

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JCJ

**RICHARD POPPER**, an individual  
for himself and for a class of similarly  
situated individuals,

Plaintiff,

v.

**CONVERGENT OUTSOURCING, INC.**, a  
Washington Corporation,

Defendant.

NO. 17 1627

PLAINTIFF DEMANDS  
A TRIAL BY JURY

**COMPLAINT – CLASS ACTION**

Plaintiff, RICHARD POPPER (hereinafter referred to as “PLAINTIFF”), on behalf of himself and all those similarly situated, by and through undersigned counsel, alleges upon knowledge as to himself and his own acts, and upon information and belief as to all other matters, and brings this complaint against Defendant, CONVERGENT OUTSOURCING, INC. (hereinafter referred to as “DEFENDANT”) and in support thereof alleges the following:

**PRELIMINARY STATEMENT**

1. PLAINTIFF brings this action for actual and statutory damages arising from DEFENDANT’s violations of the Fair Debt Collection Practices Act (hereinafter referred to as the “FDCPA”), 15 U.S.C. § 1692, *et seq.* DEFENDANT intentionally and systematically sends initial collection letters to consumers that do not contain disclosures required by the FDCPA. DEFENDANT further collects nonexistent debt.

**JURISDICTION AND VENUE**

2. The Court has jurisdiction over this action pursuant to 15 U.S.C. § 1692k(d).

LaRosa Law Firm  
959 West Chester Pike  
Havertown, Pennsylvania 19083  
610.924.0999

#400

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim occurred in the Eastern District of Pennsylvania.

**PARTIES**

4. PLAINTIFF is a natural person residing in Norristown, Pennsylvania.

5. PLAINTIFF is a “consumer” as defined in the FDCPA at 15 U.S.C. § 1692a(3).

6. PLAINTIFF allegedly owes a (past due) consumer “debt” as defined by 15 U.S.C. § 1692a(5).

7. DEFENDANT is incorporated in Washington, the principal purpose of whose business is the collection of debts, with a principal place of business at 800 SW 39th St., Renton, WA, 98057.

8. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT regularly collects or attempts to collect consumer debts owed or due or asserted to be owed or due another and that DEFENDANT is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

**STATEMENT OF FACTS**

9. PLAINTIFF repeats, re-alleges, and incorporates by reference, paragraphs 1 through 8 inclusive, above.

10. In late 2016, PLAINTIFF contracted with T- Mobile to receive cellular phone service for his family.

11. Under the terms of the contract, PLAINTIFF had the right to cancel within three days to receive a full refund after returning the T-Mobile phones.

12. PLAINTIFF returned the phones and cancelled his service within the three-day timeframe.

13. T- Mobile mistakenly attempted to collect on the account multiple times.

14. However, when PLAINTIFF informed T-Mobile's representative via telephone call that he cancelled in the appropriate timeframe, T-Mobile affirmed that PLAINTIFF did not actually owe any money.

15. T-Mobile further confirmed this fact via e-mail, a true and correct copy of which is attached as **Exhibit 1**.

16. On or about January 31, 2017, DEFENDANT sent a form collection letter to PLAINTIFF in an attempt to collect a consumer debt, a true and correct copy of which is attached hereto as **Exhibit 2**.

17. The letter states that PLAINTIFF owes \$2,591.86. *Id.*

18. The letter does not contain a disclosure informing PLAINTIFF of his right to dispute and request verification of the debt within 30 days after receipt of the letter.

19. On or about February 10, 2017, PLAINTIFF called DEFENDANT to inquire as to the current balance of his account and the date on which DEFENDANT mailed its initial letter.

20. On this phone call, DEFENDANT stated that it mailed PLAINTIFF its initial collection letter on January 31, 2017, and that PLAINTIFF's current balance was \$419.52.

21. Thereafter, PLAINTIFF did not receive a letter from DEFENDANT informing him of his right to dispute and request verification of the debt.

**CLASS ACTION ALLEGATIONS**

22. PLAINTIFF repeats, re-alleges, and incorporates by reference, paragraphs 1 through 21 inclusive, above.

23. PLAINTIFF brings this claim individually and on behalf of all others similarly situated for the purpose of asserting the claim alleged in this Complaint on a common basis. PLAINTIFF's proposed class is defined under Federal Rules of Civil Procedure ("Fed. R. Civ. P.") 23(b)(3), and PLAINTIFF proposes to act as representative of the following class:

- a. A class consisting of consumers who:
  - i. Reside in Pennsylvania, and;
  - ii. Within one year prior to the filing of this action;
  - iii. Received a collection letter from DEFENDANT;
  - iv. Which was the initial collection letter from DEFENDANT;
  - v. Which did not include a disclosure regarding the consumer's right to dispute and request verification of the debt;
  - vi. Where the consumer did not receive a written disclosure regarding his or her right to dispute and request verification of the debt within five days after such initial letter was sent.

24. PLAINTIFF does not know the exact size or identities of the class, as DEFENDANT maintains exclusive control of such information. Because the letter is a form letter, PLAINTIFF believes that the class includes between 10,000 and 20,000 individuals whose identities can be readily determined from DEFENDANT's business records. Therefore, the proposed class is so numerous that joinder of all members is impracticable.

25. All class members have been affected by the same conduct. The common questions of law and fact predominate over any questions affecting only individual members of the class. These questions include, but are not limited to:

- a. Whether DEFENDANT's actions violated 15 U.S.C. § 1692g(a) by sending an initial letter which did not contain the appropriate disclosures and not sending a written notice of such disclosures within five days thereafter;
- b. The identities of individuals who received a substantially similar initial collection letter from DEFENDANT which violated the above subsection; and
- c. The total number of collection letters that DEFENDANT mailed to consumers

which violated the above subsection.

26. PLAINTIFF's claims are typical of the claims of the class and do not conflict with the interests of any other class members. PLAINTIFF and the members of the class were uniformly subjected to the same conduct.

27. Upon information and belief, DEFENDANT has a practice and policy of intentionally neglecting to mail initial collection letters which contain the disclosure informing the consumer of his or her right to dispute and request verification of the debt.

28. PLAINTIFF will fairly and adequately represent the class members' interests and has retained counsel who are qualified to pursue this litigation.

29. PLAINTIFF is committed to vigorously pursuing his claims.

30. A class action is superior for the fair and efficient adjudication of the class members' claims as Congress specifically envisioned class actions as a principal means of enforcing the FDCPA. *See* 15 U.S.C. § 1692k. The members of the class are generally unsophisticated consumers, whose rights will not be vindicated in the absence of a class action. Prosecution of separate actions by individual members of the class would also create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards and would not be in the best interest of judicial economy.

31. A class action regarding the issues in this case does not create any problems of manageability.

32. If facts are discovered to be appropriate, PLAINTIFF will seek to certify the class under Rule 23(b)(3) of the Federal Rules of Civil Procedure.

**FIRST CLAIM FOR RELIEF**

**VIOLATIONS OF THE FDPCA 15 U.S.C. § 1692g(a)  
BROUGHT BY PLAINTIFF INDIVIDUALLY AND  
ON BEHALF OF THE CLASS**

33. PLAINTIFF repeats, re-alleges, and incorporates by reference, paragraphs 1 through 32 inclusive, above.

34. Within five days after its initial communication with a consumer, a debt collector must send a written notice to the consumer containing:

- (1) the amount of the debt;
- (2) the name of the creditor to whom the debt is owed;
- (3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;
- (4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and
- (5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

15 U.S.C. § 1692g(a).

35. On or about January 31, 2017, DEFENDANT sent a form collection letter to PLAINTIFF in an attempt to collect a consumer debt. Ex. 2.

36. The letter does not contain a disclosure informing PLAINTIFF of his right to dispute and request verification of the debt within 30 days after receipt of the letter.

37. On or about February 10, 2017, PLAINTIFF called DEFENDANT to inquire as to the current balance of his account and the date on which DEFENDANT mailed its initial letter.

38. On this phone call, DEFENDANT stated that it mailed PLAINTIFF its initial collection letter on January 31, 2017.

39. Thereafter, PLAINTIFF did not receive a letter from DEFENDANT informing him of his right to dispute and request verification of the debt.

40. By not including this disclosure on its first letter, or thereafter providing PLAINTIFF with that written disclosure, DEFENDANT violated 15 U.S.C. § 1692g(a).

41. As a result of the FDCPA violations by DEFENDANT, PLAINTIFF is entitled to an award of statutory damages.

42. PLAINTIFF was deprived of his legally protected interest to receive this disclosure in a timely manner, and therefore has suffered a concrete injury sufficient to confer standing upon him for the purposes of Article III.

43. It has been necessary for PLAINTIFF to obtain the services of an attorney to pursue this claim, on behalf of himself and those similarly situated, and is entitled to recover reasonable attorneys' fees therefor.

**SECOND CLAIM FOR RELIEF**

**VIOLATIONS OF THE FDPCA 15 U.S.C. §§ 1692e(5); e(10) f(1)  
BROUGHT BY PLAINTIFF INDIVIDUALLY**

44. PLAINTIFF repeats, re-alleges, and incorporates by reference, paragraphs 1 through 43 inclusive, above.

45. A debt collector is prohibited from threatening "to take any action that cannot legally be taken." 15 U.S.C. § 1692e(5).

46. A debt collector is also prohibited from using "any false representation or

deceptive means” to attempt to collect a debt. 15 U.S.C. § 1692e(10).

47. A debt collector is further prohibited from collecting any amount “unless such amount is “expressly authorized by the agreement creating the debt or permitted by law.” 15 U.S.C. § 1692f(1).

48. In late 2016, PLAINTIFF contracted with T- Mobile to receive cellular phone service for his family.

49. Under the terms of the contract, PLAINTIFF had the right to cancel within three days to receive a full refund after returning the T-Mobile phones.

50. PLAINTIFF returned the phones and cancelled his service within the three-day timeframe.

51. T- Mobile mistakenly attempted to collect on the account multiple times.

52. However, when PLAINTIFF informed T-Mobile’s representative via telephone call that he cancelled in the appropriate timeframe, T-Mobile affirmed that PLAINTIFF did not actually owe any money.

53. T-Mobile further confirmed this fact via e-mail. Ex. 1.

54. On or about January 31, 2017, DEFENDANT sent a form collection letter to PLAINTIFF in an attempt to collect a consumer debt. Ex. 2.

55. The letter states that PLAINTIFF owes \$2,591.86. *Id.*

56. However, PLAINTIFF does not owe this debt.

57. By stating that the debt was duly owed and in the amount of \$2,591.86, DEFENDANT used a false representation in the attempt to collect a debt and therefore violated 15 U.S.C. § 1692e(10).

58. By attempting to collect a debt to which it was not legally entitled, DEFENDANT threatened to take an action which it could not take, and therefore violated 15 U.S.C. § 1692e(5).



59. By attempting to collect a debt which was not “expressly authorized by the agreement creating the debt or permitted by law,” DEFENDANT violated 15 U.S.C. § 1692f(1).

60. PLAINTIFF was deprived of his legally protected interest to receive communications from debt collectors that do not contain material misrepresentations, and therefore has suffered a concrete injury sufficient to confer standing upon him for the purposes of Article III.

61. As a result of the FDCPA violations by DEFENDANT, PLAINTIFF is entitled to an award of statutory damages.

62. It has been necessary for PLAINTIFF to obtain the services of an attorney to pursue this claim, and is entitled to recover reasonable attorneys’ fees therefor.

**THIRD CLAIM FOR RELIEF**

**VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692e(2)(A)  
BROUGHT BY PLAINTIFF INDIVIDUALLY**

63. PLAINTIFF repeats, re-alleges, and incorporates by reference, paragraphs 1 through 62 inclusive, above.

64. A debt collector may not falsely represent the amount or legal status of any debt. 15 U.S.C. § 1692e(2)(A).

65. In late 2016, PLAINTIFF contracted with T- Mobile to receive cellular phone service for his family.

66. Under the terms of the contract, PLAINTIFF had the right to cancel within three days to receive a full refund after returning the T-Mobile phones.

67. PLAINTIFF returned the phones and cancelled his service within the three-day timeframe.

68. T- Mobile attempted to collect on the account multiple times.

69. However, when PLAINTIFF informed T-Mobile's representative via telephone call that he cancelled in the appropriate timeframe, T-Mobile affirmed that PLAINTIFF did not actually owe any money.

70. T-Mobile further confirmed this fact via e-mail. Ex. 1.

71. As such, PLAINTIFF does not owe this debt.

72. On or about February 10, 2017, PLAINTIFF called DEFENDANT to inquire as to the current balance of his account.

73. On this phone call, DEFENDANT stated that PLAINTIFF's current balance was \$419.52.

74. By stating that the debt was duly owed and in the amount of \$419.52, DEFENDANT misrepresented the amount and the legal status of the debt, in violation of 15 U.S.C. § 1692e(2)(A).

75. PLAINTIFF was deprived of his legally protected interest to receive communications from debt collectors that do not contain material misrepresentations, and therefore has suffered a concrete injury sufficient to confer standing upon him for the purposes of Article III.

76. As a result of the FDCPA violations by DEFENDANT, PLAINTIFF is entitled to an award of statutory damages.

77. It has been necessary for PLAINTIFF to obtain the services of an attorney to pursue this claim, and is entitled to recover reasonable attorneys' fees therefor.

**DEMAND FOR JURY TRIAL**

78. Please take notice that PLAINTIFF demands trial by jury in this action.

**PRAYER FOR RELIEF**

WHEREFORE, PLAINTIFF respectfully prays that this Court grant the following relief in PLAINTIFF's favor, and on behalf of the class, and that judgment be entered against DEFENDANT for the following:

- (1) For actual damages incurred by PLAINTIFF pursuant to 15 U.S.C. § 1692k(a)(1);
- (2) For statutory damages awarded to PLAINTIFF, not to exceed \$1000, pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- (3) For statutory damages awarded to the Class Members, pursuant to 15 U.S.C. § 1692k(a)(2)(B), of the amount not to exceed the lesser of \$500,000 or 1 per centum (1%) of the net worth of the DEFENDANT;
- (4) For disgorgement of all of DEFENDANT's revenues obtained through use of the letter at issue;
- (5) For reasonable attorneys' fees for all services performed by counsel in connection with the prosecution of these claims;
- (6) For reimbursement for all costs and expenses incurred in connection with the prosecution of these claims; and
- (7) For any and all other relief this Court may deem appropriate.

Respectfully submitted,

LaROSA LAW FIRM

Date: 4/10/17

  
MICHAEL LaROSA, ESQUIRE  
959 West Chester Pike  
Havertown, PA 19083  
Tel: 610-924-0999  
Fax: 610-924-0473  
ml@larosalawfirm.com  
*Attorney for Plaintiff*

Callahan Law Firm  
959 West Chester Pike  
Havertown, Pennsylvania 19083  
610.924.0999

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Exhibit 1

Alexander Douglas <alex@gp-nola.com>

**Fwd: T-Mobile Handset Research Notification 6102030880**

5 messages

**Rich Popper** <rich.popper@gmail.com>  
To: alex@gp-nola.com

Fri, Feb 10, 2017 at 1:28 PM

Here's the email that they received the phones back  
----- Forwarded message -----  
From: "ARSystem Notify" <DoNotReply@t-mobile.com>  
Date: Jan 26, 2017 1:56 AM  
Subject: T-Mobile Handset Research Notification 6102030880  
To: <rich.popper@gmail.com>  
Cc:

T-Mobile Handset Order Research Request  
Handset Order Reference: 06891958

Thank you for taking the time to contact T-Mobile. Our warehouse has received the equipment. We have requested a refund for the payment made at the time of purchase. We have ended the EIP on the account. The EIP charges associated to this order will automatically credit by the end of your next bill cycle.

Following IMEI: 358565071866933, 359755072762756, 359755072705680, 358511078495417

Thank You,

Handset Order Research Department  
T-Mobile USA, Inc.

**Alexander Douglas** <alex@gp-nola.com>  
To: Rich Popper <rich.popper@gmail.com>

Fri, Feb 10, 2017 at 4:44 PM

Thanks. Do you know what EIP stands for?

Sent from my iPhone  
[Quoted text hidden]

**Rich Popper** <rich.popper@gmail.com>  
To: Alexander Douglas <alex@gp-nola.com>

Fri, Feb 10, 2017 at 4:46 PM

No clue  
[Quoted text hidden]

**Rich Popper** <rich.popper@gmail.com>  
To: Alex Douglas <alex@gp-nola.com>

Wed, Feb 15, 2017 at 9:26 AM

Hey alex,

Just checking in, do we need anything, or is there anything i can do to help?  
[Quoted text hidden]

**Alexander Douglas** <alex@gp-nola.com>  
To: Rich Popper <rich.popper@gmail.com>

Wed, Feb 15, 2017 at 10:04 AM

Hello Rich,

3/14/2017

gp-nola.com Mail - Fwd: T-Mobile Handset Research Notification 6102030880

Nope. I've emailed the demand letter to Convergent directly. I'll let you know when I hear from them.

Regards,

Alex

[Quoted text hidden]

—

Alexander J. Douglas, Esq. | Attorney | Gesund & Paillet, LLC

2510 Chili Ave., Rochester, NY 14624

Direct: (585) 703-9783 | alex@gp-nola.com

Licensed in: New York and Louisiana

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LaRosa Law Firm  
959 West Chester Pike  
Havertown, Pennsylvania 19083  
610.924.0999

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**EXHIBIT 2**

ATERS001  
PO Box 1022  
Waxom MI 48393-1022

CHANGE SERVICE REQUESTED



Convergent Outsourcing, Inc.  
600 SW 38th St./PO Box 9034  
Renton, WA 98057  
Mon-Fri: 8AM-8PM & Sat 8AM-12PM PT  
800-850-3174

Date: 01/31/2017  
Creditor: T-Mobile, USA  
Client Account #: 323  
Convergent Account #: 116  
Amount Owed: \$2,591.86  
Total Balance: \$2,591.86

Richard Popper  
Forrest Ave Apt P302  
Norristown PA 19401-5643

Your Response is Requested

This notice is being sent to you by a collection agency. The records of T-Mobile, USA show that your balance of \$2,591.86 is due in full.

If you have any questions about this account please contact our office toll free at 800-850-3174.




Sincerely,

Convergent Outsourcing, Inc.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

NOTICE: PLEASE SEE REVERSE SIDE FOR IMPORTANT CONSUMER INFORMATION.



  	<p><b>3 CONVENIENT WAYS TO PAY:</b></p> <p><b>Pay Online:</b> Email our office or pay your bill online with your credit/debit card or checking account at <a href="http://www.payconvergent.com">www.payconvergent.com</a>. Your temporary identification number is: 240424016301.</p> <p><b>Pay by Phone:</b> Please call Convergent Outsourcing, Inc. at 800-850-3174. We offer check by phone, Western Union, and credit/debit card.</p> <p><b>Pay by Mail:</b> Send Payments to Convergent Outsourcing, Inc., PO Box 9004, Renton WA 98057-9004.</p>
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PLEASE DETACH THE BOTTOM PORTION WITH YOUR PAYMENT. BEFORE MAILING, PLEASE ENSURE RETURN ADDRESS APPEARS CORRECTLY THROUGH THE WINDOW OF THE REPLY ENVELOPE

350000000  
MMS 11 1030016

800 850-3174

Date: 01/31/2017  
Creditor: T-Mobile, USA  
Client Account #: 323  
Convergent Account #: 000000016

Total Balance: \$2,591.86  
Amount Enclosed: US \_\_\_\_\_

New Address:

Address: \_\_\_\_\_  
City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_  
Country Phone: (\_\_\_\_) \_\_\_\_\_  
Funding Phone: (\_\_\_\_) \_\_\_\_\_

Convergent Outsourcing, Inc  
PO Box 9004  
Renton WA 98057-9004



If we are calling you in error, please call 855-728-9701 or visit our website at [www.convergentusa.com](http://www.convergentusa.com).

010040424016000025918600000000

JCJ

17-cv-1627

JS 44 (Rev. 08/16)

**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**  
 RICHARD POPPER, an individual, on behalf of himself and those similarly situated

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

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
 Michael LaRosa, Esq. -LaRosa Law Firm  
 959 West Chester Pike - Havertown, PA 19083  
 610-924-0999

**DEFENDANTS**  
 CONVERGENT OUTSOURCING, INC. **17** **1627**  
 Washington corporation

County of Residence of First Listed Defendant \_\_\_\_\_  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

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	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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 <b>LABOR</b> <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 <b>IMMIGRATION</b> <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <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 checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <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 <b>Other:</b> <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 - Transfer     8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 15 USC 1692 et seq.

Brief description of cause:  
 Fair Debt Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ 500,000.00    CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER **APR 10 2017**

DATE 4/10/17 SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



UNITED STATES DISTRICT COURT

17

1627

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Norristown, Pennsylvania

Address of Defendant: 800 SW 39th St., Renton, WA, 98057

Place of Accident, Incident or Transaction: Norristown, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

CIVIL: (Place  in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1.  Indemnity Contract, Marine Contract, and All Other Contracts
- 2.  FELA
- 3.  Jones Act-Personal Injury
- 4.  Antitrust
- 5.  Patent
- 6.  Labor-Management Relations
- 7.  Civil Rights
- 8.  Habeas Corpus
- 9.  Securities Act(s) Cases

10.  Social Security Review Cases

11.  All other Federal Question Cases  
(Please specify) Consumer Credit / Fair Debt Collection Practices Act

B. Diversity Jurisdiction Cases:

- 1.  Insurance Contract and Other Contracts
- 2.  Airplane Personal Injury
- 3.  Assault, Defamation
- 4.  Marine Personal Injury
- 5.  Motor Vehicle Personal Injury
- 6.  Other Personal Injury (Please specify)
- 7.  Products Liability
- 8.  Products Liability — Asbestos
- 9.  All other Diversity Cases

(Please specify) \_\_\_\_\_

ARBITRATION CERTIFICATION

(Check Appropriate Category)

Michael LaRosa

, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 4/10/17

Attorney-at-Law

50011  
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/10/17

Attorney-at-Law

50011  
Attorney I.D.#



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Richard Popper, an individual, on behalf of  
himself and those similarly situated

v.

Convergent Outsourcing, Inc.

CIVIL ACTION

**17 1627**

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

<u>4/10/17</u>	Michael LaRosa	Plaintiff
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
610-924-0999	610-924-0473	ml@larosalawfirm.com
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>

(Civ. 660) 10/02

APR 10 2017

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action: Convergent Outsourcing Sent Non-Compliant Collection Notices](#)

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