

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

MORRIS SIMPSON, on behalf of himself and all others similarly situated,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
STATE COLLECTION SERVICE, INC., Defendants.	:	Civil Action No.:

**COMPLAINT – CLASS ACTION**

**I. INTRODUCTION**

1. Plaintiff brings this action to secure redress from unlawful credit and collection practices engaged in by defendant State Collection Service, Inc. (“SCS”). Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”).

2. The FDCPA broadly prohibits unfair or unconscionable collection methods, conduct which harasses or abuses any debtor, and the use of any false or deceptive statements in connection with debt collection attempts. It also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

3. In enacting the FDCPA, Congress found that: “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy.” 15 U.S.C. §1692(a).

4. Because of this, courts have held that “the FDCPA's legislative intent emphasizes the need to construe the statute broadly, so that we may protect consumers against debt collectors' harassing conduct.” and that “[t]his intent cannot be underestimated.” *Ramirez v. Apex Financial Management LLC*, 567 F.Supp.2d 1035, 1042 (N.D.Ill. 2008).

5. The FDCPA encourages consumers to act as "private attorneys general" to enforce the public policies and protect the civil rights expressed therein. *Crabill v. Trans Union, LLC*, 259 F.3d 662, 666 (7th Cir. 2001).

6. Plaintiff seeks to enforce those policies and civil rights which are expressed through the FDCPA, 15 U.S.C. §1692 *et seq.*

## **II. VENUE AND JURISDICTION**

7. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA), 28 U.S.C. §1331, 28 U.S.C. §1337, and 28 U.S.C. §1367.

8. Venue and personal jurisdiction in this District are proper because defendant's Collection occurred within this District.

## **III. PARTIES**

9. Plaintiff, Morris Simpson, is a resident of Philadelphia, PA.

10. Defendant State Collection Service, Inc. (SCS) is a Wisconsin corporation that does business in the Commonwealth of Pennsylvania. Its principal office is located at 2509 S. Stoughton Road, Madison, WI 53716. Its registered agent for service of civil process is CT Corporation System, 116 Pine St., Ste. 320 Harrisburg, PA 17101.

11. At all times herein relevant, SCS was engaged in the primary business of the collection of purportedly delinquent accounts for third parties.

12. SCS uses the mails and telephone system in conducting its business.

13. At all times herein relevant, SCS was and is a "debt collector" as that term defined by 15 U.S.C. §1692a(6) of the FDCPA.

## **IV. FACTS**

14. Prior to the collection events described hereinafter, plaintiff Morris Simpson suffered personal injuries on (date) attributable to (describe) ("the incident").

15. As a result of the incident, plaintiff Morris Simpson incurred medical services and associated billable charges.

16. Because the aforesaid medical services and expenses arose as a result of personal injuries from the incident, insurer payment of such expenses to the medical providers of such services is governed by Pennsylvania "Act 6", § 69.01 *et seq.* which binds a health service

provider to accept a percentage of charge due, and forbids collecting from the consumer anything other than statutorily defined amount towards any related expense.

17. On or about March 28, 2017, defendant SCS sent plaintiff Morris Simpson the letter attached as Exhibit A. Plaintiff received it some days later.

18. The letter attempted to collect \$2,392.89 in medical charges allegedly incurred by Morris Simpson to Aria Health Orthopaedics as a result of the incident (“the debt”).

19. Contrary to the letter’s statements, plaintiff did not owe the debt because Act 6 restricts his obligation to pay the debt to \$998.85.

## V. CAUSES OF ACTION

### COUNT I – FDCPA

20. Plaintiff incorporates all prior paragraphs as if set forth herein.

21. Defendant SCS violated 15 U.S.C. §§ 1692e, 1692e(2), 1692e(10), 1692f, and 1692f (1) by representing expressly or by implication that the debt could lawfully be collected under Pennsylvania Act 6.

22. Section 1692e provides:

§ 1692e. False or misleading representations [Section 807 of P.L.]

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: ...

(2) The false representation of—

(A) the character, amount, or legal status of any debt; or

(B) any services rendered or compensation which may be lawfully received by any debt collector for the collection of a debt....

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer....

23. Section 1692f provides:

§ 1692f. Unfair practices [Section 808 of P.L.]

A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

(1) The collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law....

### CLASS ALLEGATIONS

24. Plaintiff brings this claim on behalf of a class, pursuant to Fed.R.Civ.P. 23(a) and 23(b)(3).

25. The class consists of (a) all individuals with Pennsylvania addresses, (b) for debts consisting of charges for medical treatment provided to injured persons covered by automobile policies issued under the Motor Vehicle Financial Responsibility Law, (c) where the amount subject exceeded the Medicare payment pertaining to the applicable specialty under Medicare for comparable services at the time services were rendered, or the provider's usual and customary charge, whichever is less, (d) at any time during a period beginning one year prior to the filing of this action and ending 21 days after the filing of this action.

26. On information and belief, the class is so numerous that joinder of all members is not practicable.

27. There are questions of law and fact common to the class members, which common questions predominate over any questions relating to individual class members. The predominant common questions are:

- a. Whether the debt sought to be collected by defendant is prohibited by Pennsylvania law;
- b. Whether representing that such fees may be charged violates the FDCPA.

28. Plaintiff's claims are typical of the claims of the class members. All are based on the same factual and legal theories.

29. Plaintiff will fairly and adequately represent the class members. Plaintiff has retained counsel experienced in class actions and FDCPA litigation.

30. Plaintiff will fairly and adequately protect the interests of the class. Plaintiff is committed to vigorously litigating this matter and has retained counsel experienced in handling class actions and claims involving unlawful business practices. Neither plaintiff nor his counsel has any interests which might cause them not to vigorously pursue this claim.

31. A class action is a superior method for the fair and efficient adjudication of this controversy. Individual actions are economically infeasible. Management of the class claims is likely to present significantly fewer difficulties than those presented in many class claims. The identities of the class members may be obtained from defendant SCS's records or its creditor-principals.

#### **JURY TRIAL DEMAND**

Plaintiff demands trial by jury on all issues so triable.


#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that relief be granted as follows:

- A. That an order be entered certifying the proposed Class under Rule 23 of the Federal Rules of Civil Procedure and appointing Plaintiff and his counsel to represent the Class;
- B. That the Court enter judgment in favor of plaintiff and members of the class and against defendant for violation of the FDCPA as follows:
  1. For actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
  2. For statutory damages to 15 U.S.C. § 1692k(a)(2)(A) and (B);

3. For attorneys' fees and costs pursuant to 15 U.S.C. §1692k.
4. For such other and further relief as may be just and proper.

Dated: September 18, 2017

  
ROBERT P. COCCO, P.C.  
By: Robert P. Cocco, Esquire  
Pa. Id. No. 61907  
1500 Walnut Street, Suite 900  
Philadelphia, PA 19102  
215-351-0200

Admission pro hac vice to be sought:

Daniel A. Edelman, Esquire  
Cathleen M. Combs, Esquire  
Tara L. Goodwin, Esquire  
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC  
20 South Clark Street, Suite 1500  
Chicago, IL 60603-1824  
(312) 739-4200  
(312) 419-0379 (FAX)  
Email address for service: [courtecl@edcombs.com](mailto:courtecl@edcombs.com)

Attorneys for Plaintiff

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

MORRIS SIMPSON, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Robert P. Cocco, P.C., 1500 Walnut St., Ste.900, Philadelphia, PA 19102 215-351-0200

DEFENDANTS

STATE COLLECTION SERVICE, 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)

- U.S. Government Plaintiff, Federal Question (U.S. Government Not a Party), U.S. Government Defendant, 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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 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)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

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

- Original Proceeding, Removed from State Court, Remanded from Appellate Court, Reinstated or Reopened, Transferred from Another District, Multidistrict Litigation - Transfer, 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 et seq.

Brief description of cause: inaccurate credit reporting dispute

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 9/18/17 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA -- DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2066 Bellmore Ave., Philadelphia, PA 19134

Address of Defendant: c/o CT Corporation System, 116 Pine St., Ste. 320, Harrisburg, PA 17101.

Place of Accident, Incident or Transaction: 2066 Bellmore Ave., Philadelphia, PA 19134.

(Use Reverse Side For Additional Space)

Does this case involve multidistrict litigation possibilities?

Yes  No

RELATED CASE, IF ANY: None.

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

2. Does this case involve the same issue of factor grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

CIVIL: (Place  in ONE CATEGORY ONLY)

A. Federal Question Cases:

B. Diversity Jurisdiction Cases:

1.  Indemnity Contract, Marine Contract, and All Other Contracts

1.  Insurance Contract and Other Contracts

2.  FELA

2.  Airplane Personal Injury

3.  Jones Act-Personal Injury

3.  Assault, Defamation

4.  Antitrust

4.  Marine Personal Injury

5.  Patent

5.  Motor Vehicle Personal Injury

6.  Labor-Management Relations

6.  Other Personal Injury (Please specify)

7.  Civil Rights

7.  Products Liability

8.  Habeas Corpus

8.  Products Liability - Asbestos

9.  Securities Act(s) Cases

9.  All other Diversity Cases

10.  Social Security Review Cases

11.  All other Federal Question Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Robert P. Cocco, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 9/18/17 \_\_\_\_\_  
Attorney-at-Law

61907  
Attorney I. D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/18/17 \_\_\_\_\_  
Attorney-at-Law

61907  
Attorney I. D.#



**CASE MANAGEMENT TRACK DESIGNATION FORM**


MORRIS SIMPSON, *individually and on behalf of all others* : CIVIL ACTION  
*similarly situated* :  
v. :  
STATE COLLECTION SERVICE INC. et al. : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 8. ( )
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( X )
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. ( )

9/18/17  
(Date)

  
Attorney-at-law

ROBERT P. COCCO, ESQ.  
Attorney for Plaintiff

# 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 State Collection Service Violated PA's 'Act 6' Statute](#)

---