

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NYOKA SUMMERALL, on behalf of)	CASE NO.:
herself and all others similarly situated;)	
6511 Marsol Road, Apt. 522)	JUDGE:
Cleveland, OH 44124)	
)	<u>CLASS ACTION</u>
Plaintiff,)	<u>COMPLAINT FOR DECLARATORY</u>
)	<u>RELIEF, INJUNCTIVE RELIEF, AND</u>
vs.)	<u>MONEY DAMAGES</u>
)	
HEAD MERCANTILE CO., INC.)	
d.b.a. The HMC Group)	
d.b.a The SOS Group)	
c/o James Scharfeld, Statutory Agent)	
29065 Clemens Road #200)	
Westlake, OH 44145)	
)	
Defendant.)	

Plaintiff Nyoka Summerall, by and through counsel, and on behalf of herself and all other individuals similarly situated, hereby submits her Class Action Complaint to this Court against Defendant Head Mercantile Co., Inc. (“HMC”), and avers and alleges as follows:

JURISDICTION AND VENUE

1. At all times relevant, Plaintiff Nyoka Summerall resided and resides in Cleveland, Ohio.
2. Defendant HMC was and is a corporation registered under the laws of the State of Ohio with principal place of business in Westlake, Ohio.
3. “The HMC Group” was and is a registered trade name of HMC under the laws of the State of Ohio.
4. “SOS Group” was and is a registered trade name of HMC under the laws of the State of Ohio.

5. HMC is engaged in the regular and frequent business of collecting consumer debts, including the specific debt at issue in this case, which involved alleged debt of Nyoka Summerall arising from the purchase of a personal vehicle from an automobile dealership.
6. Nyoka Summerall is a consumer and incurred a debt on her own behalf arising from her purchase of an automobile from an automobile dealership.
7. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331.
8. This Court has jurisdiction under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692k(d), and pursuant to supplemental jurisdiction, 28 U.S.C. § 1367. Because the parties are all located within the Northern District of Ohio, this Court has personal jurisdiction over them, and venue is also proper.

FACTS COMMON TO ALL COUNTS

9. Defendant HMC is a debt collection company whose purpose, according to its Articles of Incorporation, is "[b]illing and collections."
10. HMC attempted to collect consumer debts from Plaintiff related to a vehicle purchased by Plaintiff from an Ohio used vehicle dealership.
11. On or around January 20, 2016, HMC, through its agent and employee Mary Jordan, sent a facsimile communication to Plaintiff's employer, a third party, regarding Plaintiff's consumer debt. A true and accurate copy of this communication is attached hereto as Exhibit 1. The social security number has been redacted.
12. That facsimile was actually received by the employer of Plaintiff.
13. HMC did not obtain Plaintiff's consent to communicate her debt or about her debt with her employer prior to sending the January 20, 2016 communication.

14. The January 20, 2016 facsimile message requested verification of the fact of Plaintiff's employment, as well as her status as either a full-time or part-time employee.
15. The communication of the January 20, 2016 facsimile message, sent to Plaintiff's employer and received by Plaintiff's employer, contained the following language: "This is an attempt by a debt collector to collect a debt; any information obtain [sic] will be used for that purpose."
16. HMC disclosed to Plaintiff's employer the existence of Plaintiff's alleged debt. This was later communicated to Plaintiff through her employer, as well.
17. This communication caused Plaintiff significant and severe stress, harassment, humiliation, and embarrassment at work. HMC denied in communications with Plaintiff's attorney that it had communicated the fact that a debt existed to Plaintiff's employer, and refused to take any action to correct his communication and its impact.
18. One of the primary purposes, and specific conduct, that the Fair Debt Collection Practices Act was enacted to address and prevent was exactly the type of communication sent by HMC and the type of harm suffered by Plaintiff—the FDCPA specifically prohibits collectors from disclosing the existence of a debt to third parties, and has specific regulations applicable to contact with employers to prevent humiliation, embarrassment, harassment, and stress caused to debtors like Plaintiff. *See* 15 U.S.C. § 1692b(2)-(5); 15 U.S.C. § 1692c(b).
19. The purpose of the FDCPA was to protect consumers like Plaintiff from abusive debt collection practices, specifically to do so in order to protect the employment/job of consumer debtors, as well as to protect invasions of privacy and to prevent a competitive disadvantage to collectors who comply with the law and are not abusive in their collection practices, i.e. to prevent a race to the bottom in debt collection activities. *See* 15 U.S.C. 1692(a)-(e).

COUNT I – VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

20. Plaintiff reincorporates and re-alleges all the foregoing allegations as if fully rewritten herein.
21. The Plaintiff is a “consumer” within the meaning of 15 U.S.C. §§ 1692a(3) and 1692c(d) as she purchased a vehicle for family or personal use, which is the subject matter of the collection attempt in this case.
22. HMC is a “debt collector” within the meaning of 15 U.S.C. § 1692a(6) as it is in the business of regularly collecting consumer debts from individuals owed or due or asserted to be owed or due another (here, debt allegedly owed to Ray Poyar Auto Sales, Inc.).
23. HMC, when it sent its January 20, 2016 facsimile communication to Plaintiff’s employer, violated 15 U.S.C. § 1692c(b), as well as 15 U.S.C. § 1692b(2)-(5), by communicating, in connection with the collection of a debt and without Plaintiff’s prior consent, with a person other than Plaintiff, her attorney, a consumer reporting agency, the creditor, the attorney of the creditor, or the attorney of the debt collector. Specifically, the facsimile, which stated it was a debt collection attempt, was communicated by HMC to, and received by, supervisors and/or co-workers of Plaintiff, was directed to them, and not Plaintiff herself.
24. Through sending the facsimile, HMC violated 15 U.S.C. § 1692d by engaging in conduct, the natural consequence of which is to harass, abuse, or oppress a person in connection with the collection of a debt.
25. All of this conduct engaged in by HMC was in its capacity as debt collector collecting debts on behalf of Ray Poyar Auto Sales, Inc.
26. HMC’s actions in violation of the FDCPA were committed knowingly—HMC knew what letters it used and employed, including the fax cover sheet which appears to be a standard form used by HMC.

27. Given the knowledge of HMC and the fact that the facsimile message contained handwritten language, HMC's conduct was not the consequence of any bona fide error.
28. Upon information and belief, HMC regularly and routinely uses its facsimile cover sheet with debt collection communication language when corresponding with third-parties concerning the debt of its consumer debtors. This is a regular pattern and practice of HMC.
29. As a direct and proximate result of HMC's conduct, Plaintiff suffered damages including harm to her reputation at work, stress, harassment, emotional and mental anguish, embarrassment, loss of privacy as to her debts or alleged debts, and other harm.

COUNT II – VIOLATIONS OF THE OHIO CONSUMER SALES PRACTICES ACT

30. Plaintiff reincorporates and re-alleges all the foregoing allegations as if fully rewritten herein.
31. HMC is a "supplier" within the meaning of Ohio Rev. Code §§ 1345.01(C) because it was engaged in the business of effecting a consumer transaction, i.e. attempting to obtain payment for goods provided by Ray Poyar Auto Sales, Inc. to Plaintiff and/or others for personal and family use.
32. Plaintiff is a "consumer" within the meaning of Ohio Rev. Code § 1345.01(D) as she engaged in the transaction for consumer goods and was involved in the collection efforts of HMC.
33. HMC's act of attempting to enforce the payment of consumer vehicle debts allegedly owed by Plaintiff was a consumer transaction within the meaning of Ohio Rev. Code § 1345.01(A), as the underlying transaction involved goods used for individual or family purposes.
34. HMC engaged in deceptive, unfair, and unconscionable acts under Ohio Rev. Code § 1345.01 *et seq.* by engaging in and committing a violation of the FDCPA, listed above in this Complaint.

35. Specifically, Ohio courts have held, and such cases were available in the Public Inspection File (“PIF”) prior to the conduct engaged in by the Defendant in this case, that a debt collector violates the Consumer Sales Practices Act and engages in unfair or deceptive acts or practices under it when it violates the FDCPA, including but not limited to the case of *State ex rel. DeWine v. Royal Oak Financial Services, Inc.*, PIF# 10003097, listed in the PIF since July 10, 2013.
36. As a direct and proximate result of HMC’s conduct, Plaintiff has suffered mental anguish, stress, embarrassment, and other harm as outlined above, and is entitled to all reasonable damages, injunctive relief prohibiting such conduct, declaratory judgment that such conduct engaged in is unfair, deceptive, and/or unconscionable, attorney’s fees, and all other relief this Court deems equitable and just.

CLASS ACTION ALLEGATIONS

37. All of the conduct, specifically the use of a facsimile and communication communicating debt collection attempts and activities with third-parties as outlined above and in the attached Exhibit, were engaged in by Defendant pursuant to a policy or custom, and was its ordinary and habitual practice.
38. This class action complaint for declaratory and injunctive relief, as well as monetary damages and attorney’s fees, is brought by Plaintiff on behalf of herself and all others similarly situated. The class is defined as:
- a. All present and future persons, who have incurred debts for personal, family, or household purposes, herein after “consumer debtors,” where HMC sent communication(s) to third-party(ies), including communication(s) to employer(s) of such consumer debtors, stating that the communication was in relation to a consumer

debtor and also stating that the communication was from a debt collector and/or that it was an attempt to collect a debt. This definition applies to Count I.

- b. All present and future persons, who have incurred debts for personal, family, or household purposes, where such debt was incurred in the State of Ohio, herein after “Ohio consumer debtors,” where HMC sent communication(s) to third-party(ies), including communication(s) to employer(s) of such Ohio consumer debtors, stating that the communication was in relation to an Ohio consumer debtor and also stating that the communication was from a debt collector and/or that it was an attempt to collect a debt.

This definition applies to Count II.

39. The joinder of all class members in the class (presumed and believed to be greater than forty (40)) is impracticable because the membership is too numerous and it changes from day to day, and because the class contains future members who’s employers are being communicated with by Defendant.
40. Members of the class are entitled to similar common damages under both the FDCPA and OCSPA.
41. Plaintiff requests certification of a hybrid class combining the elements of Rule 23(b)(3) for monetary damages and Rule 23(b)(2) for declaratory and injunctive relief.
42. A class action is a superior method for the fair and efficient adjudication of this controversy. Class-wide damages are essential to induce Defendant to comply with Federal and State law. The interest of class members in individually controlling the prosecution of separate claims against Defendant is small because the maximum statutory damages on an individual are \$1000 for violation of the FDCPA or \$200 per violation of the OCSPA. Management of these class

claims are likely to present significantly fewer difficulties than those presented in many class claims, e.g. for securities fraud.

43. All members of the class have a right to damages or other relief which may be readily computed in each case or otherwise readily determined because they are statutory and stipulated in nature.
44. Prosecution of separate actions by individual members of the class would create risk of varying individual adjudications, which would establish incompatible standards of conduct for Defendant who is expected to oppose the class.
45. Members of the class have in common questions of law and/or questions of fact, including but not limited to, whether the challenged practices violate the FDCPA and OCSPA.
46. The claims of the named Plaintiff are typical of the claims of the class, as per the definitions of the class.
47. The named Plaintiff will fairly and adequately represent the interests of the class and she will vigorously prosecute the case on behalf of the class.
48. Many of the persons with whom Defendant dealt, or who were affected by their activities, may not be aware of their rights, or are not in a financial position to assert such rights readily. Because of relegation of their claims to individual actions would result in an unreasonable multiplicity of suits and a corresponding burden on this and other courts, a class action is far superior to all other methods for a fair and efficient adjudication of this controversy.
49. Plaintiff is represented by competent counsel with experience in federal consumer and class action cases and who thus have the experience and resources necessary to protect the interests of the class. Attorney Daniel J. Myers was appointed class-counsel in another national class-action, and is involved in class-action and consumer related work.

50. Defendant has acted or refused to act on grounds generally applicable to the Plaintiff class, thereby making appropriate declaratory and injunctive relief, as well as damages under the FDCPA and attorney's fees under the FDCPA and the OCSPA appropriate, for the class as a whole.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court grant her the following relief:

- a. Enter an order that this action shall be maintained as a class action pursuant to Federal Rules of Civil Procedure 23(a) and (b)(2) and/or (b)(3).
- b. Enter preliminary and permanent injunctions enjoining Defendant from applying in the future the customs or policies complained of herein against the Plaintiff and the current members of Plaintiff's class, as well as preliminary and permanent injunctions enjoining Defendant from applying in the future the customs or policies complained of herein against the future members of the Plaintiff's class.
- c. Judgment against Defendant, for declaratory judgment holding that Defendant's conduct was unfair, deceptive, and/or unconscionable under Ohio R.C. § 1345.01 *et seq.*
- d. All damages permitted by the FDCPA to the Plaintiff and the Plaintiff's class, and attorneys' fees under both Ohio R.C. § 1345.09, as well as all relief permitted by 15 U.S.C. § 1692k.
- e. The costs of this action, and pre-judgment and post-judgment interest.
- f. Grant Plaintiff and the class such other relief as is proper, just, and equitable.

Respectfully Submitted,

/s/ Daniel J. Myers
Daniel J. Myers, Esq. (0087909)
Samantha A. Vajskop, Esq. (0087837)
Myers Law, LLC
600 East Granger Road, Second Floor
Cleveland, OH 44133
P: 216-236-8202
F: 216-674-1696
E: DMyers@MyersLawLLC.com
SVajskop@MyersLawLLC.com
Counsel for Plaintiff and Proposed Class

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio



Nyoka Summerall, and all others similarly situated

Plaintiff

v.

Head Mercantile Co., Inc.

Defendant

Civil Action No. 1:16-cv-2870

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Head Mercantile Co., Inc.
c/o James Scharfeld, Statutory Agent
29065 Clemens Road #200
Westlake, OH 44145

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Daniel J. Myers, Esq.
Myers Law, LLC
600 East Granger Road
Second Floor
Cleveland, OH 44131

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

GERI M. SMITH, CLERK OF COURT

Date: 11/28/2016

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

Nyoka Summerall

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Daniel J. Myers & Samantha A. Vajskop, Esq. - Myers Law, LLC 600 East Granger Road, 2nd Floor, Cleveland, OH 44131 216-236-8202

DEFENDANTS

Head Mercantile Co., Inc.

County of Residence of First Listed Defendant Cuyahoga (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
3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant
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: 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, TORTS, CIVIL RIGHTS, 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 USC 1692 et al. - Fair Debt Collection Practices Act

Brief description of cause: Abusive Debt Collection and disclosure activities of Debt Collectors

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 500,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 11/28/2016 SIGNATURE OF ATTORNEY OF RECORD /s/ Daniel J. Myers, Esq. (0087909)

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Please check one category only).

- 1. General Civil
- 2. Administrative Review/Social Security
- 3. Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action is **RELATED** to another **PENDING** civil case. This action is **REFILED** pursuant to **LR 3.1**.

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county
COUNTY: Cuyahoga
Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.
COUNTY:

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.
COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

- AKRON (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)
- CLEVELAND (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)
- YOUNGSTOWN (Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

- TOLEDO (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

THE HMC GROUP
29065 Clemens Rd. Suite 200
Westlake, Ohio 44145-1179
(440) 892-2300
FAX (440) 892-3600
WEBSITE- WWW.HMCGRP.COM

FACSIMILE COVER SHEET

TO: ACR
COMPANY: PLAY ACADEMY
DATE: 1-20-16
FROM: MARY JORDAN

If you do not receive the following 2 pages including this cover sheet, please call.

This is an attempt by a debt collector to collect a debt; any information obtain will be used for that purpose.

The documents accompanying this telecopy transmission contain confidential information, belonging to the sender that is legally privileged. This information is intended only for the use of the individual or entity named above. The authorized recipient of this information is prohibited from disclosing this information to any other party and is required to destroy the information after its stated need has been fulfilled, unless otherwise required by state law.

If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or action taken in reliance on the contents of these documents is strictly prohibited. If you received this telecopy in error, please notify the sender immediately to arrange for return of these documents.

HMC GROUP
29065 CLEMENS RD, SUITE 200
WESTLAKE, OH 44145
440-892-2300
FAX: 440-892-3600

TO: PERSONNEL DEPARTMENT

RE: *Summerrall, Nyoke V.*

SS #: [REDACTED]

WOULD YOU PLEASE ADVISE US IF THE ABOVE NAMED INDIVIDUAL IS CURRENTLY ON YOUR PAYROLL?

CIRCLE ONE:

YES

NO

EMPLOYED:

FULLTIME

PARTTIME

START DATE:

2/9/15

CURRENT POSITION:

Assistant teacher Preschool

HOME ADDRESS:

HOME PHONE NUMBER:

440-789-6287

CURRENT PLACE OF EMPLOYMENT (IF NO LONGER EMPLOYED):

Ref: 13345801
THANK YOU, *Mary Jordan*

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [The HMC Group, The SOS Group Hit with FLSA Class Action](#)
