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10 Attorney for Plaintiff

11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
13 **Western Division**

14 Brittany Sellers, individually and on  
15 behalf of all others similarly situated,

16 Plaintiff,

17 -against-

18 Commonwealth Financial Systems,  
19 Inc., Pendrick Capital Partners LLC  
20 and John Does 1-25,

21 Defendant.

Case No.:

**CLASS ACTION COMPLAINT** for  
violations of the Fair Debt Collection  
Practices Act, 15 U.S.C. § 1692 *et seq.*

**DEMAND FOR JURY TRIAL**

22 Plaintiff Brittany Sellers ("Plaintiff" or "Sellers"), a California resident,  
23 brings this Class Action Complaint by and through her attorneys, The Law Offices  
24 of Jonathan A. Stieglitz, against Defendant Commonwealth Financial Systems, Inc.  
25 (hereinafter "Defendant Commonwealth") and Defendant Pendrick Capital Partners  
26 LLC (hereinafter "Defendant Pendrick"), individually and on behalf of a class of all  
27 others similarly situated, pursuant to Rule 23 of the Federal Rules of Civil  
28 Procedure, based upon information and belief of Plaintiff's counsel, except for

1 allegations specifically pertaining to Plaintiff, which are based upon Plaintiff's  
2 personal knowledge.

3  
4 **INTRODUCTION / PRELIMINARY STATEMENT**

- 5 1. Congress enacted the Fair Debt Collection Practices Act (hereinafter “the  
6 FDCPA” or “Act”) in 1977 in response to the “abundant evidence of the  
7 use of abusive, deceptive, and unfair debt collection practices by many debt  
8 collectors.” 15 U.S.C. §1692(a). At that time, Congress was concerned that  
9 “abusive debt collection practices contribute to the number of personal  
10 bankruptcies, to material instability, to the loss of jobs, and to invasions of  
11 individual privacy.” *Id.* Congress concluded that “existing laws ... [we]re  
12 inadequate to protect consumers,” and that “the effective collection of  
13 debts” does not require “misrepresentation or other abusive debt collection  
14 practices.” 15 U.S.C. §1692(b) & (c).  
15  
16 2. Congress explained that the purpose of the Act was not only to eliminate  
17 abusive debt collection practices, but also to “insure that those debt  
18 collectors who refrain from using abusive debt collection practices are not  
19 competitively disadvantaged.” *Id.* §1692(e). After determining that the  
20 existing consumer protection laws were inadequate, *Id.* §1692(b), Congress  
21 gave consumers a private cause of action against debt collectors who fail to  
22 comply with the Act. *Id.* §1692k.  
23  
24  
25  
26  
27  
28

1 **JURISDICTION AND VENUE**

- 2 3. The Court has jurisdiction over this class action pursuant to 28 U.S.C.  
3 § 1331 and 15 U.S.C. § 1692 *et seq.* The Court has pendent jurisdiction  
4 over the State law claims in this action pursuant to 28 U.S.C. § 1367(a).  
5  
6 4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2),  
7 as this is where a substantial part of the events or omissions giving rise to  
8 the claim occurred.  
9

10 **NATURE OF THE ACTION**

- 11 5. Plaintiff brings this class action on behalf of a class of California  
12 consumers under 15 U.S.C. § 1692 *et seq.*, commonly known as the Fair  
13 Debt Collections Practices Act (“FDCPA”); and  
14  
15 6. Plaintiff is seeking damages and declaratory relief.  
16

17 **PARTIES**

- 18 7. Plaintiff is a resident of the State of California, County of Los Angeles,  
19 residing at 803 N Detroit Street, Apt. 2, West Hollywood, CA 90046.  
20  
21 8. Defendant Commonwealth is a "debt collector" as the phrase is defined in  
22 15 U.S.C. § 1692(a)(6) and used in the FDCPA, with an address at 245  
23 Main Street, Dickson City, PA 18519.  
24  
25 9. Defendant Pendrick is a "debt collector" as the phrase is defined in 15  
26 U.S.C. § 1692(a)(6) and used in the FDCPA, with an address at 1714  
27 Hollinwood Drive, Alexandria, VA 22307.  
28

1 10. Upon information and belief, Defendant Commonwealth is a company that  
2 uses the mail, telephone, and facsimile and regularly engages in business  
3 the principal purpose of which is to attempt to collect debts alleged to be  
4 due another.  
5

6 11. Upon information and belief, Defendant Pendrick is a company that uses  
7 the mail, telephone, and facsimile and regularly engages in business the  
8 principal purpose of which is to attempt to collect debts alleged to be due  
9 another.  
10

11 12. John Does 1-25, are fictitious names of individuals and businesses alleged  
12 for the purpose of substituting names of Defendants whose identities will be  
13 disclosed in discovery and should be made parties to this action.  
14

15  
16 **CLASS ALLEGATIONS**

17 13. Plaintiff brings this claim on behalf of the following class, pursuant to  
18 Fed. R. Civ. P. 23(a) and 23(b)(3).  
19

20 14. The class consists of:

- 21 a. all individuals with addresses in the State of California;
- 22 b. to whom Defendant Commonwealth sent a collection letter
- 23 attempting to collect a debt;
- 24 c. whose letter states that Defendant Pendrick will not sue the
- 25 consumer;
- 26
- 27
- 28

1 d. without clearly stating that the consumer could no longer be sued  
2 by any party;

3  
4 e. Additionally the letter fails to disclose that the previously-lapsed  
5 statute of limitations to file a lawsuit to collect the debt will recommence  
6 upon payment;

7  
8 f. which letter was sent on or after a date one (1) year prior to the  
9 filing of this action and on or before a date twenty-one (21) days after  
10 the filing of this action.

11  
12 15. The identities of all class members are readily ascertainable from the  
13 records of Defendants and those companies and entities on whose behalf  
14 they attempt to collect and/or have purchased debts.

15  
16 16. Excluded from the Plaintiff Class are the Defendants and all officer,  
17 members, partners, managers, directors and employees of the Defendants  
18 and their respective immediate families, and legal counsel for all parties to  
19 this action, and all members of their immediate families.

20  
21 17. There are questions of law and fact common to the Plaintiff Class, which  
22 common issues predominate over any issues involving only individual class  
23 members. The principal issue is whether the Defendants' written  
24 communications to consumers, in the forms attached as Exhibit "A",  
25 violates 15 U.S.C. § 1692e.  
26  
27  
28

1 18. The Plaintiff's claims are typical of the class members, as all are based  
2 upon the same facts and legal theories. The Plaintiff will fairly and  
3 adequately protect the interests of the Plaintiff Class defined in this  
4 Complaint. The Plaintiff has retained counsel with experience in handling  
5 consumer lawsuits, complex legal issues and class actions, and neither the  
6 Plaintiff nor her attorneys have any interests, which might cause them not  
7 to vigorously pursue this action.  
8

9  
10 19. This action has been brought, and may properly be maintained, as a class  
11 action pursuant to the provisions of Rule 23 of the Federal Rules of Civil  
12 Procedure because there is a well-defined community interest in the  
13 litigation:  
14

15  
16 a. **Numerosity:** The Plaintiff is informed and believes, and on that  
17 basis alleges, that the Plaintiff Class defined above is so numerous that  
18 joinder of all members would be impractical.  
19

20 b. **Common Questions Predominate:** Common questions of law and  
21 fact exist as to all members of the Plaintiff Class and those questions  
22 predominate over any questions or issues involving only individual class  
23 members. The principal issue is whether the Defendants' written  
24 communications to consumers, in the forms attached as Exhibit "A" violate  
25 15 U.S.C. §1692e.  
26  
27  
28

1           c. **Typicality**: The Plaintiff's claims are typical of the claims of the  
2 class members. The Plaintiff and all members of the Plaintiff class have  
3 claims arising out of the Defendants' common uniform course of conduct  
4 complained of herein.  
5

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

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

24           20. 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 Class predominate over any questions affecting  
27  
28

1 an individual member, and a class action is superior to other available  
2 methods for the fair and efficient adjudication of the controversy.

3  
4 21. Depending on the outcome of further investigation and discovery,  
5 Plaintiffs may, at the time of class certification motion, seek to certify a  
6 class(es) only as to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).  
7

8 **FACTUAL ALLEGATIONS**

9 22. Plaintiff incorporates by reference all of the above paragraphs of this  
10 Complaint as though fully stated herein with the same force and effect as if  
11 the same were set forth at length herein.  
12

13 23. Some time prior to September 13, 2017, an obligation was allegedly  
14 incurred to Coastline Emergency Physicians.  
15

16 24. The Coastline Emergency Physicians obligation arose out of a transaction  
17 involving Plaintiff's receipt of medical treatment making the subject of the  
18 transaction primarily for personal, family or household purposes.  
19

20 25. The alleged Coastline Emergency Physicians obligation is a "debt" as  
21 defined by 15 U.S.C. 1692a(5).  
22

23 26. Due to her financial constraints, Plaintiff could not pay the alleged debt,  
24 and it went into default.

25 27. Sometime thereafter, Defendant Pendrick, a debt buyer and debt collector,  
26 purportedly purchased the alleged debt.  
27  
28



1 28. Defendant Pendrick, a subsequent owner of the Coastline Emergency  
2 Physicians debt, contracted with Defendant Commonwealth to assist it in  
3 collecting the alleged debt.  
4

5 29. Defendant Commonwealth and Defendant Pendrick collect and attempt to  
6 collect debts incurred or alleged to have been incurred for personal, family  
7 or household purposes on behalf of creditors using the United States Postal  
8 Services, telephone and internet.  
9

10 Violation – September 13, 2017 Collection Letter  
11

12 30. On or about September 13, 2017, Defendant Commonwealth sent Plaintiff  
13 an initial collection letter (the “Letter”) regarding the alleged debt owed to  
14 Defendant Pendrick. See a true copy of the Letter attached hereto as  
15 Exhibit A.  
16

17 31. The very bottom of the Letter states in part: “The law limits how long you  
18 can be sued on a debt. Because of the age of your debt, Pendrick Capital  
19 Partners will not sue you for it.”  
20

21 32. The alleged debt is time-barred, meaning Defendant Pendrick cannot sue  
22 Plaintiff.  
23

24 33. The Letter implies that Defendant Pendrick has chosen not to sue (“will not  
25 sue you”), instead of the true fact that neither Defendant Pendrick, nor  
26 Defendant Commonwealth, nor any subsequent creditor/collector can file a  
27 lawsuit.  
28

1 34.The statement contained in Defendant Commonwealth’s Letter is materially  
2 deceptive to the unsophisticated consumer, who would believe that  
3 Defendant Pendrick or a subsequent creditor has the option to change its  
4 mind should he/she not pay the alleged debt.  
5

6 35.Moreover, the Letter is completely silent as to the rights of the debt  
7 collector, Defendant Commonwealth, to file a lawsuit against the consumer.  
8

9 36. Finally, the Letter is materially deceptive as it fails to disclose that the  
10 previously-lapsed statute of limitations to file a lawsuit to collect the debt  
11 will recommence upon payment by Plaintiff.  
12

13 37.Defendants made deceptive and misleading representations when they  
14 communicated to Plaintiff that Defendant Pendrick was opting not to sue  
15 Plaintiff when, in fact, it was not permitted to sue as a matter of law in  
16 violation of §§1692e, 1692e(2), 1692e(5) and 1692e(10).  
17

18 38.As a result of Defendants’ deceptive, misleading and unfair debt collection  
19 practices, Plaintiff has been damaged.  
20

21  
22 **COUNT I**  
23 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
24 **15 U.S.C. § 1692e et seq.**

25 39.Plaintiffs incorporates by reference all of the above paragraphs of this  
26 Complaint as though fully state herein with the same force and effect as if  
27 the same were set forth at length herein.  
28

1 40. Defendants' debt collection efforts attempted and/or directed towards the  
2 Plaintiff violated various provisions of the FDCPA, including but not  
3 limited to 15 U.S.C. § 1692e.  
4

5 41. Pursuant to 15 U.S.C. § 1692e, a debt collector may not use any false,  
6 deceptive or misleading representation or means in connection with the  
7 collection of any debt.  
8

9 42. Defendants made deceptive and misleading representations when they  
10 communicated to Plaintiff that Defendant Pendrick was choosing not to sue  
11 Plaintiff when, in fact, it was not permitted to sue as a matter of law, in  
12 violation of §§ 1692e, 1692e(2), 1692e(5) and 1692e(10).  
13

14 43. Further, Defendants failed to advise that any payment made on the debt by  
15 Plaintiff would restart the statute of limitations for bringing a lawsuit.  
16

17 44. By reason thereof, Defendants are liable to Plaintiff for judgment that  
18 Defendants' conduct violated Section 1692e *et seq.* of the FDCPA and for  
19 actual damages, statutory damages, costs and attorneys' fees.  
20

21 **DEMAND FOR TRIAL BY JURY**

22 45. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff  
23 hereby requests a trial by jury on all issues so triable.  
24

25 **PRAYER FOR RELIEF**

26 **WHEREFORE**, Plaintiff Brittany Sellers, individually and on behalf of all others  
27 similarly situated demands judgment from Defendant Commonwealth Financial  
28

1 Systems, Inc. and Defendant Pendrick Capital Partners, LLC as follows:

- 2 1. Declaring that this action is properly maintainable as a Class Action  
3 and certifying Plaintiff as Class representative, and Jonathan A. Stieglitz, Esq. as  
4 Class Counsel;  
5  
6 2. Awarding Plaintiff and the Class statutory damages;  
7  
8 3. Awarding Plaintiff and the Class actual damages;  
9  
10 4. Awarding Plaintiff costs of this Action, including reasonable  
11 attorneys' fees and expenses;  
12  
13 5. Awarding pre-judgment interest and post-judgment interest; and  
14  
15 6. Awarding Plaintiff and the Class such other and further relief as this  
16 Court may deem just and proper.

17 Dated: August 29, 2018

Respectfully Submitted,

18 THE LAW OFFICES OF  
19 JONATHAN A. STIEGLITZ

20 By:           /s/ Jonathan A Stieglitz            
21 Jonathan A Stieglitz

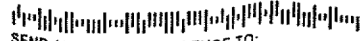
# EXHIBIT A

PO Box 1110  
Charlotte, NC 28201-4474

**COMMONWEALTH FINANCIAL SYSTEMS, INC.**  
Phone: 800-848-2170 Fax: 570-963-1644

Hours of Operation - Eastern Time Monday - Thursday 8am - 9pm  
Friday 8am - 5pm, Saturday 8am - 12pm

September 13, 2017



SEND ALL CORRESPONDENCE TO:  
Commonwealth Financial Systems  
245 Main Street  
Dickson City PA 18519



Personal & Confidential  
BRITTANY SELLERS

Please Detach And Return in The Enclosed Envelope With Your Payment

CFS ACCOUNT #	CURRENT CREDITOR	ORIGINAL CREDITOR	ORIGINAL ACCOUNT #	AMOUNT DUE	SERVICE DATE
2083	Pendrick Capital Partners	COASTLINE EMERGENCY PHYSICIANS	00004474	\$299.32	06/06/2012

Dear Brittany Sellers,

Please be advised that your account has been placed with Commonwealth Financial Systems by Pendrick Capital Partners, the purchaser of the above referenced account. If you consider this debt to be valid, please remit payment to the above listed address.

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 judgement and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Please review the Privacy Notice contained on the back of this letter for an explanation of the Account Owners policies and procedures regarding the use of non-public, personal information.

Please review the back of this letter for additional notices.

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

Sincerely  
Matthew Smith Ext. 213  
800-848-2170

The law limits how long you can be sued on a debt. Because of the age of your debt, Pendrick Capital Partners will not sue you for it. If you do not pay the debt, Pendrick Capital Partners may [continue to] report it to the credit reporting agencies as unpaid for as long as the law permits this reporting.



\*\*To chat with a live agent or pay online visit [www.cfsi-arm.com](http://www.cfsi-arm.com)  
To pay using our 24/7 automated payment system call 800-848-2170 option 7  
Your Commonwealth account number is 2083.

814598  
00004474  
217  
Commonwealth wfd  
8/1/18

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Debt Collectors Accused of Misleading Consumer Regarding Time-Barred Debt](#)

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