

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
Beckley Division

ANGELA PUGH, on behalf of herself
and all others similarly situated,

PLAINTIFF

V.

CIVIL ACTION NO. 5:18-cv-00347

McCARTHY, BURGESS & WOLFF, INC.,

DEFENDANT

INDIVIDUAL AND CLASS COMPLAINT

INTRODUCTION

1. Plaintiff Angela Pugh brings this action in her own right and as a representative of a class of persons similarly situated against Defendant McCarthy, Burgess & Wolff, Inc., for violations of the *Fair Debt Collection Practices Act* (FDCPA) 15 U.S.C. 1392e, 1392e(2), 1392e(10) and 1392f.

JURISDICTION AND VENUE

2. Jurisdiction of this court arises under §15 U.S.C. 1392k(d) and 28 U.S.C. §1337. Venue in this District is proper because Plaintiff resides in this District and Defendant transacts business here and the conduct complained of occurred here.

PARTIES

3. Plaintiff Angela Pugh is a citizen of, and a natural person residing at 171 Roop Drive, Mount Hope, Raleigh County, West Virginia.

4. Defendant McCarthy, Burgess & Wolff, Inc., (MB&W, herein) is an Ohio corporation with its principal office at 26000 Canyon Road, Cleveland, Ohio 44146.

FACTUAL ALLEGATIONS

5. Plaintiff Mrs. Pugh is a consumer as she is a natural person obligated on or allegedly obligated for a debt within the meaning of §15 U.S.C. 1392a(3).

6. Upon information and belief, the debt sought to be collected from Plaintiff was an obligation for money, goods, insurance, or services for primarily personal, family or household purposes within the meaning of §15 U.S.C. 1392a(5).

7. MB&W is a debt collector as it is an entity which uses the instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another within the meaning of §15 U.S.C. 1392a(6).

8. Defendant MB&W attempted to collect an alleged debt on behalf of Crown Asset from the Plaintiff Ms. Pugh by means of a collection letter dated September 23, 2017. (The letter, Exhibit One to this Complaint.)

9. The September 23, 2017, collection letter from MB&W mailed to Mrs. Pugh on behalf of Crown Asset provided in the Heading:

September 23, 2017



THE MERRY BUILDING
26900 Canner Road
Cleveland, Ohio 44116
Phone: 440.735.5100
Fax: 440.735.5110

Angela Pugh
1111 Spring Grove Ave
Princeton, WV 24740-8830

Current Creditor: Crown Asset Management, LLC

Account #: 28725363

Reference # 6008896826419258

Balance: \$ 563.71

Dear Consumer:

10. As shown above, the letter identifies the “Original Creditor” as “Crown Asset Management, LLC” and also shows the “Current Creditor” as “Crown Asset Management, LLC.”

11. Crown Asset holds itself out to the public in its website as:

Founded in 2004 by Brian K. Williams, Crown Asset Management is a professional receivables management and purchasing firm with extensive experience with distressed consumer receivables. Crown purchases portfolios for its own business and also manages portfolios for other firms in the Accounts Receivable Management (ARM) industry. <http://www.crownasset.com/>

12. After a fair reading of the subject collection letter, Mrs. Pugh could not and cannot know to whom she is allegedly indebted and as such can make no informed decision as to whether and to what extent the alleged obligation should be addressed.

13. As a result, Mrs. Pugh was caused to incur expenses and time for travel to consult with her attorney to try to determine, without success, the identity of the original creditor to whom she is allegedly obligated.

14. Upon information and belief, Mrs. Pugh alleges that Crown Asset Management, LLC, was never a creditor with whom Mrs. Pugh did business and as such the claim that Crown Asset Management, LLC, is Mrs. Pugh's "Original Creditor" is a false, deceptive or misleading representation or means in connection with the collection of debt.

15. Upon information and belief, Mrs. Pugh alleges that Crown Asset Management, LLC, was never a creditor with whom Mrs. Pugh did business and as such the claim that Crown Asset Management, LLC, is Mrs. Pugh's "Original Creditor" is a false, deceptive or misleading representation of the character, amount, or legal status of an alleged debt.

16. Upon information and belief, Mrs. Pugh alleges that Crown Asset Management, LLC, was never a creditor with whom Mrs. Pugh did business and as such the claim that Crown Asset Management, LLC, is Mrs. Pugh's "Original Creditor" an unfair or unconscionable means to collect or attempt to collect an alleged debt.

STANDING

17. FDCPA creates substantive rights and provides individual remedies for its violation, as such, any violation of the federal consumer protection law is a concrete harm in and of itself, and no further allegation of harm is necessary to satisfy Article III standing.

18. On May 16, 2016, the United States Supreme Court issued its decision in the case of *Spokeo v. Robins*, 136 S.Ct. 1540, establishing important parameters for Article III federal jurisdiction in statutory damages litigation.

19. Plaintiff has standing to bring this claim, on her own behalf and on behalf of the class, for the violations of the FDCPA because she has suffered an injury-in-fact by the invasion of a legally protected interest that is concrete and particularized and actual or imminent, not conjectural or hypothetical.

20. Plaintiff has suffered an injury-in-fact as a result of Defendant's violation of 15 U.S.C. §1692e and §1692f because Congress has the power to define injuries and articulate claims of causation that will give rise to a case or controversy. When Congress adopted the FDCPA it began with the statement "(a) There is abundant evidence of the use of... deceptive... debt collection practices by many debt collectors." This congressional finding is followed by the broad language of §1692e which prohibits false representation or deceptive means to collect or attempt to collect any debt and enumerates 16 prohibitions of specific types of deceptive debt collection conduct.

21. Moreover, the harm from deceptive debt collection conduct has long provided a basis for lawsuits in federal courts. Prior to the passage of the FDCPA, the FTC had protected unsophisticated consumers with debt collection practices which have a tendency or capacity to deceive.

22. Congress also recognized that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to the invasions of individual privacy and recognized that consumers should recover their actual damages as well as additional damages of up to \$1,000 reflecting the frequency, persistence, nature and extent of the debt collector's noncompliance.

23. The important safeguards in the disclosures provided by §1692g help consumers like Mrs. Pugh and the class of persons she represents to avoid the following risks: the risk of paying more than is actually owed; the risk of engaging in fruitless investigations to determine whether the debt is owed; the risk of paying a debt that the consumer would've preferred to contest; the risk of paying a debt because of intimidating, confusing, or deceptive debt collection statements; the risk of paying a low priority debt instead of meeting essential obligations such as rent, community expense, daycare, utility costs, and food, because the debt collector imparts a deceptive sense of urgency about paying the old past due debt; the risk of forgoing the opportunity to disputed debt; and the risk of paying the wrong person for an alleged debt.

24. The Plaintiff and the class of persons she represents have endured the risks enumerated above as a direct result of Defendant's violations of the FDCPA and the WVCCPA as set forth herein.

25. Various federal courts have affirmed a consumer's standing under *Spokeo* analysis when asserting claims under the FDCPA: *Bautz v. ARS National Services, Inc.*, 2016 WL 7422301, No. 16-cv-768 (JFB) (SIL) (E.D.N.Y. Dec. 23, 2016); *Ben-Davies v. Blibaum & Assocs., P.A.*, 2017 WL 2378920 (4th Cir. June 1, 2017); *Bernal v. NRA Group, LLC*, Case No. 16-C-1904, 2016 WL 4530321 (N.D. Ill. Aug. 30, 2016); *Bock v. Pressler & Pressler, LLP*, Case No. 15-1056, 2016 WL 4011150 (3rd Cir. July 27, 2016); *Bowse v. Portfolio Recovery Associates, LLC*, No. 15-C-4037, 2016 WL 6476545 (N.D. Ill. Nov. 2, 2016); *Chapman v. Bowman, Heintz, Boscia & Vician, PC*, Case No. 2:15-CV-120, 2016 WL 3247872 (N.D. Ind., June 13, 2016); *Church v. Accretive Health*, Case No. 15-15708,

2016 WL 3611543 (11th Cir. July 6, 2016); *Daubert v. NRA Group, LLC*, Civil Action No. 3:15-cv-00718, 2016 WL 4245560 (M.D. Penn. Aug. 11, 2016); *Demarais v. Gurstel Chargo*, 2017 WL 3707437 (8th Cir. Aug. 29, 2017); *Dickens v. GC Services Limited Partnership*, Case No. 8:16-cv-803-T-30TGW, 2016 WL 3917530 (M.D. Fla., July 20, 2016); *Dilallo v. Miller*, No. 16-C-51, 2016 WL 4530319 (N.D. Ill. Aug. 30, 2016); *Evans v. Portfolio Recovery Associates, LLC*, Case No. 15-C-4498 (E.D. Ill. Nov. 20, 2016); *Gomez v. Portfolio Recovery Associates, LLC*, No. 15-C-4499, 2016 WL 3387158 (N.D. Ill. June 20, 2016); *Hall v. Global Credit & Collection Corporation*, Case No. 8:16-cv-1279-T-30AEP, 2016 WL 4441868 (M.D. Fla. Aug. 23, 2016); *Hartman v. Medicredit, Inc.* (United States District Court, W.D. Pennsylvania, Case No. 15-1596); *Hayes v. Convergent Healthcare Recoveries, Inc.*, Case No. 14-1467, 2016 WL 5867818 (C.D. Ill. Oct. 7, 2016); *Irvine v. I.C. System, Inc.*, No. 14-cv-01329-PAB, KMT, 2016 U.S. Dist. LEXIS 99880, 2016 WL 4196812, --- F.Supp.3d --- (D.Colo. July 29, 2016); *Kaymark v. Urden Law Offices, P.C.*, 2016 WL 718740, Civil Action No. 13-419 (W.D. Pa. Dec. 12, 2016); *Lane v. Bayview Loan Servicing, LLC.*, No. 15-C-10446, 2016 WL 3671467 (N.D. Ill. July 11, 2016); *Linehan v. Alliance One Receivables Management, Inc.*, Case No. C15-1012-JCC, 2016 WL 4765839 (W.D. Wash. Sept. 13, 2016); *Long v. Fenton & McGarvey Law Firm P.S.C.*, 2016 WL 7179367, No. 1:15-cv-01924-LJM-DML (S.D. Ind. Dec. 9, 2016); *Macy v. GC Services Limited Partnership*, 3:15-cv-819-DJH, 2016 WL 5661525 (W.D. Ky. Sept. 29, 2016); *McCamis v. Servis One, Inc.*, Case No. 8:16-cv-1130-T-30AEP, 2016 WL 4063403 (M.D. Fla. July 29, 2016); *Moore v. Blibaum & Associates, P.A.*, 2017 WL 3049521 (4th Cir. July 19, 2017); *Mogg v. Jacobs*, Case No. 15-cv-1142-JPG-DGW,

2016 WL 4395899 (S.D. Ill. Aug. 18, 2016); *Nyberg v. Portfolio Recovery Associates*, No. 3:15-cv-01175, 2016 WL 3176585, at *7 (D. Or. June 2, 2016); *Papetti v. Does 1-25*, 2017 WL 2304227 (2d Cir. May 26, 2017); *Prindle v. Carrington Mortg. Services, LLC*, Case No. 3:13-cv-1349-J-34PDB, 2016 WL 4369424 (M.D. Fla. Aug. 16, 2016); *Quinn v. Specialized Loan Servicing, LLC*, 16-CV-2021, 2016 WL 4264967 (N.D. Ill. Aug. 11, 2016); *Saenz v. Buckeye Check Cashing of Ill.*, 16 CV 6052, 2016 WL 5080747 (N.D. Ill. Sept. 20, 2016); *Sayles v. Advanced Recovery Systems, Inc.*, Cause No. 3:14-cv-911-CWR-FKB, 2016 WL 4522822 (S.D. Miss. Aug. 26, 2016); *Zirotiannis v. Seterus Inc.*, 2016 WL 7410541, No. 15-cv-05884 (SJF)(ARL) (E.D.N.Y. Nov. 28, 2016).

CAUSE OF ACTION

26. Mrs. Pugh incorporates by reference and realleges herein all of the allegations set forth in the paragraphs above.

27. Defendant violated §15 U.S.C. 1392e by representing that Mrs. Pugh's original creditor was Crown Asset Management, LLC, when that was not a true statement and therefore a false, deceptive or misleading representation or means in connection with the collection of an alleged debt.

28. Defendant violated §15 U.S.C. 1392e(2) by representing that Mrs. Pugh's original creditor was Crown Asset Management, LLC, when that was not a true statement and therefore a false statement relating to the character, amount or legal status of the alleged debt.

29. Defendant violated §15 U.S.C. 1392e(10) by representing that Mrs. Pugh's original creditor was Crown Asset Management, LLC, when that was not a true statement

and therefore a false representation or deceptive means to collect or attempt to collect an alleged debt.

30. Defendant violated §15 U.S.C. 1392f by representing that Mrs. Pugh's original creditor was Crown Asset Management, LLC, when that was not a true statement and such statement was therefore an unfair or unconscionable means to collect or attempt to collect an alleged debt.

31. As a result of the violations of the FDCPA as aforesaid, Plaintiff was caused general damages in the form of distress as Defendant claimed that she was indebted to a creditor without Mrs. Pugh having any idea to whom she allegedly was indebted.

32. As a result of the violations of the FDCPA as aforesaid, Plaintiff was caused to incur time, expense and travel to consult with her attorney with respect to the claim by Defendant that she was allegedly indebted to one of them.

CLASS ALLEGATIONS

33. Plaintiff brings their action individually and on behalf of all others similarly situated.

34. The class of consumers represented by Plaintiff in this action are defined as:

All persons with a West Virginia address to whom MB&W mailed, within one year of the filing of this action, a written communication which indicated that Crown Asset Management, LLC was allegedly the original creditor upon the debt sought to be collected.

35. Defendant has corporate policies and procedures regarding the collection of debts allegedly owed by West Virginia consumers such as Plaintiff. Defendant carries out

its policies and procedures using standardized collection activities, including the use of standardized letters.

36. The class can be readily identified by collection activity logs, claim records and computer storage devices or databases, maintained by Defendant and/or its employees, representatives or agents.

37. The class is so numerous that joinder of all class members is impractical. The precise number of class members and their addresses are unknown to Plaintiff; however, they are readily available from Defendant's records. Class members may be notified of the pendency of this action by mail, supplemented (if deemed necessary or appropriate by the Court) by published notice.

38. This action involves questions of law and fact common to the class which predominate over questions affecting individual class members.

39. Plaintiff's claims are typical of the claims of the class because, among other things, Plaintiff, like the other members of the class, was subjected to a claim by Defendant to pay an alleged debt when the original creditor to whom such debt was originally owed was falsely represented as Crown Asset Management, LLC.

40. Plaintiff has displayed an interest in vindicating the rights of the class members, will fairly and adequately protect and represent the interest of the class, and is represented by skillful and knowledgeable counsel. Plaintiff's interests do not conflict with those of the class and the relief sought by Plaintiff will inure to the benefit of the class generally.

41. The questions of law and fact that are common to the class members predominate over questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy between the class members and Defendant.

42. The actions of Defendant are generally applicable to the class as a whole and to Plaintiff. For example, the class members can prove the elements of their claims against Defendant for violations of the WVCCPA on a class-wide basis using the same evidence that Plaintiff and individual class members would use to prove those claims in individual civil actions.

43. Additionally, the damages or other financial detriment suffered by individual class members is relatively small compared to the burden and expense that would be required to individually litigate each of the class member's claims against Defendant and it would be impractical for the class members to individually seek redress for the Defendant's 'wrongful conduct.

44. Even if the members of the class could afford individual litigation, given the expected size of the class, separate litigation of each class member's claims against Defendant would create the potential for inconsistent and/or contradictory judgments, and cause delay and increase the expenses for the parties and the Court in adjudicating the claims against Defendant. Conversely, a class action will prevent far fewer management difficulties, provide the benefits of a single adjudication, conserve time, effort and expense, employ comprehensive and cohesive supervision by a single court, and provide a forum for small claimants.

45. The prosecution of separate actions by the individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual class members which would establish incompatible standards of conduct for Defendant. Moreover, the likelihood that individual members of the class will prosecute separate actions is remote due to the time and expense necessary to conduct such litigation.

46. Defendant has acted on grounds generally applicable to the class, thereby making appropriate final injunctive relief with respect to the members of the class as a whole.

47. Any difficulties in management of this case as a class action are outweighed by the benefits that a class action has to offer with respect to disposing of common issues of law and fact on issues affecting a large number of litigants.

48. The damages in this case are set by statute and generally preclude the necessity of a case-by-case assessment of damages by the court. To the extent case-by-case assessment is necessary, Defendant maintains computerized individual account information, and that information can easily be reviewed and assessed electronically. Plaintiff is unaware of any litigation concerning this controversy already commenced by others who meet the criteria for class membership as described above.

49. Plaintiff's claims are typical of those of the class as a whole, and Plaintiff is capable of and willing to represent the other members of the class.

DEMAND FOR RELIEF

Plaintiff and the class of persons she represents demand judgment against the Defendant:

- A. For statutory damages pursuant to §15 U.S.C. 1392k;
- B. For her actual damages;
- C. For attorney fee and costs incurred on her behalf and on behalf of the class;

and

- D. For such other relief as the Court deems proper.

**ANGELA PUGH, on behalf of herself
and all others similarly situated**

BY COUNSEL

HAMILTON, BURGESS, YOUNG
& POLLARD, *pllc*

BY: /s/ Ralph C. Young

Ralph C. Young (*W. Va. Bar #4176*)

ryoung@hamiltonburgess.com

Christopher B. Frost (*W. Va. Bar #9411*)

cfrost@hamiltonburgess.com

Steven R. Broadwater, Jr. (*W. Va. Bar #11355*)

sbroadwater@hamiltonburgess.com

Counsel for Plaintiff

P. O. Box 959

Fayetteville, WV 25840

304-574-2727

EXHIBIT ONE

**MCCARTHY, BURGESS & WOLFF
LETTER DATED SEPTEMBER 23, 2017**

September 23, 2017



THE MB&W BUILDING
26000 Cannon Road
Cleveland, Ohio 44146
Phone 440.735.5100
Fax 440.735.5110

Angela Pugh
1111 Spring Grove Ave
Princeton, WV 24740-8830

Current Creditor: Crown Asset Management, LLC
Original Creditor: Crown Asset Management, LLC
Account #: 28725363
Reference #: 6008896826419258
Balance: \$ 563.71

Dear Consumer:

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

Crown Asset Management, LLC has placed the above referenced account with our office for collection activity. Our office hours are Monday through Thursday, 8:30 AM to 9:00 PM Eastern Time and Fridays 8:30 AM to 5:00 PM Eastern Time. Please be aware that a notice of rights is set forth below. If you want to resolve this debt, please contact your account representative 1(888)817-1750.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this 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 that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. Upon your written request made 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 SEE REVERSE FOR IMPORTANT CONSUMER RIGHTS INFORMATION

Regards,

Chad Bundy
888-817-1750 Ext 4845
customerservice@mbandw.com
www.mbandw.com

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

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

ANGELA PUGH, on behalf of herself and all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Ralph, C. Young, Christopher B. Frost, Steven R. Broadwater, Jr. Hamilton, Burgess, Young & Pollard, pllc P. O. Box 959, Fayetteville, WV 25840

DEFENDANTS

McCARTHY, BURGESS & WOLFF, INC.

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
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location. Includes categories like Citizen of This State, Citizen of Another State, and Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, BANKRUPTCY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (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 U.S.C. §1692
Brief description of cause: Illegal Debt Collection

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 SIGNATURE OF ATTORNEY OF RECORD

02/23/2018 /s/ Ralph C. Young

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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- 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.
 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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: [WV Woman Files Class Action Against McCarthy, Burgess & Wolff, Inc. Over Collection Letter](#)
