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 18 *Attorney for Plaintiff*
 19 *Pro Hac Vice Admission Pending*

20 **IN THE UNITED STATES DISTRICT COURT**
 21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 22 **OAKLAND DIVISION**

23 **ANDREA ROBINSON**, individually
 24 and on behalf of all others similarly
 25 situated,

26 Plaintiff,

27 -against-

28 **ARS NATIONAL SERVICES INC.**

Defendant.

Civil Case No.:

CIVIL ACTION

CLASS ACTION COMPLAINT
and
JURY TRIAL DEMAND

1 Plaintiff ANDREA ROBINSON (hereinafter, “Plaintiff”), a California
2 resident, brings this class action complaint by and through the undersigned
3 attorneys, against Defendant ARS NATIONAL SERVICES INC. (“Defendant”
4 or “ARS”), individually and on behalf of a class of all others similarly situated,
5 pursuant to Rule 23 of the Federal Rules of Civil Procedure, based upon
6 information and belief of Plaintiff’s counsel, except for allegations specifically
7 pertaining to Plaintiff, which are based upon Plaintiff’s personal knowledge.
8
9

10 **INTRODUCTION/PRELIMINARY STATEMENT**
11

- 12 1. Congress enacted the FDCPA in 1977 in response to the “abundant evidence
13 of the use of abusive, deceptive, and unfair debt collection practices by many
14 debt collectors.” 15 U.S.C. § 1692(a). At that time, Congress was concerned
15 that “abusive debt collection practices contribute to the number of personal
16 bankruptcies, to material instability, to the loss of jobs, and to invasions of
17 individual privacy.” *Id.* Congress concluded that “existing laws . . . [we]re
18 inadequate to protect consumers,” and that “the effective collection of debts”
19 does not require “misrepresentation or other abusive debt collection
20 practices.” 15 U.S.C. §§ 1692(b) & (c).
21
22 2. Congress explained that the purpose of the Act was not only to eliminate
23 abusive debt collection practices, but also to “insure that those debt
24 collectors who refrain from using abusive debt collection practices are not
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1 competitively disadvantaged.” *Id.* § 1692(e). After determining that the
2 existing consumer protection laws were inadequate, *id.* § 1692(b), Congress
3 gave consumers a private cause of action against debt collectors who fail to
4 comply with the Act. *Id.* § 1692k.

- 5
6 3. The rights and obligations established by section 15 U.S.C. § 1692g were
7 considered by the Senate at the time of passage of the FDCPA to be a
8 “significant feature” of the Act. See *S. Rep. No. 382, 95th Cong., 1st Sess.*
9 *4, at 4, reprinted in 1977 U.S.C.C.A.N. 1695, 1696.*
10
11

12
13 **PARTIES**
14

- 15 4. Plaintiff is a natural person and a resident of Alameda County in the State of
16 California, and is a “Consumer” as defined by 15 U.S.C. §1692(a)(3).
17
18 5. Defendant is a collection agency with its registered agent located at
19 Corporation Service Company, 2710 Gateway Oaks Drive, Suite 150N,
20 Sacramento, California 95833.
21
22 6. Upon information and belief, Defendant is a company that uses the mail,
23 telephone, or facsimile in a business the principal purpose of which is the
24 collection of debts, or that regularly collects or attempts to collect debts
25 alleged to be due another.
26
27 7. Defendant is a “debt collector,” as defined under the FDCPA under 15
28

1 U.S.C. § 1692a(6).

2 **JURISDICTION AND VENUE**

3 8. The Court has jurisdiction over this matter pursuant to 28 USC §1331.

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

5 **NATURE OF THE ACTION**

6 10. Plaintiff brings this class action on behalf of a class of California consumers
7 seeking redress for Defendant's actions of using an unfair and
8 unconscionable means to collect a debt.

9 11. Defendant's actions violated § 1692 et seq. of Title 15 of the United States
10 Code, commonly referred to as the Fair Debt Collections Practices Act
11 ("FDCPA") which prohibits debt collectors from engaging in abusive,
12 deceptive and unfair practices.

13 12. Plaintiff is seeking damages, and declaratory and injunctive relief.

14 **ALLEGATIONS OF FACTS**

15 13. Plaintiff repeats, reiterates and incorporates the allegations contained in the
16 preceding paragraphs with the same force and effect as if the same were set
17 forth at length herein.

18 14. Some time prior to May 29, 2017, an obligation was allegedly incurred by
19 the Plaintiff to Synchrony Bank on a JC Penney credit card.

20 15. The Synchrony Bank obligation arose out of a transaction in which money,
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1 property, insurance or services, which are the subject of the transaction, are
2 primarily for personal, family or household purposes.

3
4 16. Some time prior to May 29, 2017, the Synchrony obligation was sold or
5 assigned to Crown Asset Management, LLC.

6
7 17. Crown Asset Management, LLC hired the Defendant to collect the alleged
8 debt.

9
10 18. On or about May 29, 2017, Defendant caused to be delivered to the Plaintiff
11 a collection letter in an attempt to collect the alleged Crown Asset
12 Management, LLC debt. *See Exhibit A.*

13
14 19. Upon information and belief, the May 29, 2017 letter was the first
15 communication between Defendant and Plaintiff with regards to the alleged
16 debt.

17
18 20. The May 29, 2017 letter was sent or caused to be sent by persons employed
19 by Defendant as a “debt collector” as defined by 15 U.S.C. §1692a(6).

20
21 21. The May 29, 2017 letter is a “communication” as defined by 15 U.S.C.
22 §1692a(2).

23
24 22. The May 29, 2017 letter provided Plaintiff with her validation rights,
25 advising the Plaintiff that if she wanted validation of the debt or the name
26 and address of the original creditor, she must request of the same from the
27 Defendant.
28

1 23. The May 29, 2017 letter further states in part:

2 “You may request records showing the following: (1) that Crown Asset
3 Management, LLC has the right to seek collection of the debt; (2) the
4 debt balance, including an explanation of any interest charges and
5 additional fees; (3) the date of default or the date of the last payment; (4)
6 the name of the charge-off creditor and the account number associated
7 with the debt; (5) the name and last known address of the debtor as it
8 appeared in the charge-off creditor’s or debt buyer’s records prior to the
9 sale of the debt, as appropriate; and (6) the names of all persons or
10 entities that have purchased the debt. You may also request from us a
11 copy of the contract or other document evidencing your agreement to the
12 debt. A request for these records may be addressed to:

13 Crown Asset Management, LLC
14 3100 Breckinridge Blvd, Suite 725
15 Duluth, GA 30096”

16 24. Plaintiff, as would any least sophisticated consumer, was now left unsure
17 as to where she should be sending her validation requests; to the Defendant
18 or to Crown Asset Management, LLC.

19 25. It is not enough for a debt collector to provide a consumer with a validation
20 notice, a debt collector is also prohibited from making any communication
21 that overshadows or is inconsistent with the validation notice. See 15 U.S.C.
22 1692g(b).

23 26. Congress adopted the debt validation provisions of section 1692g to
24 guarantee that consumers would receive adequate notice of their rights
25 under the FDCPA. *Miller v. Payco-General Am. Credits, Inc.*, 943 F.2d
26 482, 484 (4th Cir.1991).
27
28

1 27. Congress further desired to “eliminate the recurring problem of debt
2 collectors dunning the wrong person or attempting to collect debts which the
3 consumer has already paid.” S.Rep. No. 95–382, at 4 (1977), reprinted in
4 1977 U.S.C.C.A.N. 1695, 1699.
5

6 28. The rights afforded to consumers under Section 1692g(a) are amongst the
7 most powerful protections provided by the FDCPA, in part because if a
8 consumer properly asks for validation of the debt, a debt collector must
9 cease collection efforts until they are able to properly validate the debt.
10

11 29. However, a consumer is only afforded those protections if he or she disputes
12 directly with the debt collector, and not with the creditor to whom the
13 alleged debt is owed to.
14

15 30. By providing language in the May 29, 2017 letter that overshadows and/or
16 is inconsistent with the validation notice, the Defendant caused the Plaintiff
17 a risk of real harm, in that the Plaintiff may believe her legally effective
18 dispute could be sent directly to Crown Asset Management, LLC.
19

20 31. An inadequate section 1692g notice deprives consumer of their right to
21 basic information required under the FDCPA.
22

23 32. By failing to provide the adequate validation notice as required by the
24 FDCPA, the Defendants harmed the Plaintiff.
25
26
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28

CLASS ALLEGATIONS

1
2 33. Plaintiff brings claims, pursuant to the Federal Rules of Civil Procedure
3
4 (hereinafter “FRCP”) Rule 23, individually and on behalf of the following
5
6 consumer class (the “Class”):

7 All consumers with addresses in the State of California (a) who were
8 sent an initial collection letter containing a 30-day Validation Notice
9 from Defendant (b) attempting to collect a debt or alleged debt owed to
10 Crown Asset Management, LLC (c) that stated “You may request
11 records showing the following: (1) that Crown Asset Management, LLC
12 has the right to seek collection of the debt; (2) the debt balance, including
13 an explanation of any interest charges and additional fees; (3) the date
14 of default or the date of the last payment; (4) the name of the charge-off
15 creditor and the account number associated with the debt; (5) the name
16 and last known address of the debtor as it appeared in the charge-off
17 creditor’s or debt buyer’s records prior to the sale of the debt, as
18 appropriate; and (6) the names of all persons or entities that have
19 purchased the debt. You may also request from us a copy of the contract
20 or other document evidencing your agreement to the debt. A request for
21 these records may be addressed to: Crown Asset Management, LLC
22 3100 Breckinridge Blvd, Suite 725 Duluth, GA 30096” (d) which was
23 sent on or after a date one year prior to the filing of this action and on or
24 before a date 21 days after the filing of this action.

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

28 35. Excluded from the Plaintiff Classes are the Defendants and all officers,
members, partners, managers, directors, and employees of the Defendants
and their respective immediate families, and legal counsel for all parties to

1 this action and all members of their immediate families.

2 36. There are questions of law and fact common to the Plaintiff Classes, which
3 common issues predominate over any issues involving only individual class
4 members. The principal issue is whether the Defendants' written
5 communications to consumers, in the forms attached as *Exhibits A*, violate
6 15 U.S.C. §§ 1692e and 1692g.
7

8
9 37. The Plaintiffs' claims are typical of the class members, as all are based upon
10 the same facts and legal theories.
11

12 38. The Plaintiffs will fairly and adequately protect the interests of the Plaintiff
13 Classes defined in this complaint. The Plaintiffs have retained counsel with
14 experience in handling consumer lawsuits, complex legal issues, and class
15 actions, and neither the Plaintiffs nor their attorneys have any interests,
16 which might cause them not to vigorously pursue this action.
17
18

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

- 24
25 a. **Numerosity:** The Plaintiffs are informed and believe, and on that basis
26 allege, that the Plaintiff Classes defined above are so numerous that
27 joinder of all members would be impractical.
28
b. **Common Questions Predominate:** Common questions of law and
fact exist as to all members of the Plaintiff Classes and those questions

1 predominate over any questions or issues involving only individual
2 class members. The principal issue is whether the Defendants' written
3 communications to consumers, in the forms attached as *Exhibit A*,
4 violate 15 U.S.C. §§ 1692e and 1692g.

5 c. **Typicality:** The Plaintiffs' claims are typical of the claims of the class
6 members. The Plaintiffs and all members of the Plaintiff Classes have
7 claims arising out of the Defendants' common uniform course of
8 conduct complained of herein.

9 d. **Adequacy:** The Plaintiffs will fairly and adequately protect the
10 interests of the class members insofar as Plaintiffs have no interests
11 that are averse to the absent class members. The Plaintiffs are
12 committed to vigorously litigating this matter. Plaintiffs have also
13 retained counsel experienced in handling consumer lawsuits, complex
14 legal issues, and class actions. Neither the Plaintiffs nor their counsel
15 have any interests which might cause them not to vigorously pursue
16 the instant class action lawsuit.

17 e. **Superiority:** A class action is superior to the other available means for
18 the fair and efficient adjudication of this controversy because
19 individual joinder of all members would be impracticable. Class action
20 treatment will permit a large number of similarly situated persons to
21 prosecute their common claims in a single forum efficiently and
22 without unnecessary duplication of effort and expense that individual
23 actions would engender.

24 40. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil

25 Procedure is also appropriate in that the questions of law and fact common
26 to members of the Plaintiff Classes predominate over any questions
27 affecting an individual member, and a class action is superior to other
28 available methods for the fair and efficient adjudication of the controversy.

41. Depending on the outcome of further investigation and discovery, Plaintiffs

1 may, at the time of class certification motion, seek to certify a class(es) only
2 as to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).
3

4 **COUNT I**
5 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**
6 **15 U.S.C. §1692e *et seq.***

7 42.Plaintiff repeats, reiterates and incorporates the allegations contained in
8 paragraphs above with the same force and effect as if the same were set forth
9 at length herein.
10

11 43.Pursuant to 15 U.S.C. §1692e, a debt collector may not use any false,
12 deceptive, or misleading representation or means in connection with the
13 collection of any debt.
14

15 44.Under 15 U.S.C. § 1692e(10), a debt collector may not use any false
16 representation or deceptive means to collect a debt.
17

18 45.Defendant violated 15 U.S.C. § 1692e and 15 U.S.C. § 1692e(10) by falsely
19 implying in its Collection Letter that the Plaintiff could request validation
20 of her debt directly with the creditor of her debt, rather than the Defendant.
21

22 46.By reason thereof, Defendants is liable to Plaintiff for judgment that
23 Defendants' conduct violated Section 1692e *et seq.* of the FDCPA, actual
24 damages, statutory damages, costs and attorneys' fees.
25
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COUNT II

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §1692g *et seq.***

1
2
3
4 47.Plaintiff repeats, reiterates and incorporates the allegations contained in
5 paragraphs above herein with the same force and effect as if the same were
6 set forth at length herein.
7

8 48.Defendants’ debt collection efforts attempted and/or directed towards the
9 Plaintiff violated various provisions of the FDCPA, including but not
10 limited to 15 U.S.C. § 1692g.
11

12 49.Under 1692g, a debt a collector must send a consumer written validation
13 notice in a clear and unambiguous manner, which cannot be contradicted or
14 overshadowed by other language in the communication.
15

16 50.The Defendants violated said sections by using communication that
17 overshadows or is inconsistent with the disclosure of the consumer’s right
18 to dispute the debt or request the name and address of the original creditor
19 in violation of 15 U.S.C. 1692g(b).
20

21 51.By reason thereof, Defendants are liable to Plaintiff for judgment that
22 Defendants’ conduct violated Section 1692g *et seq.* of the FDCPA, actual
23 damages, statutory damages, costs and attorneys’ fees.
24
25
26

DEMAND FOR TRIAL BY JURY

27 52.Plaintiff hereby respectfully requests a trial by jury for all claims and issues
28

1 in its Complaint to which it is or may be entitled to a jury trial.

2 **PRAYER FOR RELIEF**

3 **WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

4 (a) Declaring that this action is properly maintainable as a Class
5 Action and certifying Plaintiff as Class representative and the undersigned
6 attorneys, as Class Counsel;

7 (b) Awarding Plaintiff and the Class statutory damages;

8 (c) Awarding Plaintiff and the Class actual damages;

9 (d) Awarding Plaintiff costs of this Action, including reasonable
10 attorneys' fees and expenses;

11 (e) Awarding pre-judgment interest and post-judgment interest;
12 and

13 (f) Awarding Plaintiff and the Class such other and further relief
14

15 as this Court may deem just and proper.

16 Dated: October 9, 2017

17
18
19
20 /s/ Jonathan A. Stieglitz
21 JONATHAN A. STIEGLITZ
22 (SBN 278028)
23 jonathan.a.stieglitz@gmail.com
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/s/ Yitzchak Zelman

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Attorneys for Plaintiff

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Oaks, PA 19456



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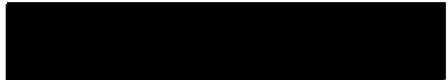
May 29, 2017



ANDREA ROBINSON



018052



ACCOUNT IDENTIFICATION

Current Creditor: Crown Asset Management, LLC
Current Creditor Account No.: *****5339
Original Creditor: Synchrony Bank/JCP credit card
Original Creditor No.: *****9615
ARS Reference No.: [REDACTED]
Balance: \$331.39

Welcome to ARS!

Dear Sir/Madam,

ARS is a national organization experienced in helping customers resolve their outstanding balances. Our client has placed your account referenced above with ARS. We look forward to working with you to find a repayment plan that fits within your budget.

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 after 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. If you request of 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.

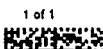
Subject to your rights noted above, one option to resolve your account is to settle your account for the reduced amount of \$198.84, a savings of \$132.55. If you cannot make the settlement payment by 7/3/2017, please contact us to discuss alternative arrangements. We reserve the right to treat any missed or late payment as a cancellation of the agreement. We are not obligated to renew this offer. This does not affect your rights as described above.

There are other payment options available. To review payment options 24 hours a day, please visit our website at www.PayARS.com. To access your account, you'll be asked to provide your ARS Reference Number (34866162). ARS also offers "Quick Check" by phone, Western Union "Quick Collect" (Code City: ARS 34866162), and Moneygram "Express Payment" (Receive Code: 3851). Payments can be mailed to the ARS Escondido, CA address above.

We are committed to helping you resolve your balance. Please call us at (800) 976-0960 with any questions or to discuss all your payment options. Office hours are Monday through Friday, 8:30 a.m. - 10:00 p.m. and Saturday 9:00 a.m. - 5:00 p.m. (Eastern Time).

Sincerely,
Alec Tilley x6714
Account Representative

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



(SEE REVERSE SIDE FOR IMPORTANT INFORMATION)

We are required under certain Federal, State and Local laws to notify consumers of certain rights. This list does not contain a complete list of the rights for consumers under Federal, State, or Local laws.

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. 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.

You may request records showing the following: (1) that Crown Asset Management, LLC has the right to seek collection of the debt; (2) the debt balance, including an explanation of any interest charges and additional fees; (3) the date of default or the date of the last payment; (4) the name of the charge-off creditor and the account number associated with the debt; (5) the name and last known address of the debtor as it appeared in the charge-off creditor's or debt buyer's records prior to the sale of the debt, as appropriate; and (6) the names of all persons or entities that have purchased the debt. You may also request from us a copy of the contract or other document evidencing your agreement to the debt. A request for these records may be addressed to:

Crown Asset Management , LLC
3100 Breckinridge Blvd, Suite 725
Duluth, GA 30096

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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

ANDREA ROBINSON, individually and on
behalf of all others similarly situated,

Plaintiff,

-against-

ARS NATIONAL SERVICES INC.,

Defendant.

Civil Case No.:

**PLAINTIFF ANDREA ROBINSON'S LOCAL RULE 3-16 CERTIFICATION OF
INTERESTED ENTITIES OR PERSONS**

Pursuant to Civil L.R. 3-16, the undersigned certifies that of this date, other than the named parties, there is no such interest to report.

Dated: October 9, 2017

s/ Jonathan A. Stieglitz
Jonathan A. Stieglitz, Esq.
(SBN 278028)
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CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ANDREA ROBINSON, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Law Offices of Jonathan Stieglitz 11845 W. Olympic Blvd., Ste 800, Los Angeles, CA 90064 Tel: 323.979.2063 Email: jonathan.a.stieglitz@gmail.com

DEFENDANTS

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

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, 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

Brief description of cause: Defendant violated the FDCEPA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 10/09/2017

SIGNATURE OF ATTORNEY OF RECORD

s/ Jonathan A. Stieglitz

Print

Save As...

Reset

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate 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 Federal Rule of Civil Procedure 8(a), 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.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 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.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 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-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no 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 Federal Rule of Civil Procedure 23. 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-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- 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: [ARS National Services Misstates Consumer's Dispute Rights, Suit Says](#)
