

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

**CHRISTOPHER ROSS,**  
Individually and on behalf  
of all others similarly situated,

**Plaintiff,**

**V.**

**PENNYMAC LOAN SERVICES, LLC**

**Defendant.**

**Case No.: 1:17-cv-**

## CLASS ACTION COMPLAINT

## Jury Trial Demanded

## CLASS ACTION COMPLAINT

Plaintiff Christopher Ross, on behalf of himself and all others similarly situated, files this Class Action Complaint against PennyMac Loan Services, LLC (“PennyMac” or “Defendant”). Plaintiff alleges, based on personal knowledge as to Defendant’s actions and upon information and belief as to all other matters, as follows:

## I. NATURE OF THE CASE

1. Plaintiff brings this action against Defendant for violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681a-1681x.

2. Defendant PennyMac routinely procures consumers' credit reports for the purpose of reviewing credit obligations and collection of consumer debt.

3. Plaintiff brings this nationwide class claim against PennyMac for knowingly and intentionally procuring credit reports of consumers whose debts had been discharged in bankruptcy and there was therefore no permissible purpose for accessing such reports.

## **II. PARTIES**

4. The Plaintiff, Christopher Ross, is a "consumer" as protected and governed by the FCRA.

5. Defendant PennyMac maintains offices at 6101 Condor Drive, Suite 200, Moorpark, CA, 93021, USA and is an Indiana corporation.

## **III. JURISDICTION AND VENUE**

6. The Court has federal question jurisdiction under the FCRA, 15 U.S.C. §1681p, and 28 U.S.C. §1331.

7. Venue is proper in this Court because PennyMac can be found in this District. 28 U.S.C. §1391(b)(3). The Defendant regularly sells their products and services in this District.

## **IV. FACTUAL ALLEGATIONS**

8. Plaintiff is a consumer.

9. Plaintiff incurred a credit card debt that was primarily for personal, family or household purposes.

10. The debt owed by Plaintiff went into default.

11. On September 2, 2014, Plaintiff filed for relief under Chapter 7 of the United States Bankruptcy Code.

12. Plaintiff's bankruptcy petition contained a list of his debts. In particular, Schedule F of the petition listed Defendant PennyMac as one of Plaintiff's creditors.

13. The Bankruptcy Noticing Center sends electronic notice of the bankruptcy and automatic stay to those entities listed on a bankruptcy petition who have signed up for that service. The Defendant is one such entity.

14. On September 7, 2014, the Bankruptcy Noticing Center sent Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors and Deadlines, electronically to the Defendant. *See* Notice attached hereto as Exhibit A.

15. The Notice advised that the Plaintiff had filed a bankruptcy case and that all collection activities were to be stayed pursuant to the Bankruptcy Code. *Id.*

16. On December 16, 2014, the Plaintiff received an order granting his discharge of his debts. *See* Order attached hereto as Exhibit B.

17. The Bankruptcy Noticing Center sent the Order of Discharge of Debtor electronically to the Defendant on December 18, 2014. *Id.*

18. The Defendant received multiple notifications from the U.S. Bankruptcy Court that Plaintiff's debt was subject to the bankruptcy case.

19. The Defendant knew that the Plaintiff had completed a Chapter 7 bankruptcy case and had received a discharge of his debts, including the debt(s) that the Defendant was attempting to collect.

20. Notwithstanding the discharge of the obligation to Defendant on February 12, 2015 the Defendant procured the Plaintiff's TransUnion and Experian credit report. *See* Exhibit C attached hereto.

21. Permissible purposes for accessing a credit report include, but are not limited to, a person seeking a credit report in connection with a possible credit transaction, employment purposes, servicing of an existing credit obligation, or an otherwise legitimate business need. 15 U.S.C. §1681 b(a)(3)(A), (B), (E) and (F).

22. Even if Defendant had permission to pull Plaintiff's credit report prior to the filing of the bankruptcy case, such permission was revoked by operation of law due to the bankruptcy discharge.

23. After the discharge eliminated Plaintiff's obligation to Defendant, it had no permissible purpose for procuring the Plaintiff's credit report.

24. The procuring of Plaintiff's credit report is an action which constitutes an attempt to collect the alleged debt at issue in this matter.

25. As the result of its violations of the FCRA, Defendant is liable to Plaintiff for statutory and punitive damages, as well as attorneys' fees and costs. 15 D.S.C. §1681n.

26. Defendant's conduct and actions were willful. The language of section 1681b(a) is pellucidly clear and there is no reasonable reading of the statute that could support Defendant's actions.

27. Defendant received multiple notices that the alleged debt had been discharged and was no longer collectible. Nonetheless, Defendant willfully, deliberately and intentionally procured Plaintiff's credit report.

28. Defendant routinely obtains and uses consumer reports under false pretenses

and/or impermissible purposes regarding consumers with whom Defendant has no account or credit relationship.

29. This practice violates the fundamental privacy protection afforded consumers under the FCRA and runs counter to longstanding regulatory guidance. The Federal Trade Commission ("FTC") has long held that under section 604(a)(3) of the FCRA (15 U.S.C. § 1681b(a)(3)), "'review' of an account refers to an existing (i. e., open or current) account. *See* FTC letter dated April 29, 1999 to Don Gowen. Because there no longer exists any account to "review" and the consumer is not applying for credit, the FCRA provides no permissible purpose for the creditor to receive a consumer report from a CRA. *See* FTC Advisory Opinion letter dated April 30, 1999 to Kenneth J. Benner.

30. Case law existing prior to and at the time of Defendant's actions described herein served to put Defendant on notice that its actions in accessing a consumer's credit report when the alleged debt was no longer collectible was in violation of the FCRA.<sup>1</sup>

31. By reasons of the clear statutory language, the FTC opinions, the above cases and others construing section 1681b(a)(3) of the FCRA, Defendant had substantial notice that its conduct violated the FCRA. Further, because the FCRA was enacted in 1970, Defendant has had years to become compliant but has failed to do so.

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<sup>1</sup> *See, e.g., Barton v. Ocwen Loan Servo L.L.C.*, 2012 WL 4449860 (D. Minn. Sept: 26, 2012) (plaintiff stated claim for willful noncompliance where defendant accessed consumer report even after plaintiff repeatedly informed it that his obligation had been discharged in bankruptcy); *Haberman v. PNC Mortg. Co.*, 2012 WL 2921357 (E.D. Tex. July 17, 2012) (denying summary judgment where defendant allegedly obtained consumer report after debt had been discharged in bankruptcy); *Huertas v. Galaxy Asset Mgmt.*, 2010 WL 936450 (D.N.J. Mar. 9, 2010) (granting leave to amend complaint to allege that account had been discharged in bankruptcy eliminating permissible purpose), *aff'd on other grounds*, 641 F.3d 28 (3d Cir. 2011); *Godby v. Wells Fargo Bank*, 599 F. Supp. 2d 934 (S.D. Ohio 2008) (account review was not permissible purpose when account discharged in bankruptcy); *Thomas v. US. Bank*, 2007 WL 764312 (D. Or. Mar. 8, 2007) (denying summary judgment for bank because of fact issue where the bank knew account was discharged). *See also Orr v. Allied Interstate, Inc.*, 2012 WL 4033721 (N.D.N.Y. Sept. 12, 2012) (FCRA claim was not precluded by the Bankruptcy Code).

32. As a result of Defendant's conduct, the consumer class members such as Plaintiff have suffered concrete injuries.

33. The FCRA expressly provides that Congress made the following findings: "There is a need to ensure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality and a respect for the consumer's right to privacy." 15 U.S.C. §1681a(4).

### **Damages**

34. The Plaintiff and class members suffered an invasion of privacy.

35. The Plaintiff and class members suffered emotional distress and mental anguish where Defendant continued to attempt to collect a debt post discharge thus crushing their dream of a fresh start after bankruptcy discharge.

36. Plaintiff and class members have had their personal identifying and account-related information unnecessarily disseminated to the Defendant, and, upon information and belief, to its related information-sharing affiliates.

37. Defendant has subjected Plaintiff and consumer class members to an increased risk of identity theft and/or a data breach, resulting in consequential anxiety, emotional distress and mental anguish.

38. Data breaches of financial institutions like Defendant are frequent targets of cybercriminals. (<https://krebsonsecurity.com/category/data-breaches/>)

39. The conduct defendant engaged in is precisely the type of conduct Congress sought to prevent with the restriction it has imposed on access to consumer's sensitive financial information.

40. Plaintiff and the class members suffered a concrete and particularized injury in fact, whether tangible or intangible, that is directly traceable to Defendant's conduct, and is

likely to be redressed by a favorable decision in this action

**V. CLASS ACTION ALLEGATIONS**

41. A class action is superior for the fair and efficient adjudication of this matter in that:

- a. individual actions are not economically feasible; and
- b. some members of the class are likely to be unaware of their rights.

42. Defendant, at all times relevant hereto, was acting by and through its agents, servants and/or employees who were acting within the course and scope of their agency or employment, and under the direct supervision and control of Defendant.

43. Pursuant to Federal Rule of Civil Procedure 23 and 15 U.S.C. § 1681b, Plaintiff brings this action for herself and on behalf of the following Class:

All natural persons: (a) whose consumer report was pulled by Defendant after the date beginning two years prior to the filing of this Complaint; (b) for an account review purpose; and, (c) where Defendant's records note that the account relationship had terminated because (i) the debt on the account had been discharged in bankruptcy; (ii) the account was closed with a zero balance; or, (iii) the account had been sold or transferred to a third party.

Plaintiff reserves the right to amend the definition of the Class based on discovery or legal developments.

44. Specifically excluded from the Class are: (a) all federal court judges who preside over this case and their spouses; (b) all persons who elect to exclude themselves from the Class; (c) all persons who have previously executed and delivered to PennyMac releases of all their claims; and (d) Defendant's employees, officers, directors, agents, and representatives and their family members.

45. **Numerosity.** The Class is so numerous that joinder of all members is

impracticable. At this time, Plaintiff does not know the exact size of the Class. Based on information and belief, the Class is comprised of at least thousands of members who are geographically dispersed throughout the country so as to render joinder of all Class members impracticable. The names and addresses of the Class members are identifiable through documents maintained by Defendant, and the Class members may be notified of the pendency of this action by published and/or mailed notice.

46. **Commonality.** Common questions of law and fact exist as to all members of the Class, and predominate over the questions affecting only individual members. The primary common legal and factual question is whether Defendant's procuring the consumer report of a consumer whose debts had been discharged by bankruptcy court order violated section 1681b(a) of the FCRA by procuring such reports without a permissible purpose.

47. **Typicality.** Plaintiff's claims are typical of the claims of each Class member. Plaintiff has the same claims for statutory and punitive damages that she seeks for absent class members.

48. **Adequacy.** Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff's interests coincide with, and are not antagonistic to, other Class members' interests. Additionally, Plaintiff has retained counsel experienced and competent in complex, commercial, multi-party, consumer, and class-action litigation. Plaintiff's counsel has prosecuted similar consumer protection class actions.

49. **Predominance and Superiority.** Questions of law and fact common to the Class members predominate over questions affecting only individual members, and a class action is superior to other available methods for fair and efficient adjudication of the controversy. The statutory and punitive damages sought by each member are such that individual prosecution



would prove burdensome and expensive given the complex and extensive litigation necessitated by Defendant's conduct. It would be virtually impossible for the Class members individually to redress effectively the wrongs done to them. Even if the Class members themselves could afford such individual litigation, it would be an unnecessary burden on the courts. Furthermore, individualized litigation presents a potential for inconsistent or contradictory judgments and increases the delay and expense to all parties and to the court system presented by the complex legal and factual issues raised by Defendant's conduct. By contrast, the class action device will result in substantial benefits to the litigants and the Court by allowing the Court to resolve numerous individual claims based upon a single set of proof in a unified proceeding.

50. Furthermore, individualized litigation presents a potential for inconsistent or contradictory judgments and increases the delay and expense to all parties and to the court system presented by the complex legal and factual issues raised by Defendant's conduct. By contrast, the class action device will result in substantial benefits to the litigants and the Court by allowing the Court to resolve numerous individual claims based upon a single set of proof in just one case.

## **VI. CAUSES OF ACTION**

### **COUNT 1**

#### **15 U.S.C. § 1681b**

51. Plaintiff incorporates by reference those paragraphs set out above as though fully set forth herein.

52. Defendant PennyMac is a "person" as defined by sections 1681a(b) of the FCRA.

53. Plaintiff is a "consumer" as defined by section 1681a(c) of the FCRA.

54. The above-mentioned report is a "consumer report" as defined by section 1681a(d) of the FCRA.

55. Section 1681b(f) of the FCRA provides as follows:

(1) the consumer report is obtained for a purpose for which the consumer report is authorized to be furnished under this section; and

(2) the purpose is certified in accordance with section with section 1681e of this title by a prospective user of the report through a general or specific certification.

56. Section 1681b(a)(3) of the FCRA provides a list of permissible purposes:

(a) In general. Subject to subsection (c) of this section, any consumer reporting agency may furnish a consumer report under the following circumstances and no other:

...

(3) To a person which it has reason to believe-

(A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of: the consumer;

...

(F) otherwise has a legitimate business need for the information-

(i) in connection with a business transaction that is initiated by the consumer; or

(ii) to review an account to determine whethisthe consumer continues to meet the terms of the account.

57. Pursuant to section 1681n and 1681o of the FCRA, Defendant PennyMac is liable for willfully and negligently violating section 1681b(f) by obtaining consumer reports without a

permissible purpose.

**VII. PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff and the Class pray for relief as follows:

A. That an order be entered certifying the proposed Classes under Rule 23 of the Federal Rules of Civil Procedure and appointing Plaintiff and his counsel to represent the Class;

B. That judgment be entered in favor of the Class against Defendant PennyMac for statutory damages and punitive damages for violation of 15 U.S.C. §1681b(a), pursuant to 15 U.S.C. §1681n;

C. That the Court award costs and reasonable attorneys' fees, pursuant to 15 U.S.C. §§ 1681n and 1681o; and,

D. That the Court grant such other and further relief as may be just and proper, including but not limited to any equitable relief that may be permitted.

**VIII. TRIAL BY JURY**

Plaintiff hereby requests a trial by jury on those causes of action where a trial by jury is allowed by law.

Respectfully submitted,

/s/ John T. Steinkamp  
John T. Steinkamp  
John Steinkamp and Associates  
Attorney for Plaintiff  
5214 S. East Street, Suite D1  
Indianapolis, IN 46227  
Office: (317) 780-8300  
Fax: (317) 217-1320  
Email: [steinkamplaw@yahoo.com](mailto:steinkamplaw@yahoo.com)

/s/ Ryan R. Frasher  
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317-634-5544 (phone)  
317-630-5844 (fax)  
[rfrasher@frasherlaw.com](mailto:rfrasher@frasherlaw.com)

/s/ Syed Ali Saeed  
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SAEED & LITTLE LLP  
1433 North Meridian St., Suite 202  
Indianapolis, Indiana 46202  
Telephone: (317) 721-9214  
Facsimile: (888) 422-3151

*Proposed Class Counsel*

JS 44 (Rev 09/10)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

**CIVIL COVER SHEET**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law.

**Plaintiff(s):**

**First Listed Plaintiff:**

Christopher M. Ross ;

**County of Residence:** Marion County

**Defendant(s):**

**First Listed Defendant:**

Pennymac Loan Services, LLC ;

**County of Residence:** Outside This District

**County Where Claim For Relief Arose:** Marion County

**Plaintiff's Attorney(s):**

Ryan Frasher (Christopher Ross)

155 E. Market St., Ste. 450

Indianapolis, Indiana 46204

**Phone:** 3176345544

**Fax:** 3176304824

**Email:** rfrasher@frasherlaw.com

**Defendant's Attorney(s):**

**Basis of Jurisdiction:** 3. Federal Question (U.S. not a party)

**Citizenship of Principal Parties (Diversity Cases Only)**

**Plaintiff:** N/A

**Defendant:** N/A

**Origin:** 1. Original Proceeding

**Nature of Suit:** 480 Fair Credit Reporting Act or Fair Debt Collection Practices Act

**Cause of Action:** 15 USC 1681. Violation of FCRA

**Requested in Complaint**

**Class Action:** Class Action Under FRCP23

**Monetary Demand (in Thousands):**

**Jury Demand:** Yes

**Related Cases:** Is NOT a refiling of a previously dismissed action

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**Signature:** /s/ Ryan R. Frasher

**Date:** 02/11/17

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.

07/17/2015

File Number: 343625609

**-Begin Credit Report-****Personal Information**

**SSN:** [REDACTED]  
Your SSN has been masked for your protection.

You have been on our files since 07/01/1993  
**Date of Birth:** [REDACTED]

**Names Reported:** CHRISTOPHER M. ROSS, CHRIS ROSS, CHRISTOPHER OSS and CHRISTOPHR ROSS

**Addresses Reported:**

[REDACTED]

**Telephone Numbers Reported:**

[REDACTED]

**Employment Data Reported:**

Employer Name	Position	Date Verified
[REDACTED]		

**Public Records**

This information was collected from public records sources by TransUnion or a company we hired. You may be required to explain these items to potential creditors. Discharged Chapter 7 bankruptcy remains on your file for up to 10 years.

**INDIANA FEDERAL COURT-IN** Docket# 1408216

PO BOX 44978  
INDIANAPOLIS, IN 46244  
(317) 229-3800

<b>Date Filed:</b>	09/02/2014	<b>Type:</b>	CHAPTER 7 BANKRUPTCY DISCHARGED	<b>Court Type:</b>	Federal District
<b>Date Paid:</b>	12/16/2014	<b>Responsibility:</b>	Individual Debt	<b>Plaintiff Attorney:</b>	JOHN T STEINKAMP
<b>Date Updated:</b>	12/17/2014				

Estimated month and year that this item will be removed: 08/2024

**Account Information**

Typically, creditors report any changes made to your account information monthly. This means that some accounts listed below may not reflect the most recent activity until the creditor's next reporting. This information may include things such as balances, payments, dates, remarks, ratings, etc. The key(s) below are provided to help you understand some of the account information that could be reported.

**Rating Key**

Some creditors report the timeliness of your payments each month in relation to your agreement with them. The ratings in the key below describe the payments that may be reported by your creditors. Please note: Some but not all of these ratings may be present in your credit report.

N/R	X	OK	30	60	90	120	COL	VS	RPO	C/O	FC
Not Reported	Unknown	Current	30 days late	60 days late	90 days late	120+ days late	Collection	Voluntary Surrender	Repossession	Charge Off	Foreclosure

**Remarks Key**

Additionally, some creditors may notate your account with comments each month. We refer to these creditor comments as 'Remarks'. The key below gives the descriptions of the abbreviated remarks contained in your credit file. Any remark containing brackets > < indicates that this remark is considered adverse.



**PLAIN GREEN**

PO BOX 270  
BOX ELDER, MT 59521  
(866) 420-7157

Requested On: 09/22/2014

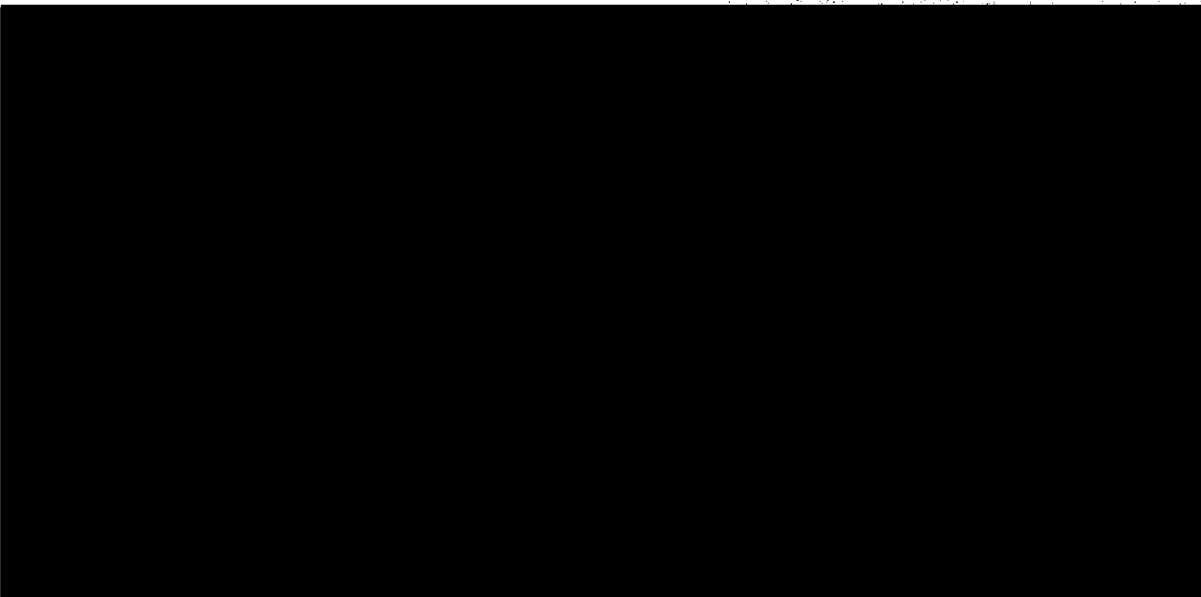
**NRRM LLC**

DBA: STOPREPAIRBILLS.COM  
339 MID RIVERS MALL DR  
SAINT PETERS, MO 63376  
(800) 436-3185

Requested On: 08/27/2014

**Account Review Inquiries**

The listing of a company's inquiry in this section means that they obtained information from your credit file in connection with an account review or other business transaction with you. These inquiries are not seen by anyone but you and will not be used in scoring your credit file (except insurance companies may have access to other insurance company inquiries, certain collection companies may have access to other collection company inquiries, and users of a report for employment purposes may have access to other employment inquiries, where permitted by law).

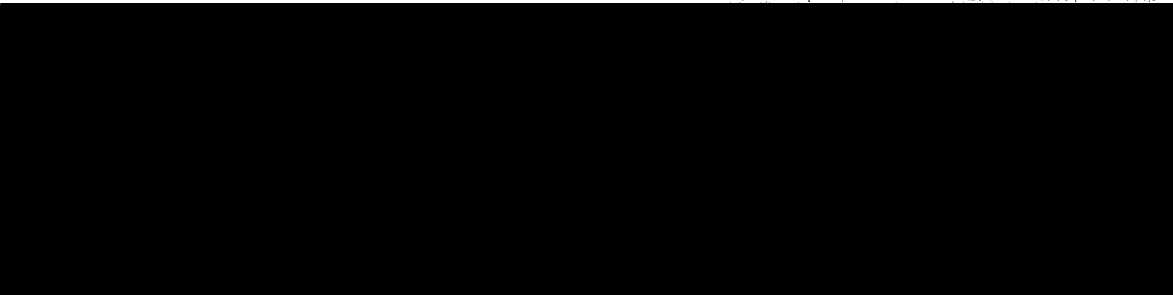
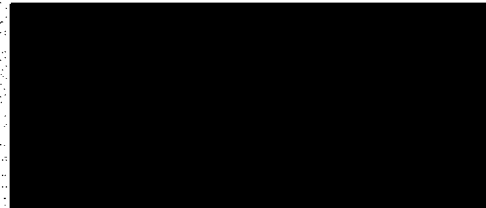


**PENNYMAC LOAN SERVIC via CREDCO/PENNYMAC LOAN SVC**

PO BOX 509124  
SAN DIEGO, CA 92150  
(800) 523-0233

Requested On: 02/12/2015

Permissible Purpose: ACCOUNT REVIEW





United States Bankruptcy Court  
Southern District of Indiana

In re:  
Christopher Michael Ross  
Debtor

Case No. 14-08216-JMC  
Chapter 7

**CERTIFICATE OF NOTICE**

District/off: 0756-1

User: jweiss  
Form ID: b18

Page 1 of 1  
Total Noticed: 23

Date Rcvd: Dec 16, 2014

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 18, 2014.

db  
13045969 +Christopher Michael Ross, 1214 E. Southern Ave., Indianapolis, IN 46203-5303  
13045970 +Aspen Dental, 4155 S. East Street, Suite B, Indianapolis, IN 46227-1483  
13045971 +Aspen Dental Group, 3725 Rome Drive, Suite A, Lafayette, IN 47905-4490  
13045975 +Computer Credit, Inc., PO Box 5238, Winston Salem, NC 27113-5238  
13045977 +Equifax, PO Box 740256, Atlanta, GA 30374-0256  
13045978 +Experian, 701 Experian Parkway, Allen, TX 75013-3715  
13045985 +One Main Financial, 6801 Colwell Blvd., Irving, TX 75039-3198  
13063800 +PennyMac Loan Services, LLC, C/O Aldridge Connors, LLP, Fifteen Piedmont Center,  
3575 Piedmont Road, N.E., Suite 500, Atlanta, GA 30305-1636  
13045991 Trans Union, PO Box 1000, Crum Lynne, PA 19022

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13045971 +EDI: CAPITALONE.COM Dec 16 2014 22:53:00 Capital One, Account Inquiries, PO Box 30281,  
Salt Lake City, UT 84130-0281  
13045972 +EDI: CHASE.COM Dec 16 2014 22:53:00 Chase Bank, P.O. Box 15298,  
Wilmington, DE 19850-5298  
13045973 EDI: CITICORP.COM Dec 16 2014 22:53:00 Citicards CBNA, P.O. Box 6241,  
Sioux Falls, SD 57117-6241  
13045974 EDI: WFNMB.COM Dec 16 2014 22:53:00 Comenity Bank, PO Box 182789,  
Columbus, OH 43218-2789  
13045976 +EDI: TSYS2.COM Dec 16 2014 22:53:00 DSNB/Macys, PO Box 8218, Mason, OH 45040-8218  
13045979 +E-mail/Text: dept.Coll.Bank@fcfcu.com Dec 16 2014 23:03:39 Finance Federal Credit Union,  
PO Box 26501, Indianapolis, IN 46226-0501  
13045980 +EDI: HFC.COM Dec 16 2014 22:53:00 HSBC, Attn: Bankruptcy Dept., P.O. Box 5253,  
Carol Stream, IL 60197-5253  
13045981 +EDI: RMSC.COM Dec 16 2014 22:53:00 JcPenny, PO Box 965007, Orlando, FL 32896-5007  
13045982 +EDI: CBSKOHL'S.COM Dec 16 2014 22:53:00 Kohl's, P.O. Box 3115, Milwaukee, WI 53201-3115  
13045983 +EDI: TSYS2.COM Dec 16 2014 22:53:00 Macy's, Attn: Bankruptcy Department, PO Box 8053,  
Mason, OH 45040-8053  
13045984 EDI: TSYS2.COM Dec 16 2014 22:53:00 Macy's/DSNB, PO Box 17759,  
Clearwater, FL 33762-0759  
13045989 EDI: RMSC.COM Dec 16 2014 22:53:00 SYNCB/HH Gregg, Po Box 964036,  
Orlando, FL 32896-5036  
13045990 +EDI: RMSC.COM Dec 16 2014 22:53:00 SYNCB/Lowes, Po Box 965005, Orlando, FL 32896-5005  
13045988 +EDI: SEARS.COM Dec 16 2014 22:53:00 Sears, PO Box 6282, Sioux Falls, SD 57117-6282  
TOTAL: 14

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

13045986 Planet Fitness  
13045987 ##+Private National Mortgage, 27001 Agoura Road, Suite 350, Agoura Hills, CA 91301-5112  
TOTALS: 1, \* 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 18, 2014

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**


The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 16, 2014 at the address(es) listed below:

John T. Steinkamp on behalf of Debtor Christopher Michael Ross steinkamplaw@yahoo.com,  
steinkamplaw@yahoo.com;jtsparalegal@gmail.com  
Michael J. Hebenstreit mjh@whzlaw.com, emw@whzlaw.com;IN58@ecfcbis.com  
U.S. Trustee ustpreion10.in.ecf@usdoj.gov

TOTAL: 3





  
James M. Carr  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
Southern District of Indiana  
46 E. Ohio St., Rm. 116  
Indianapolis, IN 46204

B18 (rev 02/2013)

In re:

**Christopher Michael Ross,**  
SSN: xxx-xx-6690 EIN: NA  
1214 E. Southern Ave.  
Indianapolis, IN 46203  
Debtor(s).

Case No. 14-08216-JMC-7

**DISCHARGE OF DEBTOR IN A CHAPTER 7 CASE**

The Court, after reviewing this case, finds that the debtor is entitled to a discharge.

**IT IS ORDERED** that the the debtor is granted a discharge under 11 U.S.C. § 727.

###

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**

## **EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

### **Collection of Discharged Debts Prohibited**

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

### **Debts That are Discharged**

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

### **Debts That are Not Discharged**

Some of the common types of debts which are **NOT** discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts incurred to pay for nondischargeable taxes (in a case filed on or after October 17, 2005);
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and
- j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans (in a case filed on or after October 17, 2005).

**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**

United States Bankruptcy Court  
Southern District of Indiana

In re:  
Christopher Michael Ross  
Debtor

Case No. 14-08216-JMC  
Chapter 7

**CERTIFICATE OF NOTICE**

District/off: 0756-1

User: admin  
Form ID: b9a

Page 1 of 1  
Total Noticed: 25

Date Rcvd: Sep 04, 2014

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 06, 2014.

db +Christopher Michael Ross, 1214 E. Southern Ave., Indianapolis, IN 46203-5303  
13045969 +Aspen Dental, 4155 S. East Street, Suite B, Indianapolis, IN 46227-1483  
13045970 +Aspen Dental Group, 3725 Rome Drive, Suite A, Lafayette, IN 47905-4490  
13045975 +Computer Credit, Inc., PO Box 5238, Winston Salem, NC 27113-5238  
13045977 +Equifax, PO Box 740256, Atlanta, GA 30374-0256  
13045978 +Experian, 701 Experian Parkway, Allen, TX 75013-3715  
13045985 +One Main Financial, 6801 Colwell Blvd., Irving, TX 75039-3198  
13045991 Trans Union, PO Box 1000, Crum Lynne, PA 19022

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. aty

R-mail/Text: steinkamplaw@yahoo.com Sep 04 2014 23:33:18 John T. Steinkamp,  
John Steinkamp & Associates, 5218 S. East Street, Suite E1, Indianapolis, IN 46227  
tr +EDI: BMJHEBENSTREIT.COM Sep 04 2014 23:38:00 Michael J. Hebenstreit,  
Office of Michael J. Hebenstreit, 151 N Delaware St Ste 2000, Indianapolis, IN 46204-2543  
ust +E-mail/Text: ustpreion10.in.ecf@usdoj.gov Sep 04 2014 23:33:55 U.S. Trustee,  
Office of U.S. Trustee, 101 W. Ohio St.. Ste. 1000, Indianapolis, IN 46204-1982  
13045971 +EDI: CAPITALONE.COM Sep 04 2014 23:33:00 Capital One, Account Inquiries, PO Box 30281,  
Salt Lake City, UT 84130-0281  
13045972 +EDI: CHASE.COM Sep 04 2014 23:33:00 Chase Bank, P.O. Box 15298, Wilmington, DE 19850-5298  
13045973 EDI: CITICORP.COM Sep 04 2014 23:33:00 Citicards CBNA, P.O. Box 6241,  
Sioux Falls, SD 57117-6241  
13045974 EDI: WFNBB.COM Sep 04 2014 23:33:00 Comenity Bank, PO Box 182789, Columbus, OH 43218-2789  
13045976 +EDI: TSYS2.COM Sep 04 2014 23:33:00 DSNB/Macys, PO Box 8218, Mason, OH 45040-8218  
13045979 +E-mail/Text: dept.Coll.Bank@cfcu.com Sep 04 2014 23:33:51 Finance Federal Credit Union,  
PO Box 26501, Indianapolis, IN 46226-0501  
13045980 +EDI: HFC.COM Sep 04 2014 23:38:00 HSEC, Attn: Bankruptcy Dept., P.O. Box 5253,  
Carol Stream, IL 60197-5253  
13045981 +EDI: RMSC.COM Sep 04 2014 23:38:00 JcPenny, PO Box 965007, Orlando, FL 32896-5007  
13045982 +EDI: CBSKOHL'S.COM Sep 04 2014 23:33:00 Kohl's, P.O. Box 3115, Milwaukee, WI 53201-3115  
13045983 +EDI: TSYS2.COM Sep 04 2014 23:33:00 Macy's, Attn: Bankruptcy Department, PO Box 8053,  
Mason, OH 45040-8053  
13045984 EDI: TSYS2.COM Sep 04 2014 23:33:00 Macy's/DSNB, PO Box 17759, Clearwater, FL 33762-0759  
13045989 EDI: RMSC.COM Sep 04 2014 23:38:00 SYNCE/HH Gregg, PO Box 964036, Orlando, FL 32896-5036  
13045990 +EDI: RMSC.COM Sep 04 2014 23:38:00 SYNCE/Lowes, PO Box 965005, Orlando, FL 32896-5005  
13045988 +EDI: SEARS.COM Sep 04 2014 23:33:00 Sears, PO Box 6282, Sioux Falls, SD 57117-6282  
TOTAL: 17

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

13045986 Planet Fitness  
13045987 ##+Private National Mortgage, 27001 Agoura Road, Suite 350, Agoura Hills, CA 91301-5112  
TOTALS: 1, \* 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 06, 2014

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 4, 2014 at the address(es) listed below:

John T. Steinkamp on behalf of Debtor Christopher Michael Ross steinkamplaw@yahoo.com,  
steinkamplaw@yahoo.com;jtsparalegal@gmail.com  
Michael J. Hebenstreit mjh@whzlaw.com, emw@whzlaw.com;IN58@ecfcbis.com  
U.S. Trustee ustpreion10.in.ecf@usdoj.gov

TOTAL: 3



**B9A (Official Form 9A)** (Chapter 7 Individual or Joint Debtor No Asset Case)

Case Number **14-08216-JMC-7**

**UNITED STATES BANKRUPTCY COURT**  
**Southern District of Indiana**

**Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors and Deadlines**

A chapter 7 bankruptcy case concerning the debtor listed below was filed on September 2, 2014.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office or may be viewed at <http://pacer.insb.uscourts.gov>.

**Creditors – Do not include this notice with any document filed with the Court.  
See Reverse Side for Important Explanations.**

Debtor (name(s) used by the debtor in the last 8 years, including married, maiden, trade, and address):

Christopher Michael Ross  
1214 E. Southern Ave.  
Indianapolis, IN 46203

Case Number:  
**14-08216-JMC-7**

Social Security Number(s):  
xxx-xx-6690

Attorney for debtor (name and address):

John T. Steinkamp  
John Steinkamp & Associates  
5218 S. East Street  
Suite E1  
Indianapolis, IN 46227  
Telephone number: (317) 780-8300

Bankruptcy Trustee (name and address):

Michael J. Hebenstreit  
Office of Michael J. Hebenstreit  
151 N Delaware St Ste 2000  
Indianapolis, IN 46204  
Telephone number: 317-638-5555

**Meeting of Creditors**

Date: **October 15, 2014**

Time: **10:00 AM EDT**

Location: **Rm. 416C U.S. Courthouse, 46 E. Ohio St., Indianapolis, IN 46204**

**Presumption of Abuse under 11 U.S.C. § 707(b)**

*See "Presumption of Abuse" on reverse side.*

The presumption of abuse does not arise.

**Deadlines**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**Deadline to Object to Discharge or Determine Dischargeability of Debt:**

December 15, 2014

**Deadline to Object to Exemptions:**

The deadline expires **30 days** after the *conclusion* of the meeting of creditors or within **30 days** of any amendment to the list or supplemental schedules unless as otherwise provided under Fed.R.Bankr.P. 1019(2) for converted cases.

**Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.**

**Creditors May Not Take Certain Actions**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Creditor with a Foreign Address**

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

**Address of the Bankruptcy Clerk's Office:**

Southern District of Indiana  
46 E. Ohio St., Rm. 116  
Indianapolis, IN 46204  
Telephone number: 317-229-3800

**For the Court:**

Clerk of the Bankruptcy Court:  
Kevin P. Dempsey

**Hours Open: Monday – Friday 8:30 AM – 4:30 PM ET**

**September 4, 2014**

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	<p>A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the court.</p> <p><b>All individual debtors MUST provide picture identification and proof of social security number</b> to the trustee at the meeting of creditors. Failure to do so may result in your case being dismissed.</p> <p>Language interpretation of the meeting of creditors will be provided to the debtor at no cost through a telephone interpreter service upon request made to the trustee. These services may not be available at all locations.</p>
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. <b>Do not include this notice with any document filed with the court.</b>
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), or (6), you must file a complaint -- or a motion if you assert the discharge should be denied under § 727(a)(8) or (a)(9) -- in the bankruptcy clerk's office by the "Deadline to Object to Debtor's Discharge or to Challenge the Dischargeability of Certain Debts" listed on the front of this form. The bankruptcy clerk's office must receive the complaint or motion and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Change of Address	Creditors are responsible for notifying the bankruptcy clerk's office in writing of address changes. The case number must be included on any correspondence.
Bankruptcy Clerk's Office	Any paper filed on this bankruptcy case should be filed at the bankruptcy clerk's office or <a href="http://ecf.insb.uscourts.gov">http://ecf.insb.uscourts.gov</a> . All filed papers, including the list of the debtor's property and debts and the list of the property claimed as exempt, may be inspected at the bankruptcy clerk's office or <a href="http://pacer.insb.uscourts.gov">http://pacer.insb.uscourts.gov</a> .
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

**Refer to Other Side for Important Deadlines and Notices**

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [PennyMac Loan Services Pinched with FDCPA Class Action](#)

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