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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

STEVEN MARTINEZ, individually,	)	Case No.
and on all others similarly situated,	)	
	)	<b><u>CLASS ACTION</u></b>
Plaintiff,	)	
	)	<b>COMPLAINT FOR VIOLATIONS</b>
vs.	)	<b>OF:</b>
	)	
WHITELOCKE & ASSOCIATES	)	<b>(1) Federal Fair Debt Collection</b>
LLC,	)	<b>Practices Act [15 U.S.C. § 1692 et</b>
	)	<b>seq.]</b>
Defendant.	)	<b>(2) Rosenthal Fair Debt Collection</b>
	)	<b>Practices Act [Cal. Civ. § 1788 et seq.]</b>
	)	
	)	<b><u>DEMAND FOR JURY TRIAL</u></b>
	)	
	)	<b>(Amount to exceed \$25,000)</b>
	)	

Plaintiff, Steven Martinez (“Plaintiff”), individually, and on behalf of all others similarly situated, alleges the following upon information and belief based

1 upon personal knowledge:

2 **NATURE OF THE CASE**

3 1. This is a class action brought on behalf of all individuals in  
4 California who received collection calls from Defendant wherein Defendant  
5 failed to meaningfully disclose its identify and purpose of its call to Plaintiff, in  
6 violation of the Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et  
7 seq. (“FDCPA”). Ancillary to the aforementioned allegations, Plaintiff also  
8 alleges violations of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ.  
9 Code § 1788 et seq.

10 **JURISDICTION & VENUE**

11 2. This Court has subject matter jurisdiction over Plaintiff’s Federal  
12 Fair Debt Collection Practices Act under 28 U.S.C. §1331 and supplemental  
13 jurisdiction over Plaintiff’s Rosenthal Fair Debt Collection Practices Act because  
14 under 28 U.S.C. §1367 because all claims arise under the same transaction and set  
15 of operative facts.

16 3. This Court has personal jurisdiction over Defendant. Defendant is  
17 located in California, conducts business within the State of California, has  
18 purposely availed itself of the benefits and protections of the State of California,  
19 and/or has sufficient contact with this State such that maintenance of this action in  
20 this locale would be consistent with traditional notions of fair play and substantial  
21 justice.

22 4. Venue is proper here, because Plaintiff resides and Defendant does  
23 business in San Bernardino County.

24 **PARTIES**

25 5. Plaintiff, Steven Martinez (“Plaintiff”), is a natural person residing in  
26 San Bernardino County in the State of California who allegedly owed or owes a  
27 debt and is thereby and is a “debtor” as defined by *Cal. Civ. §1788.2(h)*.

28 6. At all relevant times herein, Defendant, WHITELOCKE &

1 ASSOCIATES LLC (“Defendant” or “WHITELOCKE & ASSOCIATES LLC”),  
2 was a company engaged, by use of the mails and telephone, in the business of  
3 collecting a debt from Plaintiff and others which qualifies as a “consumer debt,”  
4 as defined by *Cal. Civ. §1788.2(c)*. Defendant regularly attempts to collect debts  
5 alleged to be due them or another, and therefore is a “debt collector” as defined  
6 by the RFDCPA, *Cal. Civ. §1788.2(c)*.

7 7. The above named Defendant, and its subsidiaries and agents, are  
8 collectively referred to as “Defendants.” The true names and capacities of the  
9 Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are  
10 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious  
11 names. Each of the Defendants designated herein as a DOE is legally responsible  
12 for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend  
13 the Complaint to reflect the true names and capacities of the DOE Defendants  
14 when such identities become known.

15 8. Plaintiff is informed and believes that at all relevant times, each and  
16 every Defendant was acting as an agent and/or employee of each of the other  
17 Defendants and was acting within the course and scope of said agency and/or  
18 employment with the full knowledge and consent of each of the other Defendants.  
19 Plaintiff is informed and believes that each of the acts and/or omissions  
20 complained of herein was made known to, and ratified by, each of the other  
21 Defendants.

### 22 **FACTUAL ALLEGATIONS**

23 9. Beginning in or around August of 2017, Defendant began contacting  
24 Plaintiff in an attempt to collect an alleged outstanding debt.

25 10. During this process, Defendant, in its ordinary course of business,  
26 began placing collection calls to Plaintiff in an attempt to collect the alleged debt  
27 owed. Defendant placed its collection calls to Plaintiff’s telephone ending in -  
28 5195.

1           11. When Plaintiff was unable to answer the call, Defendant left a voice  
2 message which stated:

3                   This is an urgent message intended for Steven  
4 Martinez. My name is Laura Dyer. I am contacting you  
5 in reference to a Complaint that has just been forwarded  
6 to my office. If you have any questions or concerns  
7 regarding the pending actions that may be filed against  
8 you, it is imperative that you contact the issuing firm  
9 immediately at 855.448.2330. When you do call in you  
10 will need to reference your case number 7072CA. Now  
11 this does require your immediate attention, and it is  
12 very imperative that they do speak to you or else they  
13 will be forced to make a decision without your consent.  
14 Once again the toll free number is 855.448.2330, case  
15 number 7072CA.

16           12. Defendant's voice message did not inform Plaintiff of Defendant's  
17 true business name, WHITELOCKE & ASSOCIATES INC. and that Defendant  
18 was attempted to collect a debt from Plaintiff.

19           13. Defendant's voice message falsely and deceptively informed  
20 Plaintiff that a lawsuit was filed against Plaintiff.

21                   **CLASS ALLEGATIONS**

22           14. Plaintiff brings this action pursuant to the Federal Rules of Civil  
23 Procedure and/or other applicable law on behalf of himself and all others  
24 similarly situated, as a member of the proposed class (hereafter the "Class")  
25 defined as follows:

26                   All persons in the United States who received a  
27 collection call from Defendant within one (1) calendar  
28 year from the filing of the instant complaint wherein  
Defendant did not disclose its true business name and  
the nature of the contact to the person called but instead  
falsely and deceptively represented itself

1           15. Specifically excluded from the proposed Class are Defendant; any  
2 entities in which Defendant has a controlling interest; and the employees, officers,  
3 directors, affiliates, legal representatives, subsidiaries, and affiliates of Defendant.

4           16. This action is brought and may be properly maintained as a class  
5 action. This  
6 action satisfies the numerosity, typicality, adequacy, predominance and  
7 superiority requirements for a class action.

8           17. The Class is so numerous that the individual joinder of all of its  
9 members is impractical. While the exact number and identities of the Class  
10 members are unknown to Plaintiff at this time and can only be ascertained  
11 through appropriate discovery, Plaintiff is informed and believes and thereon  
12 alleges that the Class includes thousands of members. Plaintiff alleges that the  
13 Class members may be ascertained by the records maintained by Defendant.

14           18. Common questions of fact and law exist as to all members of the  
15 Class which predominate over any questions affecting only individual members  
16 of the Class. These common legal and factual questions, which do not vary  
17 between Class members, and which may be determined without reference to the  
18 individual circumstances of any Class members, include, but are not limited to,  
19 the following:

20           a. Whether Defendant has a policy of communicating with  
21 individuals in connection with the collection of an alleged debt wherein  
22 Defendant fails to disclose that it is attempting to collect an alleged debt;

23           b. Whether Defendant has a policy of communicating that it has  
24 taken legal action when it has not in communication on the collection of an  
25 alleged debts; and

26           c. The nature and extent of damages and other remedies to which  
27 the conduct of Defendant entitles the Class members.

28           19. Plaintiff is asserting claims that are typical of the Class because

1 every other member of The Class, like Plaintiff, were exposed to virtually  
2 identical conduct.

3 20. Plaintiff will fairly and adequately protect the interests of the  
4 members of the Class. Plaintiff has retained attorneys experienced in the  
5 prosecution of class actions.

6 21. A class action is superior to other available methods of fair and  
7 efficient adjudication of this controversy, since individual litigation of the claims  
8 of all Class members is impracticable. Even if every Class member could afford  
9 individual litigation, the court system could not. It would be unduly burdensome  
10 to the courts in which individual litigation of numerous issues would proceed.  
11 Individualized litigation would also present the potential for varying, inconsistent,  
12 or contradictory judgments and would magnify the delay and expense to all  
13 parties and to the court system resulting from multiple trials of the same complex  
14 factual issues. By contrast, the conduct of this action as a class action presents  
15 fewer management difficulties, conserves the resources of the parties and of the  
16 court system, and protects the rights of each Class member.

17 22. The prosecution of separate actions by thousands of individual Class  
18 members would also create the risk of inconsistent or varying adjudications with  
19 respect to, among other things, the need for and the nature of proper disclosures  
20 which Defendant must provide to all Class members when attempting to collect  
21 alleged debts.

22 23. The prosecution of separate actions by individual Class members  
23 would create a risk of adjudications with respect to them that would, as a practical  
24 matter, be dispositive of the interests of the other Class members not parties to  
25 such adjudications or that would substantially impair or impede the ability of such  
26 non-party California Class members to protect their interests.

27 24. Defendant has acted or refused to act in respects generally applicable  
28 to the Class, thereby making appropriate final and injunctive relief with regard to

1 the members of the California Class as a whole.

2 **COUNT I: VIOLATION OF FEDERAL**  
3 **FAIR DEBT COLLECTION PRACTICES ACT**

4 (By Plaintiff and the Class Against All Defendants)

5 25. Plaintiff hereby incorporates the preceding paragraphs as if set forth  
6 in full.

7 26. Based upon the foregoing, Defendant's conduct violated the FDCPA  
8 in multiple ways, including but not limited to:

- 9 a) Placing telephone calls without providing meaningful  
10 disclosure of the caller's identity, provided that an  
11 employee of a licensed collection agency may identify  
12 himself by using his registered alias name as long as he  
13 correctly identifies the agency he represents (Cal. Civ. §  
14 1788.11(b));
- 15 b) Except as for provided by *15 U.S.C. § 1692b*, placing  
16 telephone calls without providing meaningful disclosure of  
17 the caller's identity (*15 U.S.C. §1692d(6)*);
- 18 c) Engaging in the use of any false or deceptive representation  
19 or deceptive means to collect or attempt to collect any debt  
20 or to obtain information concerning a consumer (*15 U.S.C.*  
21 *§1692e(10)*); and,
- 22 d) Failing to disclose in the initial written communication  
23 with the consumer and, in addition, the initial  
24 communication with the consumer is oral, in that initial  
25 oral communication, that the debt collector is attempting to  
26 collect a debt and that any information obtained will be  
27 used for that purpose, and the failure to disclose in  
28 subsequent communications that the communication is  
from a debt collector (*15 U.S.C. §1692e(11)*).

27 27. Plaintiff alleges that to the extent that Defendant's actions, counted  
28 above, violated the FDCPA, those actions were done knowingly and willfully

28 28. As a direct and proximate result of Defendant's violations, Plaintiff

1 and the members of the Class have suffered injury, and may recover from  
2 Defendant one thousand dollars (\$1,000.00) in statutory damages in addition to  
3 actual damages and reasonable attorneys' fees and costs.

4 29. The violations of the FDCPA described herein present a continuing  
5 threat to members of the Class and members of the general public in that Plaintiff  
6 is informed and believes and thereon alleges that Defendant continues to engage  
7 in these practices, and will not cease doing so unless and until forced to do so by  
8 this Court.

9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiff respectfully requests the Court grant Plaintiff and The  
11 Class members the following relief against Defendants, and each of them:

- 12 1. That this action be certified as a class action on behalf of The Class  
13 and Plaintiff be appointed as the representative of The Class;  
14 2. For statutory damages of \$1,000.00 for Plaintiff and each member of  
15 The Class;  
16 3. For actual damages according to proof;  
17 4. For reasonable attorneys' fees and costs of suit;  
18 5. For prejudgment interest at the legal rate; and  
19

20 For such further relief as this Court deems necessary, just, and proper.

21 **COUNT II: VIOLATION OF ROSENTHAL**  
22 **FAIR DEBT COLLECTION PRACTICES ACT**

23 (By Plaintiff and the Class Against All Defendants)

24 30. Plaintiff hereby incorporates the preceding paragraphs as if set forth  
25 in full.

26 31. *Cal. Civ. §1788.17* mandates that every debt collector collecting or  
27 attempting to collect a consumer debt shall comply with the provisions of  
28 Sections 1692b to 1692j, inclusive, of, and shall be subject to the remedies in



1 Section 1692k of, Title 15 of the United States Code statutory regulations  
2 contained within the FDCPA, *15 U.S.C. 1692, et seq.*

3 32. Plaintiff alleges that to the extent that Defendant's actions, counted  
4 above, violated the RFDCPA, those actions were done knowingly and willfully

5 33. As a direct and proximate result of Defendant's violations of *Cal.*  
6 *Civ. § 1788 et seq.*, Plaintiff and the members of the California Class have  
7 suffered injury, and may recover from Defendant one thousand dollars  
8 (\$1,000.00) in statutory damages in addition to actual damages and reasonable  
9 attorneys' fees and costs pursuant to *Cal. Civ. § 1788.30*.

10 34. The violations of *Cal. Civ. § 1788 et seq.* described herein present a  
11 continuing threat to members of the California Class and members of the general  
12 public in that Plaintiff is informed and believes and thereon alleges that  
13 Defendant continues to engage in these practices, and will not cease doing so  
14 unless and until forced to do so by this Court.

15 **PRAYER FOR RELIEF**

16 Wherefore, Plaintiff respectfully requests the Court grant Plaintiff and The  
17 Class members the following relief against Defendants, and each of them:

- 18 1. That this action be certified as a class action on behalf of The Class  
19 and Plaintiff be appointed as the representative of The Class;  
20 2. For statutory damages of \$1,000.00 for Plaintiff and each member of  
21 The Class pursuant to *Cal. Civ. § 1788.30*;  
22 3. For actual damages according to proof;  
23 4. For reasonable attorneys' fees and costs of suit;  
24 5. For prejudgment interest at the legal rate; and  
25 6. For such further relief as this Court deems necessary, just, and  
26 proper.  
27  
28

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury of each and every claim so triable.

Respectfully submitted,

Dated: February 8, 2018

**LAW OFFICES OF TODD M. FRIEDMAN, P.C.**

/s/ Todd M. Friedman

Todd M. Friedman  
Attorneys for Plaintiff

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Whitelocke & Associates Facing FDCPA Class Action Over Allegedly Deceptive Voice Messages](#)

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