Austin, TX 78731

PO Box 1938
 Southgate, MI 48195-0938

Date: 03/01/17

IF YOU WISH TO PAY BY VISA, MASTERCARD OR AMERICAN EXPRESS FILL IN THE INFORMATION BELOW			
Card Number		Expiration Date	
Security Code on Back of Card	Payment Amount \$	Date	
Card Holder Name	Signature of Card Holder	State	Zip
Card Holder Billing Address		City	

Jon Pilgrim
 4328 Fm 2984
 Luling, TX 78648-4507

Merchants & Professional Credit Bureau, Inc.
 PO Box 140675
 Austin, TX 78714-0675

Account Number: 4170600

YOU OWE: YOUR CREDITORS

AMOUNT DUE: \$ 1,056.36

Remit top portion with your payment

YOUR ACCOUNT REPRESENTATIVE
 CLAIMS DEPARTMENT
 PHONE: 512-346-4305
 TOLL FREE 1-800-550-7902
 Pay online at www.mpbccredit.com/pay

Important notice!

You have one more opportunity to make payment-in-full. Further collection action can be taken including personal phone calls.

We are advancing your file 72 hours for payment in full. Bring this notice with your payment immediately.

We accept check by phone and major credit cards with no fees added.

Our office hours are 7:45 AM to 4:30 PM (CST) Monday through Friday.

Please call today!

Creditor:	Reference #	Amount
BLUEBONNET ELECTRIC COOP	5000258482	\$211.75
INPATIENT MED PHYSICIANS	26377	\$814.61
AUSTIN HEART-TCMS	66143+	\$30.00
		Total \$ 1,056.36

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AFFILIATED WITH OVER 4000 CREDIT BUREAU AND BONDED COLLECTION OFFICES
 Member

CONSUMER DATA INDUSTRY ASSOC.
 ACA INTERNATIONAL

EXHIBIT C


PO Box 1938
Southgate, MI 48195-0938

Date: 03/15/17


 Jon Pilgrim
 4328 Fm 2984
 Luling, TX 78648-4507

Merchants & Professional Credit Bureau, Inc.
 5508 Parkcrest Dr. Suite 210
 Austin, TX 78731

IF YOU WISH TO PAY BY VISA, MASTERCARD OR AMERICAN EXPRESS FILL IN THE INFORMATION BELOW		
Card Number		
Security Code on Back of Card	Payment Amount \$	Expiration Date /
Card Holder Name	Signature of Card Holder	Date
Card Holder Billing Address	City	State Zip


 Merchants & Professional Credit Bureau, Inc.
 PO Box 140675
 Austin, TX 78714-0675

Account Number: 4170600

YOU OWE YOUR CREDITORS

Remit top portion with your payment

AMOUNT DUE: \$ 1,056.36

YOUR ACCOUNT REPRESENTATIVE
 CLAIMS DEPARTMENT
 PHONE: 512-346-4305
 TOLL FREE 1-800-550-7902
 Pay online at www.mpbcredit.com/pay

Do we show this account paid or unpaid? The choice is yours. All collection items are reportable for 7 years from date of service.

Protect your credit record by bringing check or money order to:

M.P.B. Credit Bureau, Inc.
 5508 Parkcrest Dr. Suite 210
 Austin, TX 78731

Or mail to:

M.P.B. Credit Bureau, Inc.
 P.O. Box 140675
 Austin, TX 78714-0675

If you are in the process of obtaining a loan or waiting on an income tax refund, please call me immediately, so I can give you an extension. We accept check by phone and major credit cards with no fees added. Please call today.

We report to Experian, Equifax and TransUnion.

Our office hours are 7:45 AM to 4:30 PM (CST) Monday through Friday.

Creditor:	Reference #	Amount
BLUEBONNET ELECTRIC COOP	5000258482	\$211.75
INPATIENT MED PHYSICIANS	26377	\$814.61
AUSTIN HEART-TCMS	66143+	\$30.00
Total		\$ 1,056.36

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 WE MAY REPORT INFORMATION ABOUT YOUR ACCOUNT TO OTHER CREDIT BUREAUS. LATE PAYMENTS, MISSED PAYMENTS, OR OTHER DEFAULTS ON YOUR ACCOUNT MAY BE REFLECTED IN YOUR CREDIT REPORT.



AFFILIATED WITH OVER 4000 CREDIT BUREAU AND BONDED COLLECTION OFFICES
 Member

CONSUMER DATA INDUSTRY ASSOC.
 ACA INTERNATIONAL



MPBC/300R

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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

Jon Pilgrim, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Yaakov Saks, Esq., RC Law Group, PLLC
285 Passaic St., Hackensack, NJ 07601
201-282-6500 x 101, ysaks@rclawgroup.com

DEFENDANTS

Merchants & Professional Credit Bureau, Inc. and John Does 1-25

County of Residence of First Listed Defendant Travis
(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 (Excludes 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 - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<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/Management 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 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <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 type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" 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 <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	CIVIL RIGHTS <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 PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <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			

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):
Fair Debt Collection Practices Act - 15 USC Sect. 1692 et seq.

Brief description of cause:

Improper collection efforts involving false and misleading collection letter

VII. 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

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/15/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/Yaakov Saks

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Print

Save As...

Reset

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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Merchants & Professional Credit Bureau Facing Lawsuit Over 'False and Threatening' Payment Deadlines](#)
