

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 9:18cv81546

CALVINA THOMPSON,
INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED.,

Plaintiff,

v.

COMPLAINT – CLASS ACTION

RAE FRANKS, ESQUIRE, P.A.,

Defendants.

**CLASS ACTION COMPLAINT SEEKING
INJUNCTIVE RELIEF AND STATUTORY DAMAGES**

JURY DEMAND

On behalf of the putative class, Plaintiff CALVINA THOMPSON (“Plaintiff”), seeks redress for the unlawful conduct of Defendant RAE FRANKS, ESQUIRE, P.A. (“Defendant”), *to wit*, violation of 15 U.S.C. § 1692 *et seq.*, the Fair Debt Collection Practices Act (“FDCPA”). Simply put, Defendant has dispatched thousands unlawful collection letters to United States consumers, whereby each such letter contains identical violations of § 1692g(a)(3), § 1692g(a)(4) and § 1692g(a)(5) of the FDCPA.

INTRODUCTION

1. The FDCPA “is a consumer protection statute that imposes open-ended prohibitions on, *inter alia*, false, deceptive, or unfair” debt-collection practices. Crawford v. LVNV Funding, LLC, 758 F.3d 1254, 1257 (11th Cir. 2014) (*quoting Jerman v. Carlisle, McNellie, Rini, Kramer & Ulrich LPA*, 559 U.S. 573, 587 (2010)).

2. “Congress enacted the FDCPA after noting abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors.” Brown v. Card Serv. Ctr., 464 F.3d 450 (3rd Cir. 2006) (internal quotations omitted); *see, e.g., Id.* at 453 (quoting 15 U.S.C. §1692(a)) (“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.”).

3. As set forth in more detail below, Defendant has dispatched thousands of unlawful collection letters to consumers in an attempt to collect a debt, and in each such letter, Defendant failed to provide the least sophisticated consumer with mandatory disclosures and/or information in violation of § 1692g(a)(3), § 1692g(a)(4) and § 1692g(a)(5). Accordingly, Plaintiff, on behalf of the putative class, seeks statutory damages under the FDCPA over the punitive class timeframes set forth herein.

DEMAND FOR JURY TRIAL

4. Plaintiff is entitled to, and hereby respectfully demands, a trial by jury on all counts alleged and on any issues so triable. *See Sibley v. Fulton DeKalb Collection Service*, 677 F.2d 830 (11th Cir.1982) (wherein the Eleventh Circuit held that, “a plaintiff, upon timely demand, is entitled to a trial by jury in a claim for damages under the FDCPA.”).

JURISDICTION AND VENUE

5. This Court has jurisdiction for all counts under 28 U.S.C. §§ 1331, 1337 and 15 U.S.C. § 1692k.

6. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d), 28 U.S.C §1331, and 28 U.S.C §1337.

7. Venue in this District is proper because Plaintiff resides here, Defendant transacts business here, and the complained of conduct occurred within the venue.

PARTIES

8. Plaintiff is a natural person, and a citizen of the State of Florida, residing in Palm Beach County, Florida.

9. Plaintiff is a “consumer” within the meaning of the FDCPA. *See* 15 U.S.C §1692a.

10. Defendant is a Florida corporation, with its principal place of business located in West Palm Beach, Florida.

11. Defendant engages in interstate commerce by regularly using telephone and mail in a business whose principal purpose is the collection of debts.

12. At all times material hereto, Defendant was acting as a debt collector in respect to the collection of Plaintiff’s debts.

FACTUAL ALLEGATIONS

13. The debt at issue (the “Consumer Debt”) is a financial obligation Plaintiff incurred primarily for personal, family, or household purposes.

14. The Consumer Debt is a “debt” governed by the FDCPA. *See* 15 U.S.C §1692a(5).

15. On a date better known by Defendant, Defendant began attempting collect the Consumer Debts from Plaintiff.

16. On or about September 21, 2018 Defendant sent a collection letter to Plaintiff (the “Collection Letter”) in an attempt to collect the Consumer Debt. A copy of the Collection Letter is attached hereto as Exhibit “A.”

17. The Collection Letter does not contain “*a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector.*” *See* 15 U.S.C. § 1692g(a)(3) (emphasis added).

18. The Collection Letter does not contain “*a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector.*” See 15 U.S.C. § 1692g(a)(4) (emphasis added).

19. The Collection Letter does not contain “*a statement that, upon the consumer’s written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.*” See 15 U.S.C. § 1692g(a)(5) (emphasis added).

20. Any potential *bona fide* error defense which relies upon Defendant’s mistaken interpretation of the legal duties imposed upon them by the FDCPA would fail as a matter of law. Jerman v. Carlisle, McNellie, Rini, Kramer & Ulrich, L.P.A., 130 S.Ct. 1605 (2010).

CLASS ACTION ALLEGATIONS

21. This action is brought on behalf of the following class, *to wit*, the “**G-Notice Class.**”

22. The “**G-Notice Class**” consists of:

(i) all persons in the United States (ii) who were e-mailed (iii) between October 30, 2017 and October 30, 2018 (iv) by Defendant (v) in an attempt to collect a debt incurred for personal, family, or household purposes, (vi) of which Defendant was not the original-creditor, (vii) and said email omitted the disclosures mandated by *either* 15 U.S.C. § 1692g(a)(3), g(a)(4) or g(a)(5).

23. Plaintiff alleges on information and belief that the G-Notice Classis so numerous that joinder of all members is impracticable because Defendant has dispatched thousands of identical dunning emails to consumers attempting to collect consumer debts.

A. *EXISTENCE AND PREDOMINANCE OF COMMON QUESTIONS OF LAW & FACT*

24. Common questions of law and fact exist as to each class, and predominate over any issues involving only individual class members.

25. With respect to the **G-Notice Class**:

(a) The *factual issues common* to the class are whether members received a collection email from Defendant, in an attempt to collect a consumer debt, within the class period; and

(b) The *principal legal issue* of the class is whether Defendant violated either 15 U.S.C. § 1692g(a)(3), § 1692g(a)(4) or § 1692g(a)(5) by failing to provide required disclosures.

26. Excluded from each class is Defendant's agents and employees, Plaintiff's attorneys and their employees, the Judge to whom this action is assigned, and any member of the Judge's staff and immediate family.

B. TYPICALITY

27. Plaintiff's claims are typical of the claims of each class member and are based on the same facts and legal theories.

C. ADEQUACY

28. Plaintiff is an adequate representative of each of the class.

29. Plaintiff will fairly and adequately protect the interests of the class.

30. Plaintiff has retained counsel experienced in handling actions involving unlawful practices under the FDCPA and other consumer-based class actions. Neither Plaintiff nor Plaintiff's counsel have any interests which might cause them (Plaintiff or Plaintiff's counsel) to not vigorously pursue this action.

D. PREDOMINANCE AND SUPERIORITY

31. Certification of the class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is also appropriate in that:

- (a) The questions of law or fact common to the members of the class predominate over any questions affecting an individual member.
- (b) A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

32. Certification of a class under Rule 23(b)(2) of the Federal Rules of Civil Procedure is also appropriate, in that, Defendant has acted on grounds generally applicable to the class thereby making appropriate declaratory relief with respect to the class as a whole. Plaintiff request certification of a hybrid class under Rule 23(b)(3) for monetary damages and to Rule 23(b)(2) for injunctive and equitable relief.

COUNT I.
VIOLATION OF 15 U.S.C. § 1692g(a)(3)-(5)

33. On behalf of the G-Notice Class, Plaintiff incorporates the preceding Factual and Class Action Allegations.

34. Section 1692g(a) of the FDCPA requires debt collectors to make certain disclosures, and/or provide consumers with certain information, depending on the circumstances. Specifically, §1692g(a) mandates that:

Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing --

- (1) the amount of the debt;
- (2) the name of the creditor to whom the debt is owed;

(3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;

(4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and

(5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

15 U.S.C. § 1692g.

35. To satisfy the mandatory notice requirements of §1692g(a)(3)-(5), “[a] debt collector must ensure that notice of the right to dispute the debt is actually conveyed to the consumer, and that the notice is conveyed effectively, [whereby,] [t]he effectiveness of the notice is based on an objective standard of the manner in which a ‘least sophisticated consumer’ would interpret the notice.” In re Martinez, 266 B.R. 523 (Bankr. S.D. Fla.).

36. With respect to the matter at hand, the collection letter does not adequately inform the consumer of the rights he or she enjoys under § 1692g(a)(3)-(5), let alone the nuances involved in exercising such rights, because the collection letter, *inter alia*, entirely omits mandatory disclosures and/or information that Defendant was otherwise required to provide.

37. The Collection Letter does not effectively convey the information required to be disclosed to consumers under § 1692g(a)(3)-(5), but rather provides, at best, a distorted version of the disclosures. *See Anselmi v. Shendell & Assocs., P.A.*, 2014 WL 5471111, at *2 (S.D. Fla. Oct. 29, 2014) (“Merely including the information required under 15 U.S.C. § 1692g(a) is insufficient;

the notice must be set forth in a form and written context that does not distort or obfuscate its meaning.” (citing McMurray v. ProCollect, Inc., 687 F.3d 665, 668 (5th Cir.2012)); *see also* Wilson v. Quadramed Corp., 225 F.3d 350, 354 (3d Cir.2000) (notice must be “conveyed effectively to the debtor”).

38. Accordingly, the Collection Letter violates the FDCPA by failing to sufficiently inform the least sophisticated consumer of the rights and/or protections he or she enjoys under § 1692g(a)(3)-(5), as the information/disclosure proffered in the Collection Letter is devoid of entire swaths of mandatory information.

WHEREFORE, Plaintiff, individually and on behalf of the G-Notice Class request that the Court enter judgment in favor of Plaintiff and the G-Notice Class and against Defendant for:

- (1) Statutory damages, as provided under 15 U.S.C. § 1692k(a)(2)(B);
- (2) Attorney’s fees, litigation expenses and costs of the instant suit, as provided under 15 U.S.C. § 1692k(a)(3); and
- (1) Such other or further relief as the Court deems proper. Such other or further relief as the Court deems proper.

DATED: November 12, 2018

Respectfully Submitted,

/s/ Jibrael S. Hindi
JIBRAEL S. HINDI, ESQ.
Florida Bar No.: 118259
E-mail: jibrael@jibraellaw.com
THE LAW OFFICES OF JIBRAEL S. HINDI
110 SE 6th Street, Suite 1744
Fort Lauderdale, Florida 33301
Phone: 954-907-1136
Fax: 855-529-9540

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS CALVINA THOMPSON, individually and on behalf of all others similarly situated. DEFENDANTS RAE FRANKS, ESQUIRE, P.A

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

(c) Attorneys (Firm Name, Address, and Telephone Number) The Law Office of Jibrael S. Hindi, PLLC, 610 SE 6th St., Suite 1744 Fort Lauderdale FL, 33301. (954)628-5793.

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

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

Grid for Basis of Jurisdiction and Citizenship of Principal Parties with checkboxes for U.S. Government Plaintiff/Defendant, Federal Question, Diversity, Citizen of This State/Another State/Foreign Country, and PTF/DEF boxes.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large grid for Nature of Suit 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 Re-filed (See VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment 8 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S) (See instructions): a) Re-filed Case YES NO b) Related Cases YES NO JUDGE DOCKET NUMBER

VII. CAUSE OF ACTION 15 U.S.C. § 1692, et seq. LENGTH OF TRIAL via days estimated (for both sides to try entire case) Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: YES NO

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE DATE SIGNATURE OF ATTORNEY OF RECORD

November 12, 2018

FOR OFFICE USE ONLY RECEIPT # AMOUNT IFP JUDGE MAG JUDGE

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.C.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; 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 clerks 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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. 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

VIII. 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 dollar amount (in thousands of dollars) 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.

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

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

CALVINA THOMPSON, individually
and on behalf of all others similarly situated

Plaintiff(s)

v.

RAE FRANKS, ESQUIRE, P.A.

Defendant(s)

Civil Action No. 9:18cv81546

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) RAE FRANKS, ESQUIRE, P.A.
224 DATURA STREET
Suite 312
WEST PALM BEACH, FL 33401

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: The Law Offices of Jibrael S. Hindi, PLLC. 110 SE 6th St., Suite 1744, Fort Lauderdale, FL 33301. Phone: (844)542-7235 Email: jibrael@jibraellaw.com Fax: (855)529-9540

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.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 9:18cv81546

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:

Print

Save As...

Reset

RAE FRANKS, ESQUIRE, P.A.
224 Datura Street, Suite 312
West Palm Beach, Florida 33401
(561) 820-9177 Fax: (561) 820-9607

September 21, 2018

**Certified - Return Receipt Requested
and First Class U.S. Mail Delivery**

7018 0680 0001 0643

Calvina Nicole Thompson
146 Harrelle Drive
South Bay, Florida 33493

RE: MY CLIENT:

Account:

Principal balance due:

Principal balance due:

Principal amount due

Collection costs to date:

Total due by October 1, 2018:

Gold Coast Federal Credit Union

41020859-145 and 150 and 151

\$10,928.84 on 2010 GMC Acadia

\$ 2,863.09 on Line of Credit

\$ 554.15 on Recovery Fast Cash

\$ 100.00

\$14,446.08

Dear Ms. Thompson:

Please be advised that this firm represents Gold Coast Federal Credit Union in collection matters in reference to your deficiency amount on you previous vehicle loan, your Line of Credit account and your Recovery Fast Cash Loan which have remained unpaid since May 15, 2018. Pursuant to the terms of your agreement with the Credit Union, my client has the right to demand acceleration of the loans for the entire balance, as well as collection costs.

At this time, my client is making a demand that you make payment for the deficiency balance amount of the vehicle loan, in the principal sum of **\$10,928.84**, the entire balance on your Line of Credit of **\$2,863.09**, and the entire balance of your Recovery Fast Cash of **\$554.15** and a collection cost of **\$100.00** for a total due of **\$14,446.08**. **This amount does not include added interest, late fees or other costs.**

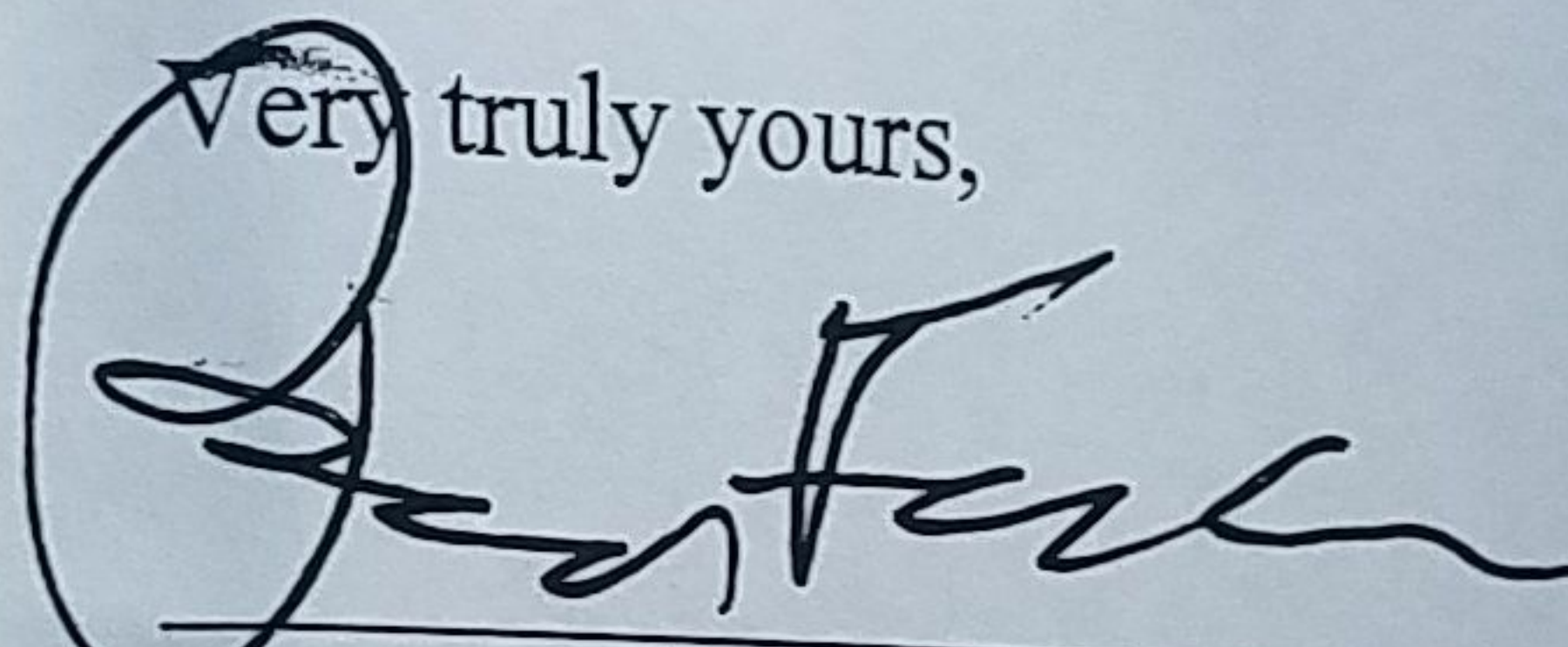
This amount must be paid with **ten (10)** days from the date of this letter. The total sum of **\$14,446.08**, further must be paid by cashier's check or money order, payable to Gold Coast Federal Credit Union and delivered to Rae Franks, Esquire, P.A., at the address on this letterhead. Be advised that no partial payments shall be accepted at this time. You are to direct all payments and inquiries to the undersigned and any partial payments will be returned to you.

Ms. Calvina Nicole Thompson
Accounts No. 41020859-145, 150 and 151
Demand for full payment three accounts
September 21, 2018
Page 2

Be advised that if there is no response to this letter within the time stated, that the entire loan amounts in the respective principal balances of **\$10,928.84, \$2,863.09 and 554.15** shall, therefore, be due and payable, and that immediate collection procedures shall begin inclusive of filing civil lawsuits which shall include any action for replevin, demands for the entire balance due, overdue interest at the appropriate percentage rate, late fees, court costs and attorney's fees as permitted and as appropriate. This demand is being made pursuant to the terms governing your account.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF IS THE FAIR DEBT COLLECTION PRACTICES ACT NOTICE AS REQUIRED BY FEDERAL LAW.

Very truly yours,



RAE FRANKS, ESQUIRE

RF/rf

cc: client
file

CONFIDENTIALITY NOTICE:

The information contained in this transmission may contain privileged and confidential information. It is intended ONLY for the use of the persons named above. If you are NOT the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are NOT the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action: Law Firm Sent 'Thousands' of Unlawful Collection Notices](#)
