

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:18cv60972

KENICKAY PRENDERGAST,
individually and on behalf of all
others similarly situated,

Plaintiff,

v.

COMPLAINT – CLASS ACTION

ALLEN, MILLER & GREENE, LLC,

Defendants.

CLASS ACTION COMPLAINT AND JURY DEMAND

On behalf of the putative class, Plaintiff KENICKAY PRENDERGAST (“Plaintiff”), seeks redress for the unlawful conduct of Defendant ALLEN, MILLER & GREENE, LLC (“Defendant”), *to wit*, for violations of 15 U.S.C. § 1692 *et seq.*, the Fair Debt Collection Practices Act (“FDCPA”). Simply put, Defendant has dispatched thousands unlawful collection letters to Florida consumers, whereby such letters violate § 1692e, § 1692f and § 1692g of the FDCPA.

INTRODUCTION

1. The FDCPA “is a consumer protection statute that ‘imposes open-ended prohibitions on, *inter alia*, false, deceptive, or unfair’” debt-collection practices. Crawford v. LVNV Funding, LLC, 758 F.3d 1254, 1257 (11th Cir. 2014) (*quoting Jerman v. Carlisle, McNellie, Rini, Kramer & Ulrich LPA*, 559 U.S. 573, 587 (2010)).

2. “Congress enacted the FDCPA after noting abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors.” Brown v. Card

Serv. Ctr., 464 F.3d 450 (3rd Cir. 2006) (internal quotations omitted); *see, e.g., Id.* at 453 (quoting 15 U.S.C. §1692(a)) (“Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy.”).

3. As set forth in more detail below, Defendant has dispatched thousands of unlawful collection letters to Florida consumers in an attempt to collect consumer debts while neglecting to adequately provide consumers with information guaranteed to them under the FDCPA. Accordingly, Plaintiff, on behalf of the putative class, seeks statutory damages under the FDCPA over the punitive class timeframe set forth herein.

JURISDICTION AND VENUE

4. This Court has jurisdiction for all counts under 28 U.S.C. §§ 1331, 1337 and 15 U.S.C. § 1692k.

5. Venue in this District is proper because Plaintiff resides here, Defendant transacts business here, and the complained of conduct occurred within this District.

DEMAND FOR JURY TRIAL

6. Plaintiff is entitled to, and hereby respectfully demands, a trial by jury on all counts alleged and on any issues so triable. *See Sibley v. Fulton DeKalb Collection Service*, 677 F.2d 830 (11th Cir.1982) (wherein the Eleventh Circuit held that, “a plaintiff, upon timely demand, is entitled to a trial by jury in a claim for damages under the FDCPA.”).

PARTIES

7. Plaintiff is a natural person, and a citizen of the State of Florida, residing in Broward County, Florida.

8. Plaintiff is a “consumer” within the meaning of the FDCPA. *See* 15 U.S.C §1692a.

9. Defendant is a Texas Corporation, with its principal place of business located in Houston, Texas.

10. Defendant engages in interstate commerce by regularly using telephone and mail in a business whose principal purpose is the collection of debts.

11. At all times material hereto, Defendant was acting as a debt collector in respect to the collection of Plaintiff's debts.

FACTUAL ALLEGATIONS

12. The debt at issue (the "Consumer Debt") is the amount Plaintiff allegedly owes the current creditor, whoever that may be.

13. The Consumer Debt is a "debt" governed by the FDCPA. *See* 15 U.S.C §1692a(5).

14. Plaintiff is a "consumer" within the meaning of the FDCPA. *See* 15 U.S.C §1692a(3).

15. Defendant is a "debt collector" as defined by the FDCPA. *See* 15 U.S.C §1692a(6).

16. On or about February 12, 2018, Defendant sent a collection letter to Plaintiff (the "Collection Letter") in an attempt to collect the Consumer Debt. A copy of the Collection Letter is attached hereto as Exhibit "A."

17. As shown in the excerpt below, in the Collection Letter, Defendant makes the following statements:

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

Excerpt from Exhibit A-Collection Letter.

18. Section 1692g of the FDCPA requires debt collectors to make certain disclosures, and/or provide consumers with certain information, depending on the circumstances. The rights and obligations established by section 1692g were considered by the Senate to be a “significant feature” of the Act. Rep. No. 382, 95th Cong., 1st Sess. 4, at 4. In particular, §1692g mandates, *inter alia*, that:

(a) Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice 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.

19. In the second sentence of the excerpt depicted above from the Collection Letter, Defendant omits material language that it is required to include pursuant to the FDCPA. Defendant has a duty to adequately advise Plaintiff and members of the class of their rights under § 1692g of the FDCPA.

20. Here, in the Collection Letter, Defendant states: “If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgement and mail you a copy of judgement or verification.” Defendant failed to inform Plaintiff and members of the class that Plaintiff would need to notify Defendant “that the debt, or any portion thereof, *is disputed*” in order to invoke her rights under § 1692g(a)(4) of the FDCPA. See 15 U.S.C § 1692g(4).

21. Furthermore, nowhere in the Collection Letter does it state who the current creditor of the debt is as Defendant is required to clearly and effectively disclose pursuant to 15 U.S.C §1692g(a)(2) of the FDCPA.

CLASS ACTION ALLEGATIONS

22. This action is brought on behalf of the following two classes, *to wit*, the “**Faulty Disclosure Class**” and the “**Failure to Identify Creditor Class**”

23. The “**Faulty Disclosure Class**” consists of:

(i) all persons with Florida addresses (ii) who were sent a letter (iii) between April 29, 2017 and April 29, 2018 (iv) from Defendant (v) in an attempt to collect a debt incurred for personal, family, or household purposes, (vi) of which Defendant was not the original-creditor, (vii) and Defendant failed to provide necessary disclosures under § 1692g(a)(4).

24. The “**Failure to Identify Creditor Class**” consists of:

(i) all persons with Florida addresses (ii) who were sent a letter (iii) between April 28, 2017 and April 28, 2018 (iv) from Defendant (v) in an attempt to collect a debt incurred for personal, family, or household purposes, (vi) of which Defendant was not the original-creditor, (vii) and Defendant failed to properly disclose the name of the creditor to whom the debt is owed pursuant to 15 U.S.C §1692g(a)(2).

25. Plaintiff alleges on information and belief that the “Faulty Disclosure Class” and the “Failure to Identify Creditor Class” is so numerous that joinder of all members is impracticable because Defendant has dispatched thousands of identical dunning letters to addresses in Florida attempting to collect debts with the same disclosure failures at issue here.

A. EXISTENCE AND PREDOMINANCE OF COMMON QUESTIONS OF LAW & FACT

26. Common questions of law and fact exist as to the class and predominate over any issues involving only individual class members.

27. With respect to the **Faulty Disclosure Class**:

- a. The *factual issues common* to the class are whether members received a collection letter from Defendant, in an attempt to collect a consumer debt, within the class period; and
- b. The *principal legal issue* of the class is whether Defendant violated 15 U.S.C. § 1692e and/or § 1692g by failing to provide a complete disclosure of Plaintiff’s rights as required to do under § 1692g(a)(4).

28. With respect to the **Failure to Identify Creditor Class**:

- a. The *factual issues common* to the class are whether members received a collection letter from Defendant, in an attempt to collect a consumer debt, within the class period; and
- b. The *principal legal issue* of the class is whether Defendant violated 15 U.S.C. § 1692e and/or § 1692g by failing to clearly, adequately, and effectively convey the name of the creditor to whom the debt is owed.

29. Excluded from each class are Defendant's agents and employees, Plaintiff's attorneys and their employees, the Judge to whom this action is assigned, and any member of the Judge's staff and immediate family.

B. TYPICALITY

30. Plaintiff's claims are typical of the claims of each class member and are based on the same facts and legal theories.

C. ADEQUACY

31. Plaintiff is an adequate representative of the proposed classes.

32. Plaintiff will fairly and adequately protect the interests of the classes.

33. Plaintiff has retained counsel experienced in handling actions involving unlawful practices under the FDCPA and consumer-based class actions. Neither Plaintiff nor Plaintiff's counsel have any interests which might cause them (Plaintiff or Plaintiff's counsel) to not vigorously pursue this action.

D. PREDOMINANCE AND SUPERIORITY

34. Certification of the classes under Rule 23(b)(3) of the Federal Rules of Civil Procedure is also appropriate in that:

(a) The questions of law or fact common to the members of the classes predominate over any questions affecting an individual member.

(b) A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

35. Certification of a class under Rule 23(b)(2) of the Federal Rules of Civil Procedure is also appropriate, in that, Defendant has acted on grounds generally applicable to the classes thereby making appropriate declaratory relief with respect to the class as a whole. Plaintiff request

certification of a hybrid class under Rule 23(b)(3) for monetary damages and to Rule 23(b)(2) for injunctive and equitable relief.

COUNT I.
VIOLATION OF 15 U.S.C. § 1692e, § 1692g(b) and § 1692g(a)(4)

36. Plaintiff incorporates the preceding Factual Allegations Complaint as though fully stated herein.

37. Pursuant to § 1692g(a)(4) of the FDCPA, Defendant must provide Plaintiff with “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.” 15 U.S.C. § 1692g(a)(4) (emphasis added). Further, the FDCPA mandates that: “[a]ny collection activities and communication during the 30-day period may not overshadow *or be inconsistent with the disclosure of the consumer's right to dispute the debt or request the name and address of the original creditor.*” 15 U.S.C. § 1692g(b) (emphasis added).

38. Section 1692e of the FDCPA provides that “[a] debt collector may not use any false, deceptive, or *misleading* representation or means in connection with the collection of any debt.” 15 U.S.C. § 1692e.

39. “[T]he broad prohibitions of § 1692e apply to a debt collector's false, deceptive, or *misleading representation or means* used in connection with the collection of any debt [and] [t]he broad prohibitions of § 1692f apply to a debt collector's use of unfair or unconscionable *means to collect or attempt to collect any debt.*” 15 U.S.C. § 1692f. Crawford v. LVNV Funding, LLC, 758 F.3d 1254, 1261 (11th Cir. 2014) (emphasis original). Moreover, “[t]he use of ‘or’ in § 1692e

means that, to violate the FDCPA, a representation by a ‘debt collector’ must merely be false, or deceptive, or *misleading*. A false representation in connection with the collection of a debt is sufficient to violate the FDCPA facially, even where no misleading or deception is claimed.” *Bourff v. Rubin Lublin, L.L.C.*, 674 F.3d 1238 (11th Cir. 2012).

40. Here, the Collection Letter’s omits required statutory language. As such, a false and misleading statement was made due to the omission. The omission violated § 1692g(b) since it causes the required disclosure to be “inconsistent with the disclosure of the consumer’s rights,” as guaranteed by § 1692g(a)(4). Accordingly, Defendant has, by misconstruing Plaintiff and class member’s rights, violated § 1692e, § 1692g(a)(4), and § 1692g(b) of the FDCPA.

WHEREFORE, Plaintiff, individually and on behalf of the Faulty Disclosure Class, request that the Court enter judgment in favor of Plaintiff and the Faulty Disclosure Class and against Defendant for:

- (1) Statutory damages, as provided under 15 U.S.C. § 1692k(a)(2)(B);
- (2) Attorney’s fees, litigation expenses and costs of the instant suit, as provided under 15 U.S.C. § 1692k(a)(3); and
- (3) Such other or further relief this Court deem proper.

COUNT II.
VIOLATION OF 15 U.S.C. § § 1692e, § 1692g(b) and 1692g(a)(2)

31. Defendant violated § 1692g(a)(2) of the FDCPA by failing to send Plaintiff a written notice that, in light of the least sophisticated consumer standard, sufficiently advises of name of the creditor to whom the Consumer Debt is owed, in that, the Collection Letter fails to identify any entity as being the “creditor.” See *Pardo v. Allied Interstate, L.L.C.*, 2015 WL 5607646 (S.D. Ind. Sept. 21, 2015) (where collection letter’s body referred to “Resurgent Capital Services LP” as

Allied Interstate's "Client," and offered no explanation of the relationship between LVNV and Resurgent Capital or why/how Resurgent Capital was involved with debt, consumer stated valid §1692g(a)(2) claim).

32. Here, in the Collection Letter, Defendant fails to clearly identify any entity as the creditor of the debt.

33. Courts have consistently held that "[m]erely including the current creditor's name in a debt collection letter, without more, is insufficient to satisfy 15 U.S.C. § 1692g(a)(2)."

McGinty v. Professional Claims Bureau, Inc., Case No. 15-cv-4356 (SJF) (ARL), 2016 WL 6069180, at *4 (E.D.N.Y. Oct. 17, 2016); *see also*, Suellen v. Mercantile Adjustment Bureau, LLC, Case No. 12-cv-00916 NC, 2012 WL 2849651, at *6 (N.D. Cal. June 12, 2012) (observing that courts have held that "[m]erely naming the creditor without identifying it as the current creditor" is not sufficient for purposes of section 1692g(a)(2)); Sparkman v. Zwicker & Assocs., P.C., 374 F. Supp. 2d 293, 300-01 (E.D.N.Y. 2005) (holding that a debt collector violated 15 U.S.C. § 1692g where "[t]he name of the creditor . . . appear[ed] in the subject line of the Collection Letter, but [was] not identified as a creditor"); Dix v. Natl. Credit Sys., Inc., 2:16-CV-3257-HRH, 2017 WL 4865259, at *2 (D. Ariz. Oct. 27, 2017) ("[a]ll defendant did was name the current creditor. Defendant did nothing to identify Metro on 19th as the current creditor. Thus, plaintiff is entitled to summary judgment on his section 1692g(a)(2) claim"); Datiz v. International Recovery Associates, Inc., Case No. 15-CV-3549 (ADS) (AKT), 2016 WL 4148330 (E.D.N.Y. Aug. 4, 2016) (because collection letter "did not make it *explicit* that [the hospital] was the current creditor to whom the plaintiff owed a debt" summary judgement was granted in favor of Plaintiff's §1692g(a)(2) claim).

41. Accordingly, Defendant has violated § 1692e, § 1692g(a)(2), and § 1692g(b) of the FDCPA.

WHEREFORE, Plaintiff, individually and on behalf of the Failure to Identify Creditor Class, request that the Court enter an order certifying the described Class and judgment in favor of Plaintiff and Class and against Defendant for:

- (1) Statutory damages, as provided under 15 U.S.C. § 1692k(a)(2)(B);
- (2) Attorney's fees, litigation expenses and costs of the instant suit, as provided under 15 U.S.C. § 1692k(a)(3); and
- (3) Such other or further relief as the Court deems proper.

DATED: April 29, 2018

Respectfully Submitted,

/s/ Jibrael S. Hindi

JIBRAEL S. HINDI, ESQ.

Florida Bar No.: 118259

E-mail: jibrael@jibraellaw.com

THE LAW OFFICES OF JIBRAEL S. HINDI

110 SE 6th Street, Suite 1744

Fort Lauderdale, Florida 33301

Phone: 954-907-1136

Fax: 855-529-9540

COUNSEL FOR PLAINTIFF

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS KENICKAY PRENDERGAST, individually and on behalf of all others similarly situated. DEFENDANTS ALLEN, MILLER & GREENE, LLC.

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

(c) Attorneys (Firm Name, Address, and Telephone Number) The Law Office of Jibrael S. Hindi, PLLC, 610 SE 6th St., Suite 1744 Fort Lauderdale FL, 33301. (954)628-5793. NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Grid for Basis of Jurisdiction and Citizenship of Principal Parties with checkboxes for U.S. Government Plaintiff/Defendant, Federal Question, Diversity, Citizen of This State/Another State/Foreign Country, and PTF/DEF boxes for various categories.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large grid for Nature of Suit with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, and OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only) 1 Original Proceeding 2 Removed from State Court 3 Re-filed (See VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment 8 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S) (See instructions): a) Re-filed Case YES NO b) Related Cases YES NO JUDGE DOCKET NUMBER

VII. CAUSE OF ACTION 15 U.S.C. & 1692, et seq. LENGTH OF TRIAL via days estimated (for both sides to try entire case) Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: YES NO

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE SIGNATURE OF ATTORNEY OF RECORD

DATE April 29, 2018

FOR OFFICE USE ONLY RECEIPT # AMOUNT IFP JUDGE MAG JUDGE

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.C.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; 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 clerks 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 seven 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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. 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

VIII. 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 dollar amount (in thousands of dollars) 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.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

KENICKAY PRENDERGAST, individually
and on behalf of all others similarly situated.

Plaintiff(s)

v.

ALLEN, MILLER & GREENE, LLC

Defendant(s)

Civil Action No. 0:18cv60972

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ALLEN, MILLER & GREENE, LLC
10101 FONDREN RD STE 535
HOUSTON, TX 77096-4564

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: The Law Offices of Jibrael S. Hindi, PLLC. 110 SE 6th St., Suite 1744, Fort Lauderdale, FL 33301. Phone: (844)542-7235 Email: jibrael@jibraellaw.com Fax: (855)529-9540

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 0:18cv60972

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

ALLEN, MILLER & GREENE, LLC

10101 Fondren Rd. Suite 535 Houston, TX 77096

Toll free (877)-897-3640 Main (832)-871-3275 Fax (713)-454-7215

Date: 2/12/2018

KENICKAY PRENDERGAST
219 W DIXIE CT 207
FORT LAUDERDALE, FL 33311

Appliance Warehouse of America, Inc
Account Number: 889503

Referred Balance: \$1,370.14

To the Account Holder: KENICKAY PRENDERGAST

The named creditor has placed this account with our office for collection. It is important that you forward payment in full in the amount of **\$1,370.14**.

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

Please note that collection efforts will continue if we don't hear from you within the time allowed. If you have any questions concerning this matter, please contact me at 1-877-897-3640.

Sincerely,

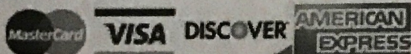
Karl Miller
Legal Director

Payment Instructions:

- By phone at 1-877-897-3640
- By mail; check or credit card

Make checks payable to:

Allen, Miller & Greene, LLC
10101 Fondren Rd. Suite 535
Houston, Texas 77096



Cardholder Name: _____
 Card Number: _____
 Exp. Date: _____
 3 or 4 Digit Code: _____
 Amount Paid: _____

KENICKAY PRENDERGAST Account Number: 889503

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Allen, Miller & Greene Knocked with Debt Collection Complaint in FL](#)
