

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

AMANDA RIFFE, fka
AMANDA MANES on behalf of herself
and all others similarly situated,

PLAINTIFF

V.

CIVIL ACTION NO. 1:18-cv-00025

ENHANCED RECOVERY
COMPANY, LLC,

DEFENDANT

CLASS ACTION COMPLAINT

1. The Plaintiff, Amanda Riffe, formerly known as Amanda Manes is a resident of Mercer County, West Virginia.

2. The Defendant, Enhanced Recovery Company, LLC, (herein "ERC") is a limited liability corporation created under the laws of Delaware with its principal offices located at 8014 Bayberry Rd., Jacksonville, FL 32256, and the members of the Limited Liability Corporation are residents and citizens of the state of Florida or states other than West Virginia.

JURISDICTION AND VENUE

3. The Court has jurisdiction over this class action under 28 U.S.C. §1331, 15 U.S.C. §1692 et seq. and 28 U.S.C. §2201.

4. Venue is proper in this jurisdiction pursuant to 28 U.S.C. §1391(b)(2).

THE PARTIES

5. The Plaintiff, Amanda Riffe, is a resident of Mercer County, West Virginia, who brings this action in her own right and as a representative of a class of West Virginia consumers more particularly defined herein.

6. Plaintiff is a “consumer” as defined by *Fair Debt Collections Practices Act* (FDCPA), 15 U.S.C. §1692(a)(3) as she is a natural person obligated or allegedly obligated on a debt for money, goods or services incurred primarily for personal, family or household purposes

7. ERC is a “debt collector,” as defined under the FDCPA by 15 U.S.C. §1692(a)(6).

OPERATIVE FACTS

8. ERC mailed a collection letter to Plaintiff dated September 8, 2017 and at other times better known to ERC, to collect an alleged debt when the debt was beyond the statute of limitations for filing a legal action for collection as Plaintiff's last payment upon the alleged debt was more than 7 years prior to September 8, 2017.

9. The collection letter dated September 8, 2017 mailed by ERC to Plaintiff advised “... **Your account has been placed with ERC for collection efforts... This letter serves as notification that your delinquent my account may be reported to the national credit bureaus...**”

10. Then, when ERC mailed the collection letter to Plaintiff on September 8, 2017, the debt allegedly owed by Plaintiff was beyond the statute of limitations for filing a legal action for collection¹ and beyond the time in which Plaintiff's alleged debt could be reported to a credit reporting agency².

¹ The West Virginia statute of limitations for breach of contract for sale of goods or services is 4 years after the cause of action accrued. *West Virginia Code* §46-2-725.

² 7 years pursuant to the *Fair Credit Reporting Act*, FCRA, 15 USC §1681c (c)(1)

11. The collection letters sent by ERC to Plaintiff advised Plaintiff that the letter was a **“Collection Notice”** and advised Plaintiff **“[t]his is an attempt to collect a debt. Any information obtained will be used for that purpose.”**

- The collection letter sent by ERC to Plaintiff: **did not** advise Plaintiff that the alleged debt was beyond the statute of limitations for filing a legal action collection;
- **did not** advise Plaintiff that any payment upon the debt would re-start the statute of limitations and expose Plaintiff to future liability and litigation to collect this alleged debt; and,
- **did not** advise Plaintiff that due to the age of the alleged debt, such debt could not be reported to a credit reporting agency;
- **falsely** stated that Plaintiff’s alleged debt could be reported to the credit reporting agencies.

12. Upon information and belief, ERC sent the same or similar letters to West Virginia consumers on or after June 6, 2014, seeking to collect debt when the debt was beyond the statute of limitations for filing a legal action for collection.

13. Upon information and belief, ERC sent the same or similar letters to West Virginia consumers advising **that “the delinquent account may be reported to the national credit bureaus”** when, due to the age of the alleged debt, such debt could not be reported to the national credit bureaus.

14. Upon information and belief, ERC sent the same or similar letters to West Virginia consumers seeking to collect alleged debt which was beyond the statute limitations for filing a legal action for collection and ERC did not advise the West Virginia Consumer that any payment upon the debt would restart the statute limitations and expose the consumer to future litigation to collect this alleged debt.

STANDING

15. 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.

16. 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.

17. 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.

18. Plaintiff has suffered an injury-in-fact as a result of defendants' violation of 15 U.S.C. §1692e and §1692g 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.

19. 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.

20. 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 \$1000 reflecting the frequency, persistence, nature and extent of the debt collector's noncompliance.

21. The important safeguards in the disclosures provided by §1692g help consumers 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.

22. The plaintiff and the class of persons she represents have endured the risks enumerated above as a direct result of defendants' violations of the FDCPA and the WVCCPA as set forth herein.

23. 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); *Zirogiannis v. Seterus Inc.*, 2016 WL 7410541, No. 15-cv-05884 (SJF)(ARL) (E.D.N.Y. Nov. 28, 2016).

CLASS ALLEGATIONS

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

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

FDCPA CLASS A: all persons with a West Virginia address to whom ERC mailed, within one year of the filing of this action, an initial written communication to collect debt prior to July 5, 2017, when the alleged debt sought to be collected was beyond the applicable statute of limitations for filing a legal action for collection and the written communication did not contain a disclosure that the debt was beyond the statute of limitations for filing a legal action for collection.

FDCPA CLASS B: all persons with a West Virginia address to whom ERC, on or after July 5, 2017, were mailed any written communication to collect debt, by ERC when the alleged debt sought to be collected beyond the applicable statute limitations for filing a legal action for collection and such written communication did not contain a disclosure that the debt was beyond the statute of limitations for filing a legal action for collection.

FDCPA CLASS C: all persons with a West Virginia address to whom ERC mailed, within one year of the filing of this action, any written communication to collect debt which suggested that such debt may be reported to the national credit bureaus when

the last payment upon such debt was more than 7 years prior to such written communication.

FDCPA CLASS D: all persons with West Virginia address to whom ERC mailed, within one year of the filing of this action, any written communication to collect the debt when the debt was beyond the applicable statute of limitations for filing a legal action for collection and such written communication did not advise the West Virginia Consumer that any payment upon the debt would restart the statute of limitations and expose the consumer to litigation to collect the alleged debt.

26. 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 through the use of standardized collection activities, including the use of standardized letters.

27. 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.

28. 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.

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

30. 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 alleged debt was beyond the statute of limitations and received the same or nearly identical letters as all other class members.

31. 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.

32. 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.

33. The actions of ERC 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

COUNT I

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)

41. The attempt by ERC to collect time-barred debt from Plaintiff and the class of persons she represents violates 15 U.S.C. §1692 of the FDCPA in the following respects.

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

43. Chapter 15 U.S.C. §1692f states the debt collector may not use any unfair or unconscionable means to collect or attempt to collect an alleged debt.

44. The Defendant violated Chapter 15 U.S.C. §1692e by falsely representing the legal status of a debt in violation of 15 U.S.C. §1692e(2)(A)³, §1692e(5)⁴ and §1692e(10)⁵ by advising the Plaintiff and the class of persons Plaintiff represents, that “your delinquent account may be reported to the national credit bureaus” when the last payment upon such debt was more than 7 years prior to such written communication.

45. The Defendant violated Chapter 15 U.S.C. §1692e by falsely representing the legal status of a debt in violation of 15 U.S.C. §1692e(2)(A), §1692e(5) and §1692e(10)⁶ by attempting to collect a debt that was beyond the statute limitations for filing a legal action for collection without advising the consumer that they cannot be sued upon the debt.

46. The Defendant violated Chapter 15 U.S.C. §1692e by failing to disclose to the West Virginia Consumer that any payment upon a debt where the debt was beyond the statute limitations for filing a legal action for collection would renew the statute of limitations and expose the consumer to litigation to collect such debt

47. Defendant violated Chapter 15 U.S.C. §1692f by using unfair and unconscionable means to collect or attempt to collect an alleged debt from Plaintiff and the class of persons she represents when Defendant attempted to collect a time-barred debt and did not disclose to the consumer that they could not be sued upon the debt because of the passage of time and that any payment upon such alleged debt would renew the statute

³ “The false representation of the character, amount, or legal status of any debt”.

⁴ “The threat to take any action that cannot legally be taken or that is not intended to be taken.”

⁵ “The use of any false representation or deceptive means to collect or attempt to collect any debt...”

limitations and deprive the consumer of a complete defense to any litigation to collect the debt

48. By reason thereof, ERC is liable to Plaintiff and the class of persons she represents for judgment that the conduct of ERC violated §1692e *et seq.* of the FDCPA, as well as actual damages, statutory damages, costs and attorney fees provided by §1692(a).

DEMAND FOR RELIEF

WHEREFORE, Plaintiff and each member of the class he represents demand the following relief:

A. That actual damages and the statutory penalty pursuant to 15 U.S.C. §1692k(a)(2)(A) be awarded to Plaintiff and each member of the class he represents for violation of the FDCPA;

B. That Defendant be ordered to account for all time-barred debt collected from the class and reimburse each such member of the class all monies collected with interest thereon for the four-year period preceding the filing of the action;

C. That Defendant be ordered to pay reasonable attorney fees and costs pursuant to the provisions of 15 U.S.C. §1692k(a)(3); and

D. For such other and further relief as the Court may deem appropriate.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.

**AMANDA RIFFE, on behalf of herself
and all other 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 A

ERC Collection Letter

AMANDA MANES

Our records indicate that your balance with AT&T DIRECTV remains unpaid; therefore your account has been placed with ERC for collection efforts.

Upon receipt and clearance of \$25.33, your account will be satisfied.

This letter serves as notification that your delinquent account may be reported to the national credit bureaus.

Unless you dispute the validity of the debt, or any portion thereof, within thirty (30) days after your receipt of this notice, the debt will be assumed to be valid by us.

If you notify our office below in writing within (30) days of your receipt of this notice that the debt, or any portion thereof is disputed, we will obtain verification of the debt or a copy of any judgment that may be of record against you. We will mail the verification or copy of the judgment to you.

Upon your written request to this office within thirty (30) days of your receipt of this notice, we will provide you with the name and address of the original creditor, if different from the current creditor listed in the above section of this notice.



For self-service options, please visit our website at www.ercbpo.com/help.



Telephone: (800) 458-8916 Toll Free. All calls are recorded and may be monitored for training purposes.



Send correspondence to: ERC, P.O. Box 57610, Jacksonville, FL 32241



Office Hours (Eastern Time): Mon-Thurs: 8:00 am-11:00pm, Fri: 8:00 am-10:00 pm, Sat: 8:00 am-8:00 pm

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

NOTICE - SEE REVERSE SIDE FOR IMPORTANT NOTICES AND CONSUMER RIGHTS

Please do not send correspondence to this address.

P.O. BOX 1259, Dept 98696
Oaks, PA 19456



September 08, 2017

IF PAYING BY CREDIT OR DEBIT CARD, FILL OUT BELOW OR IF PAYING BY CHECK OR MONEY ORDER PLEASE REMIT TO ADDRESS BELOW.		
<input type="checkbox"/> VISA	<input type="checkbox"/> MasterCard	BILLING ZIP
CARD NUMBER		
SIGNATURE		EXP. DATE
REFERENCE NUMBER	AMOUNT OF DEBT \$25.33	AMOUNT PAID \$



0-B-5891-PAP

131964-10001-DUN-DT/2Q-38



Any information obtained will be used for that purpose.

Tennessee Residents:

This Collection Agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

Minnesota Residents:

This Collection Agency is licensed by the Minnesota Department of Commerce.

New York State Residents:

New York City Department of Consumer Affairs License Number: 1394588.

North Carolina Residents:

North Carolina Department of Insurance Permit Number: 103967.

Utah Residents:

As required by Utah Law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Colorado Residents:

For information about the Colorado Fair Debt Collection Practices Act, see www.coag.gov/car or any successor web address.

A consumer has the right to request in writing that a Debt Collector or Collection Agency cease further communication with the consumer. A written request to cease communication will not prohibit the Debt Collector or Collection Agency from taking any other action authorized by law to collect the debt. Local Address: 13111 E. Briarwood Ave. #340, Centennial, CO 80012, (303) 309-3839.

require that, except under unusual circumstances, collectors may not contact you before 8 AM or after 9 PM. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at: 1-877-FTC-HELP or www.ftc.gov.

2. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Massachusetts Residents:

You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten (10) days unless you provide written confirmation of the request postmarked or delivered within seven (7) days of such request. You may terminate this request by writing to the debt collector. If you wish to discuss this matter, please call us direct, between the hours of 8 AM and 5 PM EST, at the telephone number listed on the front of this notice. Local Address: 49 Winter Street, Weymouth, MA 02118.

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

AMANDA RIFFE, fka AMANDA MANES on behalf of herself and all others similarly situated

(b) County of Residence of First Listed Plaintiff Mercer (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

ENHANCED RECOVERY COMPANY, LLC

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

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

Attorneys (If Known)

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, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (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, W.Va. Code §46A-1-101, et. seq. 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 01/08/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Ralph C. Young

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

AMANDA RIFFE, fka AMANDA MANES on behalf of herself and all others similarly situated

Plaintiff(s)

v.

ENHANCED RECOVERY COMPANY, LLC

Defendant(s)

Civil Action No. 1:18-cv-00025

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Enhanced Recovery Company, LLC
c/o CT Corporation System
5400 D Big Tyler Road
Charleston, WV 25313

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: Ralph C. Young, Christopher B. Frost and Steven R. Broadwater, Jr. Hamilton, Burgess, Young & Pollard, pllc P.O. Box 959 Fayetteville, WV 25840

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. 1:18-cv-00025

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:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit: Enhanced Recovery Company Falsely Threatens to Report Delinquent Debt](#)
