

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TAMARA SHAKAROVA on behalf of herself and
all other similarly situated consumers

Plaintiff,

-against-

GENERAL REVENUE CORPORATION

Defendant.

CLASS ACTION COMPLAINT

Introduction

1. Plaintiff, Tamara Shakarova, brings this action against General Revenue Corporation for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”). The FDCPA prohibits debt collectors from engaging in abusive, deceptive and unfair collection practices while attempting to collect on debts.

Parties

2. Plaintiff is a citizen of the State of New York who resides within this District.
3. Plaintiff is a consumer as that term is defined by Section 1692(a)(3) of the FDCPA, in that the alleged debt that Defendant sought to collect from Plaintiff a consumer debt.
4. Upon information and belief, Defendant's principal place of business is located in Cedar Falls, Iowa.
5. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

6. Defendant is a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692(a)(6).

Jurisdiction and Venue

7. This Court has federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
8. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), as the acts and transactions that give rise to this action occurred, in substantial part, in this district.

Allegations Particular to Tamara Shakarova

9. Upon information and belief, on a date better known by Defendant, Defendant began to attempt to collect an alleged consumer debt from the Plaintiff.
10. On or about May 29, 2017, Defendant sent the Plaintiff a collection letter.
11. Said letter stated the “PRINCIPAL” balance as \$2987.36, and then stated a “COLLECTION COST BALANCE” of \$896.21.
12. The Defendant’s statement in said letter of “COLLECTION COST BALANCE” is a representation of an unlawful 30% collection fee.
13. The collection fee represented the Defendant’s anticipated compensation for collecting the alleged debt.
14. The debt and collection cost were erroneous and outright fraudulent. The Defendant is strictly liable.¹
15. The 30% collection fee was a contingent fee agreed to by the Defendant and the Creditor, i.e. the collection fee was a predetermined percentage of the total amount recovered for the Creditor.
16. Only when the Defendant was successful in recovering all or part of the principal

¹ See Lee v. Kucker & Bruh, LLP, 2013 U.S. Dist. LEXIS 110363, 2013 WL 3982427 (S.D.N.Y. Aug. 2, 2013)

amount, was it entitled to its contingent fee.

17. If the Defendant did not recover funds, it was not entitled to any fees.
18. At the time the said letter was sent to the Plaintiff, no funds had been recovered by Defendant on behalf of the Creditor.
19. Because nothing had been recovered, the Defendant was not entitled to its contingent compensation, and the Plaintiff was not liable for the collection fees.
20. The collection fees bear no relation to, and are substantially greater than costs actually incurred by the Defendant or the Creditor, in their attempts to collect the alleged debts.
21. Upon information and belief, Defendant transmits thousands of letters to consumers, similar to the said May 29, 2017 letter, which misrepresent the amount the consumer actually owes. In each instance, the Defendant charges the consumer with an illegal and unauthorized collection fee.
22. This practice misleads consumers by creating the false impression that consumers have incurred a collection fee due and owing.
23. The representation that collection fees were owed violated 15 U.S.C. §§ 1692e, 1692e(2)(A), 1692e(5), 1692(f), and 1692f(1).²
24. Said letter violated 15 U.S.C. §§ 1692e, 1692e(2)(A), 1692e(5), 1692(f), and 1692f(1) for attempting to collect prohibited collection fees.
25. Plaintiff suffered injury in fact by being subjected to unfair and abusive practices of the Defendant.
26. Plaintiff suffered actual harm by being the target of the Defendant's misleading debt

² Seeger v. AFNI, Inc., 2006 WL 2290763 (E.D. Wis. Aug. 9, 2006). (FDCPA case against AFNI, Inc. for adding a 15% fee to Cingular bills was certified to proceed as a class action.), Seeger v. AFNI, Inc., 548 F.3d 1107 (7th Cir. 2008). (AFNI, Inc.'s demand for an additional 15% collection fee violated § 1692f(1) since the charge was not authorized by law or the underlying contract; applicable state law only permitted such a recovery if the amount was actually incurred as an out-of-pocket cost of collection and not, as attempted here, to unlawfully "permit[] a third-party purchaser of an account to recover its internal costs."), Butto v. Collecto Inc., 2013 U.S. Dist. LEXIS 45502, 2013 WL 1285577 (E.D.N.Y. Mar. 29, 2013). (Granting Class certification as to a letter which included a collection fee for Verizon service which had not yet been incurred at the time the letter was sent.)

collection communications.

27. Defendant violated the Plaintiff's right not to be the target of misleading debt collection communications.
28. Defendant violated the Plaintiff's right to a truthful and fair debt collection process.
29. Defendant used materially false, deceptive, misleading representations and means in its attempted collection of Plaintiff's alleged debt.
30. Defendant's communications were designed to cause the debtor to suffer a harmful disadvantage in charting a course of action in response to Defendant's collection efforts.
31. The FDCPA ensures that consumers are fully and truthfully apprised of the facts and of their rights, the act enables them to understand, make informed decisions about, and participate fully and meaningfully in the debt collection process. The purpose of the FDCPA is to provide information that helps consumers to choose intelligently. The Defendant's false representations misled the Plaintiff in a manner that deprived her of her right to enjoy these benefits, these materially misleading statements trigger liability under section 1692e of the Act.
32. These deceptive communications additionally violated the FDCPA since they frustrate the consumer's ability to intelligently choose his or her response.
33. Plaintiff seeks to end these violations of the FDCPA. Plaintiff has suffered damages including but not limited to, fear, stress, mental anguish, emotional stress and acute embarrassment. Plaintiff and putative class members are entitled to preliminary and permanent injunctive relief, including, declaratory relief, and damages.

CLASS ALLEGATIONS

34. This action is brought as a class action. Plaintiff brings this action on behalf of herself and on behalf of all other persons similarly situated pursuant to Rule 23 of the Federal Rules of Civil Procedure.
35. The identities of all class members are readily ascertainable from the records of General Revenue Corporation and those business and governmental entities on whose behalf it attempts to collect debts.
36. Excluded from the Plaintiff's Class is the Defendant and all officers, members, partners, managers, directors, and employees of General Revenue Corporation, and all of their respective immediate families, and legal counsel for all parties to this action and all members of their immediate families.
37. There are questions of law and fact common to the Plaintiff's Class, which common issues predominate over any issues involving only individual class members. The principal issues are whether Defendant's communications with the Plaintiff, such as the above stated claims, violate provisions of the Fair Debt Collection Practices Act.
38. The Plaintiff's claims are typical of the class members, as all are based upon the same facts and legal theories.
39. The Plaintiff will fairly and adequately protect the interests of the Plaintiff's Class defined in this complaint. The Plaintiff has retained counsel with experience in handling consumer lawsuits, complex legal issues, and class actions, and neither the Plaintiff nor her attorneys have any interests, which might cause them not to vigorously pursue this action.

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

- (a) **Numerosity:** The Plaintiff is informed and believes, and on that basis alleges, that the Plaintiff's Class defined above is so numerous that joinder of all members would be impractical.
- (b) **Common Questions Predominate:** Common questions of law and fact exist as to all members of the Plaintiff's Class and those questions predominate over any questions or issues involving only individual class members. The principal issues are whether the Defendant's communications with the Plaintiff, such as the above stated claims, violate provisions of the Fair Debt Collection Practices Act.
- (c) **Typicality:** The Plaintiff's claims are typical of the claims of the class members. Plaintiff and all members of the Plaintiff's Class defined in this complaint have claims arising out of the Defendant's common uniform course of conduct complained of herein.
- (d) **Adequacy:** The Plaintiff will fairly and adequately protect the interests of the class members insofar as Plaintiff has no interests that are adverse to the absent class members. The Plaintiff is committed to vigorously litigating this matter. Plaintiff has also retained counsel experienced in handling consumer lawsuits, complex legal issues, and class actions. Neither the Plaintiff nor her counsel have any interests, which might cause them not to vigorously pursue the instant class action lawsuit.

(e) **Superiority:** A class action is superior to the other available means for the fair and efficient adjudication of this controversy because individual joinder of all members would be impracticable. Class action treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum efficiently and without unnecessary duplication of effort and expense that individual actions would engender. Certification of a class under Rule 23(b)(1)(A) of the Federal Rules of Civil Procedure is appropriate because adjudications with respect to individual members create a risk of inconsistent or varying adjudications which could establish incompatible standards of conduct for Defendant who, on information and belief, collects debts throughout the United States of America.

41. Certification of a class under Rule 23(b)(2) of the Federal Rules of Civil Procedure is also appropriate in that a determination that the above stated claims, violate provisions of the Fair Debt Collection Practices Act, and is tantamount to declaratory relief and any monetary relief under the FDCPA would be merely incidental to that determination.

42. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is also appropriate in that the questions of law and fact common to members of the Plaintiff's Class predominate over any questions affecting an individual member, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

43. Further, Defendant has acted, or failed to act, on grounds generally applicable to the Rule (b)(1)(A) and (b)(2) Class, thereby making appropriate final injunctive relief with respect to the Class as a whole.
44. Depending on the outcome of further investigation and discovery, Plaintiff may, at the time of class certification motion, seek to certify one or more classes only as to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).

CAUSE OF ACTION

Violations of the Fair Debt Collection Practices Act brought by Plaintiff on behalf of herself and the members of a class, as against the Defendant.

45. Plaintiff repeats, reiterates, and incorporates the allegations contained in paragraphs numbered one (1) through forty-four (44) herein with the same force and effect as if the same were set forth at length herein.
46. This cause of action is brought on behalf of Plaintiff and the members of a class.
47. The class involves all individuals whom Defendant's records reflect resided in the State of New York and who were sent a collection letter in substantially the same form letter as the letter sent to the Plaintiff on or about May 29, 2017; and (a) the collection letter was sent to a consumer seeking payment of a personal debt; and (b) the collection letter was not returned by the postal service as undelivered; and (c) the Plaintiff asserts that the letter contained violations of 15 U.S.C. §§ 1692e, 1692e(2)(A), 1692e(5), 1692(f), and 1692f(1) for attempting to collect prohibited collection fees.

Violations of the Fair Debt Collection Practices Act

48. The Defendant's actions as set forth above in the within complaint violates the Fair Debt Collection Practices Act.

49. Because the Defendant violated the Fair Debt Collection Practices Act, the Plaintiff and the members of the class are entitled to damages in accordance with the Fair Debt Collection Practices Act.

WHEREFORE, Plaintiff, respectfully requests preliminary and permanent injunctive relief, and that this Court enter judgment in Plaintiff's favor and against the Defendant and award damages as follows:

- (a) Statutory damages provided under the FDCPA, 15 U.S.C. § 1692(k);
- (b) Attorney fees, litigation expenses and costs incurred in bringing this action; and
- (c) Any other relief that this Court deems appropriate and just under the circumstances.

Dated: Brooklyn, New York
May 29, 2018

/s/ Maxim Maximov
Maxim Maximov, Esq.
Attorneys for the Plaintiff
Maxim Maximov, LLP
1701 Avenue P
Brooklyn, New York 11229
Office: (718) 395-3459
Facsimile: (718) 408-9570
E-mail: m@maximovlaw.com

Plaintiff requests trial by jury on all issues so triable.

/s/ Maxim Maximov
Maxim Maximov, Esq.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

TAMARA SHAKAROVA

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

(c) Attorneys (Firm Name, Address, and Telephone Number) MAXIM MAXIMOV, LLP OFFICE: (718) 395-3459 1701 AVENUE P FAX: (718) 408-9570 BROOKLYN, NEW YORK 11229 E-MAIL: M@MAXIMOV.LAW.COM

DEFENDANTS

GENERAL REVENUE CORPORATION

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

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

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

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

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (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, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. SECTION 1692 -- FAIR DEBT COLLECTION PRACTICES ACT (FDCPA) Brief description of cause: UNLAWFUL AND DECEITFUL DEBT COLLECTION BUSINESS PRACTICES

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 05/29/2018 SIGNATURE OF ATTORNEY OF RECORD /S/ MAXIM MAXIMOV, ESQ.

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, Maxim Maximov, counsel for Plaintiff, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

N/A

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? Yes No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? Yes No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes No
 - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received: Kings County

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? Yes No
(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature: /S/ MAXIM MAXIMOV, ESQ.



Street Address: 4660 Duke Dr Suite 300 • Mason OH 45040-8466

MAY 29 2017

File Number: [REDACTED]
Current Amt Due: \$3883.57
Creditor: MERCY COLLEGE

Phone: (855) 542-2851
Hours of Operation - ET
Mon-Thurs 8:00 a.m. - 9:00 p.m.
Friday 8:00 a.m. - 7:00 p.m.
Saturday 8:00 a.m. - 12:00 p.m.
Sunday 1:00 p.m. - 5:00 p.m.

Dear Tamara Shakarova,

FINAL NOTICE

You have been previously notified that your account has been placed with General Revenue Corporation (GRC) for collection by MERCY COLLEGE. Your current balance of \$3883.57 is still outstanding and due in full.

Don't ignore your obligation to this debt.

We have attempted to provide you with opportunities to pay off this debt. We strongly urge you to pay your balance in full at this time. We will work with you if you take action to resolve your account. Call us and let us know you're ready to be free of this debt today by paying your balance!

You can make your payments in three easy ways:

- Call us at (855) 542-2851
- Log into www.GeneralRevenue.com
- Mail your payment to: General Revenue Corporation PO Box 495999 Cincinnati OH 45249-5999

Contact us at (855) 542-2851

Contact us today. Payment arrangements are available. The sooner you call us, the sooner you can be free of this debt.

Sincerely,

General Revenue Corp.
www.GeneralRevenue.com

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

POH00512

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION

✂ TO ENSURE PROMPT PROCESSING OF YOUR PAYMENT,
PLEASE DETACH AND MAIL THE BOTTOM PORTION OF THIS STATEMENT WITH YOUR PAYMENT ✂



1803 Rocky River Road North
Monroe, NC 28110

←-----DO NOT SEND PAYMENTS -OR-
CORRESPONDENCE TO THIS ADDRESS!

MAY 29 2017

Please check here if there is a new phone # or address
change and enter information on reverse side

General Revenue Corporation
PO Box 495999
Cincinnati OH 45249-5999

[REDACTED]
TAMARA SHAKAROVA



PLEASE SEE REVERSE SIDE
TO PAY BY CREDIT CARD.



The balance shown here is the amount due based on your creditor's records as of the date of this letter. Please be aware the balance may change due to payments you made or other adjustments made by your creditor. Prior to making a payment, you may want to contact Mike Pitillo at (855) 542-2851 to obtain information related to resolving this obligation.

New York City Department of Consumer Affairs license numbers are: Mason 0979813 and Horseheads 1189457.

ACCOUNT NUMBER	CREDITOR	PRINCIPAL	INTEREST	COLLECTION COST	BALANCE	INTEREST RATE
[REDACTED]	MERCY COLLEGE	2987.36	0.00		896.21	0.000%

ACCOUNT NUMBER: [REDACTED]

CURRENT AMOUNT DUE: \$3883.57

PAYMENTS ENCLOSED AMOUNT ENCLOSED \$ _____

MY NEW ADDRESS IS:

CHARGE MY:   

Card Number: _____ Expires: ____ / ____

Number of Payments: ____ Payment Amount(s) \$ _____ Beginning: ____ / ____ / ____

Signature _____

TAMARA SHAKAROVA
4711 12TH AVE. APT F9
BROOKLYN NY 11219

If multiple payments are authorized, your card will be charged on the same day of each month starting with the beginning date you specify. If that date is not a business day, your account will be charge the next business day.

Phone: _____ Email: _____

By providing your telephone number and/or email address, you authorize General Revenue Corporation, its affiliates and agents to contact you at such number or address using any means of communication, including but not limited to, calls placed to your cellular phone using an automated dialing device and/or calls using prerecorded messages, regarding any current or future accounts, debts, or obligations owned or serviced by General Revenue Corporation, its affiliates and agents, even if you will be charged by your service provider(s) for receiving such information.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TAMARA SHAKAROVA on behalf of herself and
all other similarly situated consumers

Plaintiff,

-against-

GENERAL REVENUE CORPORATION

Defendant.

SUMMONS IN A CIVIL ACTION

TO: GENERAL REVENUE CORPORATION
4660 DUKE DRIVE, SUITE 300
MASON, OHIO 45040

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court
and serve upon PLAINTIFF'S ATTORNEY:

MAXIM MAXIMOV, ESQ.
MAXIM MAXIMOV, LLP
1701 AVENUE P
BROOKLYN, NEW YORK 11229

an answer to the complaint which is herewith served upon you, with **21** days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will
be taken against you for the relief demanded in the complaint.

CLERK

DATE

BY DEPUTY CLERK

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims General Revenue Corporation Demanded Unlawful Collection Fee](#)
