

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

<hr/>	:	Case Number
MICHELLE W. VULLINGS,	:	
individually and on behalf of	:	
others similarly situated	:	
Plaintiffs	:	
vs.	:	CLASS ACTION COMPLAINT
	:	
ARCADIA RECOVERY	:	
BUREAU, LLC	:	JURY TRIAL DEMANDED
Defendant	:	
<hr/>	:	

CLASS ACTION COMPLAINT

Plaintiff Michelle W. Vullings, by and through her undersigned counsel, individually and on behalf of others similarly situated, respectfully alleges the following against Arcadia Recovery Bureau, LLC based upon personal knowledge, and on information and belief:

I. INTRODUCTORY STATEMENT

1. This is a consumer class action lawsuit brought by Plaintiff, individually and on behalf of a class of all other persons similarly situated against Defendant, for violations of multiple sections of the Fair Debt Collection Practices Act (“FDCPA”).

2. 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.A. ¶ 1692(a).

3. 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).

4. 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.Supp.3d 662, 666 (7th Cir. 2001).

5. Plaintiff seeks to enforce these policies and civil rights which are expressed through the FDCPA.

II. JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action under the Class Action Fairness Act and Plaintiff’s FDCPA claims pursuant to 15 U.S.C. §§1331, 1337 and 15 U.S.C. §1692k. This Court has personal jurisdiction over Defendant because, at all relevant times, Defendant conducted business in the Eastern District of Pennsylvania.

7. Venue and personal jurisdiction over defendant in this district is proper because both Plaintiff and Defendant are located in this district; moreover, defendant’s collection activities impacted plaintiff here and defendant transacts business in this District.

III. PARTIES

8. Plaintiff, Michelle W. Vullings (hereinafter referred to as “Plaintiff”) is an individual resident of the Commonwealth of Pennsylvania, residing in Collegeville,

Pennsylvania. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1692a (3) of the FDCPA in that the alleged debt sought to collect from Plaintiff is a consumer debt.

9. Defendant, Arcadia Recovery Bureau LLC (hereinafter referred to as “Defendant”), at all times relevant hereto, is and was a Pennsylvania Foreign limited liability company engaged in the business of collecting debt allegedly owed by consumers. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §1692a (6) of the FDCPA, and has a principal place of business located at 645 Penn Street, 4th Floor, Reading, Pennsylvania 19601.

IV. FACTUAL ALLEGATIONS

10. The following conduct is a violation of the Fair Debt Collection Practices Act: using any language or symbol, other than the debt collector’s address, on any envelope when communicating with a consumer by use of the mails or by telegram, except that a debt collector may use his business name if such name does not indicate that he is in the debt collection business. 15 U.S.C. ¶1692f (8).

11. Exhibit A, attached hereto and incorporated herein, is the envelope mailed by Defendant, as it appeared upon arrival, when Defendant was communicating with Plaintiff-consumer.

12. Exhibit A uses language which is visible on the envelope indicating that Defendant is in the debt collection business.

13. Defendant’s business name, as is visible on the envelope, indicates that it is in the debt collection business.

14. The Defendant’s business name strongly implies that it is in the debt collection business.

15. Plaintiff is entitled to privacy and as a result of defendant's deceptive and unfair debt collection practices, plaintiff has been damaged.

16. Any person who handled or viewed the mail prior to it getting to the plaintiff would have been informed of the nature of the letter.

17. Exhibit A constitutes the use of unfair and unconscionable means to collect or attempt to collect a debt.

18. Plaintiff was mailed the collection letter attached as Exhibit B, which was received in the ordinary course of the United States Postal Service mail.

19. Exhibit B sought to collect debt incurred for personal, family or household use and not for business purposes.

20. Exhibit B is, on information and belief, a form letter.

21. Language in the body of a collection letter, stating that "[i]f we can answer any questions, or if you feel you do not owe this amount, please call us toll free" is deceptive, and thus violates debt validation provision of FDCPA. *Caprio v. Healthcare Revenue Recovery Grp., LLC*, 709 F.3d 142 (3d Cir. 2013).

22. In Exhibit B, the second paragraph of the body of the collection letter, which begins "[i]f you have any questions or if this is a duplicate claim, please call," is deceptive, and thus violates the debt validation provision of FDCPA.

23. This language strongly implies that if a consumer disputes the validity of the debt or any portion thereof, the consumer should simply telephone the Defendant.

24. Simply telephoning the Defendant if a consumer disputes the validity of the debt or any portion thereof is not adequate under the FDCPA.

25. This serves to confuse the Plaintiff as to whether to telephone or write if the validity of the debt or any portion thereof is disputed.

26. Collection letters such as those sent by defendant are to be evaluated by the objective standard of the hypothetical “least sophisticated consumer.”

27. The collection letter causes the least sophisticated consumer uncertainty and forces him or her to guess as to what to do if the debt is disputed.

28. Defendant’s statement is materially false and misleading in that it can be interpreted in a number of ways, one of which is incorrect.

29. A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. 15 U.S.C. ¶1692f.

30. Plaintiff was misled and confused by Exhibit B.

31. The Defendant knew or should have known that their actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring their and their agent’s actions within compliance of the FDCPA, but neglected to do so and failed to adequately review those actions to insure compliance with the law.

32. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees, who were acting with the scope and course of their employment and under the direct supervision and control of Defendant herein.

33. At all times pertinent hereto, the conduct of Defendant as well as its agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal law and the rights of the Plaintiffs herein.

COUNT I- FDCPA

34. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

35. At all times relevant hereto, Defendant was attempting to collect an alleged debt which was incurred by Plaintiff for personal, family or household purposes and is a “debt” as defined by 15 U.S.C. § 1692a (5).

36. Exhibits A and B are violations of the FDCPA, including but not limited to, violations of:

§§ 1692d: Any conduct the natural consequence of which is to harass, oppress, or abuse any person.

§§ 1692e: Any other false, deceptive, or misleading representation or means in connection with the debt collection

§§ 1692f: Any unfair or unconscionable means to collect or attempt to collect the alleged debt

§§ 1692f (8): Any language or symbol on the envelope that indicates the communication concerns debt collection.

§§ 1692g(a)(3): Must state right to dispute within thirty days.

CLASS ALLEGATIONS

37. Pursuant to Fed.R.Civ.P. 23(a), Plaintiff brings this claim on behalf of a class.

38. The class consists of (a) all natural persons (b) who were sent a letter seeking to collect a debt (c) in the form of Exhibit A or Exhibit B (d) on or after a date one year prior to the filing of this action and ending 20 days after the filing of this action.

39. The class is so numerous that joinder is impractical.

40. On information and belief, there are more than 100 natural persons who were sent a letter similar to Exhibit A or Exhibit B on or after a date one year prior to the filing of this action and ending 20 days after the filing of this action.

41. There are questions of law and fact common to the members of the class, which common questions predominate over any questions that affect only individual class members.

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

43. Plaintiff will fairly and adequately represent the interests of the class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases.

44. A class action is superior to other alternate methods of adjudicating this dispute. Individual cases are not economically feasible. The nature of the wrong depends on the deception of the consumer, so it is unlikely to be detected or remedied without a class action.

WHEREFORE, Plaintiff respectfully demands judgement in favor of Plaintiff and the class against Defendant as follows:

- a. Actual damages;
- b. Statutory damages;

- c. Declaratory relief finding the collection letter violates the FDCPA;
- d. Reasonable attorney's fees and litigation expenses, plus costs of suit; and
- e. Such additional and further relief as may be appropriate or that the interests of justice require.

V. JURY DEMAND

Plaintiff hereby demands a jury trial as to all issues herein.

Respectfully submitted,

VULLINGS LAW GROUP, LLC

Date: September 29, 2017

BY: /s/ Brent F. Vullings

Brent F. Vullings, Esquire
3953 Ridge Pike, Suite 102
Collegeville, PA 19426
P: 610-489-6060
F: 610-489-1997
Attorney for Plaintiff
bvullings@vullingslaw.com

EXHIBIT “A”

EXHIBIT “B”

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

MICHELLE W. VULLINGS, individually and on behalf of others similarly situated

(b) County of Residence of First Listed Plaintiff MONTGOMERY CO., PA (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Brent F. Vullings, Esq., Vullings Law Group, LLC, 3953 Ridge Pike, Suite 102, Collegeville, PA 19426, 610-489-6060

DEFENDANTS

ARCADIA RECOVERY BUREAU, LLC

County of Residence of First Listed Defendant BERKS CO., PA (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

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

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation).

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES.

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. 1692 et. seq. Brief description of cause: Violations of the FDCPA

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 09/29/2017 SIGNATURE OF ATTORNEY OF RECORD /s/ Brent F. Vullings

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

MICHELLE W. VULLINGS, individually and on behalf of others similarly situated	:	CIVIL ACTION
	:	
v.	:	
	:	
ARCADIA RECOVERY BUREAU, LLC	:	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 53.2. ()
- (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. ()

<u>09/29/2017</u>	<u>/s/ Brent F. Vullings</u>	<u>Plaintiff</u>
Date	Attorney-at-law	Attorney for
<u>610-489-6060</u>	<u>610-489-1997</u>	<u>bvullings@vullingslaw.com</u>
Telephone	FAX Number	E-Mail Address

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: c/o Brent Vullings, Esq., 3953 Ridge Pk #102, Collegeville, PA 19426

Address of Defendant: 645 Penn Street, 4th Floor, Reading, Pennsylvania 19601

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
 (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes No

Does this case involve multidistrict litigation possibilities? Yes No

RELATED CASE, IF ANY:

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 fact or 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
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
 Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases
 (Please specify)

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases
 (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Brent F. Vullings, Esq., 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: 09/29/2017 /s/ Brent F. Vullings 92344
 Attorney-at-Law 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: 09/29/2017 /s/ Brent F. Vullings 92344
 Attorney-at-Law Attorney I.D.#

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [PA Consumer Sues Arcadia Recovery Bureau Over Alleged FDCPA Violations](#)
