

7. CBE is engaged in the business of a collection agency, using the mails and telephone to collect consumer debts originally owed to others.

8. CBE is engaged in the business of collecting debts owed to others and incurred for personal, family or household purposes. CBE is a debt collector as defined in 15 U.S.C. § 1692a.

FACTS

Vytlacil Letter

9. Plaintiff Theresa Vytlacil entered into one or more consumer transactions with Wheaton Franciscan Healthcare ("WFH") for personal medical services. The alleged debt was thus incurred for personal, family or household purposes.

10. On or about May 6, 2016, CBE mailed a debt collection letter to Vytlacil regarding a debt, allegedly owed to WFH. A copy of this letter is attached to this complaint as Exhibit A.

11. Upon information and belief, Exhibit A is a form letter, generated by computer, and with the information specific to Vytlacil inserted by computer.

12. Upon information and belief, Exhibit A is a form debt collection letter used by CBE to attempt to collect alleged debts.

13. Upon information and belief, Exhibit A is the first written communication that CBE sent to Vytlacil regarding the alleged debt to which Exhibit A refers.

14. Exhibit A contains the following text:

Unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within thirty (30) days after receiving this notice, that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within thirty (30) days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor. This is an attempt to collect a debt; any information obtained will be used for that purpose. This communication is from a debt collector.

15. The above language in Exhibit A is the debt validation notice that the FDCPA requires to be included with the initial written communication to the consumer. 15 U.S.C. § 1692g.

16. Exhibit A also contains the following statement:

You now have the opportunity to pay this account in full or we may report the debt to one or more of the three national credit bureaus after the fortieth (40th) day from the date of this letter.

17. Plaintiff, thus, has forty days from the date of Exhibit A to pay the allegedly overdue account or face being reported to the "three national credit bureaus." (Exhibit A).

18. Upon information and belief, by the "three national credit bureaus," CBE means credit reporting agencies TransUnion, Experian and Equifax (collectively, "CRAs").

19. If Exhibit A was actually mailed on May 6, 2016, the 30 day validation period identified in Exhibit A would end less than ten days before Plaintiff's account would be potentially be reported to the CRAs if Plaintiff does not pay off the alleged debt to CBE. *See* 15 U.S.C. § 1692g(a).

20. Exhibit A is confusing to the unsophisticated consumer because it both demands a payment within the validation period or shortly thereafter and specifies a consequence (credit reporting) for not doing so, but does not explain how the validation notice and payment deadline fit together. *Bartlett v. Heibl*, 128 F.3d 497, 500 (7th Cir. 1997) ("In the typical case, the letter both demands payment within thirty days and explains the consumer's right to demand verification within thirty days. These rights are not inconsistent, but by failing to explain how they fit together the letter confuses.").

21. The unsophisticated consumer would have no idea how to both seek verification of the debt and avoid being reported to the three national credit bureaus in Exhibit A. Nothing in

Exhibit A makes clear whether a dispute would actually stop or otherwise affect the process of reporting the Plaintiff's account to CRAs.

22. Further, even if the consumer disputed the debt in writing, it is likely that the forty day deadline to pay to avoid being reported would expire before the debt collector provides verification. The consumer would be left with little or no time to review the verification and determine whether the debt is legitimate and actually theirs before paying CBE. Thus, the effect of the credit bureau reporting threat is to discourage or prevent consumers from exercising their validation rights.

23. The Seventh Circuit has established "safe harbor" language regarding apparent conflicts between validation rights and demands for payment in collection letters. *Bartlett*, 128 F.3d 497, 501-02 (7th Cir. 1997).

24. Defendant did not use the safe harbor language in Exhibit A, or any equivalent or similar language.

Morgan Letters

25. Plaintiff Kim Morgan also entered into one or more consumer transactions with WFH for personal medical services. The alleged debt was thus incurred for personal, family or household purposes.

26. On or about June 4, 2016, CBE mailed a debt collection letter to Morgan regarding a debt, allegedly owed to WFH. A copy of this letter is attached to this complaint as Exhibit B.

27. Upon information and belief, Exhibit B is a form letter, generated by computer, and with the information specific to Morgan inserted by computer.

28. Upon information and belief, Exhibit B is a form debt collection letter used by CBE to attempt to collect alleged debts.

29. Exhibit B contains the following text:

You now have the opportunity to pay this account in full or we may report the debt to one or more of the three national credit bureaus after the fortieth (40th) day from the date of this letter.

30. Upon information and belief, the above statement in Exhibit B is misleading to the unsophisticated consumer.

31. CBE had previously mailed a debt collection letter to Morgan, seeking to collect the same debt as in Exhibit B, in January 2016. A copy of this letter is attached to this complaint as Exhibit C.

32. Both “Your Account Number” and the “Total Amount Due” are the same in Exhibits B and C. The letters both attempt to collect the same \$121.00 WFH debt.

33. Exhibit C also includes the same credit reporting language as in Exhibit B:

You now have the opportunity to pay this account in full or we may report the debt to one or more of the three national credit bureaus after the fortieth (40th) day from the date of this letter.

34. The unsophisticated consumer would be confused and actually misled by the credit reporting language present in both Exhibits B and C.

35. If CBE had already reported the debt to the CRAs at the time CBE sent Exhibit B, Morgan did not have 40 days from the date of Exhibit B to avoid credit reporting.

36. Alternatively, if CBE had not reported the account to the CRAs between 40 days after mailing Exhibit C to Morgan and the date CBE mailed Exhibit B to Morgan, CBE falsely threatened negative credit reporting as a consequence of nonpayment when CBE had no intention to actually report the debt to the CRAs.

37. Consumers fear negative information impacting their “credit scores.” The credit reporting language in Exhibits A-C is designed to capitalize on that fear, regardless of whether WFH or CBE actually reports accounts to CRAs.

38. The deceptive credit reporting language in Exhibits A-C has the practical effect of causing the unsophisticated consumer to prioritize paying CBE over other creditors and collectors, in order to either avoid credit reporting that is not imminent or to prevent credit reporting that has already happened. *See*, 15 U.S.C. § 1692(e) (“It is the purpose of this subchapter to eliminate abusive debt collection practices by debt collectors, *to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged*, and to promote consistent State action to protect consumers against debt collection abuses.”) (emphasis added).

The FDCPA

39. The FDCPA states that its purpose, in part, is “to eliminate abusive debt collection practices by debt collectors.” 15 U.S.C. § 1692(e). It is designed to protect consumers from unscrupulous collectors, whether or not there is a valid debt. *Mace v. Van Ru Credit Corp.*, 109 F.3d 338 (7th Cir. 1997); *Baker v. G.C. Services Corp.*, 677 F.2d 775, 777 (9th Cir. 1982); *McCartney v. First City Bank*, 970 F.2d 45, 47 (5th Cir. 1992). The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§ 1692d, 1692e, 1692f and 1692g.

40. 15 U.S.C. § 1692g(b) states, in part:

(b) Disputed debts

...

Any collection activities and communication during the 30-day period may not overshadow or be inconsistent with the disclosure of the consumer's right to dispute the debt or request the name and address of the original creditor.

41. 15 U.S.C. § 1692e provides, in relevant part: "A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt."

42. 15 U.S.C. § 1692e(5) specifically prohibits: "The threat to take any action that cannot legally be taken or that is not intended to be taken."

43. 15 U.S.C. § 1692e(10) prohibits: "The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer."

44. 15 U.S.C. § 1692f generally prohibits "unfair or unconscionable means to collect or attempt to collect any debt."

45. Plaintiffs were confused by Exhibits A-C.

46. Plaintiffs had to spend time and money investigating Exhibits A-C and the consequences of any potential responses to Exhibits A-C.

47. Plaintiff had to take time to obtain and meet with counsel, including travel to counsel's office by car and its related expenses (including but not limited to the cost of gasoline and mileage), to advise Plaintiff on the consequences of Exhibits A-C.

48. The FDCPA creates substantive rights for consumers; violations cause injury to consumers, and such injuries are concrete and particularized. *Quinn v. Specialized Loan Servicing, LLC*, No. 16 C 2021, 2016 U.S. Dist. LEXIS 107299 *8-13 (N.D. Ill. Aug. 11, 2016) (rejecting challenge to Plaintiff's standing based upon alleged FDCPA statutory violation); *Lane v. Bayview Loan Servicing, LLC*, No. 15 C 10446, 2016 U.S. Dist. LEXIS 89258 *9-10 (N.D. Ill. July 11, 2016) ("When a federal statute is violated, and especially when Congress has created a

cause of action for its violation, by definition Congress has created a legally protected interest that it deems important enough for a lawsuit.”); *Church v. Accretive Health, Inc.*, No. 15-15708, 2016 U.S. App. LEXIS 12414 *7-11 (11th Cir. July 6, 2016) (same); *see also Mogg v. Jacobs*, No. 15-CV-1142-JPG-DGW, 2016 U.S. Dist. LEXIS 33229, 2016 WL 1029396, at *5 (S.D. Ill. Mar. 15, 2016) (“Congress does have the power to enact statutes creating legal rights, the invasion of which creates standing, even though no injury would exist without the statute,” (quoting *Sterk v. Redbox Automated Retail, LLC*, 770 F.3d 618, 623 (7th Cir. 2014))). For this reason, and to encourage consumers to bring FDCPA actions, Congress authorized an award of statutory damages for violations. 15 U.S.C. § 1692k(a).

49. Moreover, Congress has explicitly described the FDCPA as regulating “abusive practices” in debt collection. 15 U.S.C. §§ 1692(a) – 1692(e). Any person who receives a debt collection letter containing a violation of the FDCPA is a victim of abusive practices. *See* 15 U.S.C. §§ 1692(e) (“It is the purpose of this subchapter to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses”).

COUNT I – FDCPA

50. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

51. The statement on Exhibit A that CBE may report Vytlačil’s account to the three national credit bureaus unless Plaintiff pays in full by a deadline within ten days of the validation period ending, conflicts with and overshadows the debt validation notice, in that Exhibit A demands a payment within the validation period or shortly thereafter and threatens a

consequence for non-payment, but does not explain how the validation notice and “deadline” fit together. 15 U.S.C. § 1692g; *Bartlett*, 128 F.3d at 500.

52. The same statement on Exhibit B is confusing because CBE had previously mailed the same statement to Morgan five months earlier. Exhibit C. The statement on Exhibit B was false and misleading, regardless of whether CBE actually reported Morgan’s account to the CRAs.

53. Exhibits A and B are confusing, deceptive, and/or misleading to the unsophisticated consumer.

54. Defendants violated 15 U.S.C. §§ 1692e, 1692e(5), 1692e(10) and 1692g.

CLASS ALLEGATIONS

55. Plaintiffs bring this action on behalf of a Class, consisting of (a) all natural persons in the State of Wisconsin (b) who were sent a collection letter in the form represented by Exhibits A or B to the complaint in this action, (c) seeking to collect a debt for personal, family or household purposes, (d) between May 4, 2016 and May 4, 2017 (e) that was not returned by the postal service.

56. Plaintiff Morgan also brings this case on behalf of a subclass, consisting of (a) all natural persons in the State of Wisconsin (b) who were sent a collection letter in the form represented by Exhibits A or B to the complaint in this action, (c) more than 45 days after they were sent a previous collection letter (d) containing the statement: “You now have the opportunity to pay this account in full or we may report the debt to one or more of the three national credit bureaus after the fortieth (40th) day from the date of this letter.”, (e) seeking to collect a debt for personal, family or household purposes, (f) between May 4, 2016 and May 4, 2017 (g) that was not returned by the postal service.

57. The Class and Subclass are so numerous that joinder is impracticable. On information and belief, there are more than 50 members of the Class and more than 50 members of the Subclass.

58. There are questions of law and fact common to the members of the Class and Subclass, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether the Defendant complied with 15 U.S.C. § 1692e, 1692e(5), 1692e(10), and 1692g.

59. Plaintiffs' claims are typical of the claims of the Class members. All are based on the same factual and legal theories.

60. Plaintiffs will fairly and adequately represent the interests of the Class members. Plaintiffs have retained counsel experienced in consumer credit and debt collection abuse cases.

61. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible.

JURY DEMAND

62. Plaintiffs hereby demand a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court enter judgment in favor of Plaintiffs and the Class and against Defendant for:

- (a) actual damages;
- (b) statutory damages;
- (c) attorneys' fees, litigation expenses and costs of suit; and
- (d) such other or further relief as the Court deems proper.

Dated: May 4, 2017

ADEMI & O'REILLY, LLP

By: /s/ John D. Blythin
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John D. Blythin (SBN 1046105)
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meldridge@ademilaw.com
dmorris@ademilaw.com

EXHIBIT A



CALL: (888)887-5430

CREDITOR: Wheaton Franciscan Healthcare

The CBE Group, Inc.
Corporate Address: 1309 Technology Pkwy, Cedar Falls, IA 50613
Hours of Operation: 8:00 a.m. - 6:00 p.m. CT Monday-Friday

Table with account details: Your Account Number: [redacted] 0925, Total Amount Due: \$71.40, CS Number: [redacted] 0321, Reference Number: [redacted], User ID: [redacted], Password: [redacted]

05/06/16

Dear THERESA VYTLACIL :

Here is your opportunity for a fresh start. Our client, Wheaton Franciscan Healthcare, indicates that your balance of \$71.40 is past due on your FRANKLIN account. We can help you resolve your account through one of the easy payment options listed below.

- Option 1: Include payment in the enclosed envelope with the remit portion below.
Option 2: Pay securely and confidentially online by check or credit card at www.paycbe.com. Your user ID is [redacted] and your password is [redacted] to access your account online. If you have already accessed this account and chosen a new password, please use that password and disregard the one provided above.
Option 3: Call us at (888)887-5430 to discuss paying with check by phone, credit/debit card.

You now have the opportunity to pay this account in full or we may report the debt to one or more of the three national credit bureaus after the fortieth (40th) day from the date of this letter.

Unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within thirty (30) days after receiving this notice, that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within thirty (30) days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor. This is an attempt to collect a debt; any information obtained will be used for that purpose. This communication is from a debt collector.

Remember - You can use your tax refund to pay your account(s) in full.

Please call our office with change of address information.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

29CDCBEG010050

PLEASE DETACH AND RETURN LOWER PORTION WITH ENCLOSED ENVELOPE

PO BOX 2547
WATERLOO, IA 50704-2547
CHANGE SERVICE REQUESTED

IF PAYING BY CREDIT CARD, FILL OUT BELOW

Form for credit card payment with fields for CARD NUMBER, EXP DATE, SIGNATURE, ACCOUNT #, DATE, CHECK CARD USING FOR PAYMENT (VISA, MasterCard, Discover), PLEASE PAY THIS AMOUNT: \$71.40, AMOUNT ENCLOSED:

05/06/16 CALL: (888)887-5430 CS Number: [redacted] 0321

122929972

VYTLACIL, THERESA RAE
6254 S Robert Ave
Cudahy WI 53110-2939

THE CBE GROUP, INC.
PAYMENT PROCESSING CENTER
PO BOX 2337
WATERLOO, IA 50704-2337

TO ALL CONSUMERS – Notice about Electronic Check Conversion: When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment and you will not receive your check back from your financial institution. Also, you authorize us to represent a check as an electronic fund transfer from your account if your payment is returned unpaid.

Please be aware of the following rights. This list does not contain a complete list of the rights consumers have under state and federal law.

California Residents: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or <http://www.ftc.gov/>.

Non-profit credit counseling services may be available in the area. State and federal law require debt collectors to treat you fairly and prohibit debt collectors from making false statements or threats of violence, using obscene or profane language, and making improper communications with third parties, including your employer.

As required by law, you are hereby notified that a negative credit agency report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations. We will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the time period described in the notice on the front of this letter.

Colorado Residents: The Colorado office of The CBE Group is located at 1776 S. Jackson Street, Suite 900, Denver, CO 80210, telephone (720)287-8648. FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COAG.GOV/CAR. A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.

Massachusetts Residents: NOTICE OF IMPORTANT RIGHTS. You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the debt collector.

Minnesota Residents: This collection agency is licensed by the Minnesota Department of Commerce.

Nevada Residents: NOTE: If you pay or agree to pay all or any part of the debt referenced in this letter, your payment or agreement to pay may be construed as your acknowledgment of the debt and that you agree to waive any applicable statute of limitations. Seek legal advice if you have questions concerning your legal right or obligations relating to this debt.

New York City Borough Residents: Department of Consumer Affairs, City of New York, License # 1080974. Please contact Sabrina Lowery at the number listed on the front of this letter regarding this matter.

North Carolina Residents: North Carolina Department of Insurance Permit # 3568, North Carolina Department of Insurance Permit # 103066, North Carolina Department of Insurance Permit # 109072, North Carolina Department of Insurance Permit # 111791, North Carolina Department of Insurance Permit # 112794.

Tennessee Residents: This collection agency is licensed by the Collection Service Board, State Department of Commerce and Insurance.

Utah Residents: As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Wisconsin Residents: This collection agency is licensed by the Division of Banking in the Wisconsin Department of Financial Institutions, www.wdfi.org.

Exhibit B



The CBE Group, Inc.
 Corporate Address: 1309 Technology Pkwy, Cedar Falls, IA 50613
 Hours of Operation: 8:00 a.m.- 6:00 p.m. CT Monday-Friday

CALL: (888)887-5430

CREDITOR: Wheaton Franciscan Healthcare

Your Account Number:	[REDACTED] 0729
Total Amount Due:	\$121.00
CS Number:	[REDACTED] 5558
Reference Number:	[REDACTED]
User ID:	[REDACTED]
Password:	[REDACTED]

06/04/16

Dear KIM MORGAN :

Here is your opportunity for a fresh start. Our client, Wheaton Franciscan Healthcare, indicates that your balance of \$121.00 is past due on your ST FRANCIS account. We can help you resolve your account through one of the easy payment options listed below.

- Option 1:** Include payment in the enclosed envelope with the remit portion below.
- Option 2:** Pay securely and confidentially online by check or credit card at www.paycbe.com. Your user ID is [REDACTED] and your password is [REDACTED] to access your account online. If you have already accessed this account and chosen a new password, please use that password and disregard the one provided above.
- Option 3:** Call us at (888)887-5430 to discuss paying with check by phone, credit/debit card.

You now have the opportunity to pay this account in full or we may report the debt to one or more of the three national credit bureaus after the fortieth (40th) day from the date of this letter.

Unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within thirty (30) days after receiving this notice, that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within thirty (30) days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor. This is an attempt to collect a debt; any information obtained will be used for that purpose. This communication is from a debt collector.

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29CDCBEG010050

PLEASE DETACH AND RETURN LOWER PORTION WITH ENCLOSED ENVELOPE

PO BOX 2547
 WATERLOO, IA 50704-2547
 CHANGE SERVICE REQUESTED

IF PAYING BY CREDIT CARD, FILL OUT BELOW

CARD NUMBER	EXP DATE	CHECK CARD USING FOR PAYMENT	
SIGNATURE		<input type="checkbox"/> VISA	<input type="checkbox"/> MasterCard
ACCOUNT #:	DATE:	<input type="checkbox"/> American Express	<input type="checkbox"/> Discover
[REDACTED] 0729	06/04/16		
PLEASE PAY THIS AMOUNT: \$121.00	AMOUNT ENCLOSED:		

06/04/16 CALL: (888)887-5430 CS Number: [REDACTED] 5558

144946362

MORGAN, KIM
 1032 E Knapp St
 Milwaukee WI 53202-3841

THE CBE GROUP, INC.
 PAYMENT PROCESSING CENTER
 PO BOX 2337
 WATERLOO, IA 50704-2337

TO ALL CONSUMERS – Notice about Electronic Check Conversion: When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment and you will not receive your check back from your financial institution. Also, you authorize us to represent a check as an electronic fund transfer from your account if your payment is returned unpaid.

Please be aware of the following rights. This list does not contain a complete list of the rights consumers have under state and federal law.

California Residents: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or <http://www.ftc.gov/>.

Non-profit credit counseling services may be available in the area. State and federal law require debt collectors to treat you fairly and prohibit debt collectors from making false statements or threats of violence, using obscene or profane language, and making improper communications with third parties, including your employer.

As required by law, you are hereby notified that a negative credit agency report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations. We will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the time period described in the notice on the front of this letter.

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Massachusetts Residents: NOTICE OF IMPORTANT RIGHTS. You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the debt collector.

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Nevada Residents: NOTE: If you pay or agree to pay all or any part of the debt referenced in this letter, your payment or agreement to pay may be construed as your acknowledgment of the debt and that you agree to waive any applicable statute of limitations. Seek legal advice if you have questions concerning your legal right or obligations relating to this debt.

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Exhibit C



CALL: (888)887-5430

CREDITOR: Wheaton Franciscan Healthcare

The CBE Group, Inc.
Corporate Address: 1309 Technology Pkwy, Cedar Falls, IA 50613
Hours of Operation: 8:00 a.m.- 7:00 p.m. CT Monday-Friday

Your Account Number:	[REDACTED] 0729
Total Amount Due:	\$121.00
CS Number:	[REDACTED] 5970
Reference Number:	[REDACTED]
User ID:	[REDACTED]
Password:	[REDACTED]

01/12/16

Dear KIM MORGAN :

Here is your opportunity for a fresh start. Our client, Wheaton Franciscan Healthcare, indicates that your balance of \$121.00 is past due on your ST FRANCIS account. We can help you resolve your account through one of the easy payment options listed below.

- Option 1:** Include payment in the enclosed envelope with the remit portion below.
- Option 2:** Pay securely and confidentially online by check or credit card at www.paycbe.com. Your user ID is [REDACTED] and your password is [REDACTED] to access your account online. If you have already accessed this account and chosen a new password, please use that password and disregard the one provided above.
- Option 3:** Call us at (888)887-5430 to discuss paying with check by phone, credit/debit card.

You now have the opportunity to pay this account in full or we may report the debt to one or more of the three national credit bureaus after the fortieth (40th) day from the date of this letter.

Unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within thirty (30) days after receiving this notice, that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within thirty (30) days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor. This is an attempt to collect a debt; any information obtained will be used for that purpose. This communication is from a debt collector.

Remember - You can use your tax refund to pay your account(s) in full.

Please call our office with change of address information.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

PLEASE DETACH AND RETURN LOWER PORTION WITH ENCLOSED ENVELOPE

29CDCBEG010050

PO BOX 2547
WATERLOO, IA 50704-2547
CHANGE SERVICE REQUESTED

IF PAYING BY CREDIT CARD, FILL OUT BELOW

CARD NUMBER	EXP DATE	CHECK CARD USING FOR PAYMENT	
SIGNATURE		<input type="checkbox"/> VISA	<input type="checkbox"/> MasterCard
ACCOUNT #:	DATE:	<input type="checkbox"/> [REDACTED]	<input type="checkbox"/> DISCOVER
[REDACTED] 0729	01/12/16		
PLEASE PAY THIS AMOUNT:	AMOUNT ENCLOSED:		
\$121.00			

01/12/16 CALL: (888)887-5430 CS Number: [REDACTED] 5970

26435083
MORGAN, KIM
1032 E Knapp St
Milwaukee WI 53202-3841

THE CBE GROUP, INC.
PAYMENT PROCESSING CENTER
PO BOX 2337
WATERLOO, IA 50704-2337

TO ALL CONSUMERS – Notice about Electronic Check Conversion: When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment and you will not receive your check back from your financial institution. Also, you authorize us to represent a check as an electronic fund transfer from your account if your payment is returned unpaid.

Please be aware of the following rights. This list does not contain a complete list of the rights consumers have under state and federal law.

California Residents: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or <http://www.ftc.gov/>.

Non-profit credit counseling services may be available in the area. State and federal law require debt collectors to treat you fairly and prohibit debt collectors from making false statements or threats of violence, using obscene or profane language, and making improper communications with third parties, including your employer.

As required by law, you are hereby notified that a negative credit agency report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations. We will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the time period described in the notice on the front of this letter.

Colorado Residents: The Colorado office of The CBE Group is located at 1776 S. Jackson Street, Suite 900, Denver, CO 80210, telephone (720)287-8648. FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COLORADOATTORNEYGENERAL.GOV/CA. A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.

Massachusetts Residents: NOTICE OF IMPORTANT RIGHTS. You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the debt collector.

Minnesota Residents: This collection agency is licensed by the Minnesota Department of Commerce.

Nevada Residents: NOTE: If you pay or agree to pay all or any part of the debt referenced in this letter, your payment or agreement to pay may be construed as your acknowledgment of the debt and that you agree to waive any applicable statute of limitations. Seek legal advice if you have questions concerning your legal right or obligations relating to this debt.

New York City Borough Residents: Department of Consumer Affairs, City of New York, License # 1080974. Please contact Sabrina Lowery at the number listed on the front of this letter regarding this matter.

North Carolina Residents: North Carolina Department of Insurance Permit # 3568, North Carolina Department of Insurance Permit # 103066, North Carolina Department of Insurance Permit # 109072, North Carolina Department of Insurance Permit # 111791, North Carolina Department of Insurance Permit #112272.

Tennessee Residents: This collection agency is licensed by the Collection Service Board, State Department of Commerce and Insurance.

Utah Residents: As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Wisconsin Residents: This collection agency is licensed by the Division of Banking in the Wisconsin Department of Financial Institutions, www.wdfi.org.

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 THE REVERSE OF THE FORM.)

Place an X in the appropriate Box: Green Bay Division Milwaukee Division

I. (a) PLAINTIFFS
THERESA VYTLACIL and KIM MORGAN

DEFENDANTS
THE CBE GROUP, INC.

(b) County of Residence of First Listed Plaintiff Milwaukee
(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 LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Ademi & O'Reilly, LLP, 3620 E. Layton Ave., Cudahy, WI 53110
(414) 482-8000-Telephone (414) 482-8001-Facsimile

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)

- | | | | | | |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input checked="" type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	IMMIGRATION		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition			

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
 7 Appeal to District Judge from Magistrate Judgment

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:
Violation of Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): **JUDGE** _____ **DOCKET NUMBER** _____

DATE: May 4, 2017 SIGNATURE OF ATTORNEY OF RECORD: s/ John D. Blythin

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.

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. (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.

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 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.

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.

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

THERESA VYTLACIL and KIM MORGAN

Plaintiff

v.

THE CBE GROUP, INC.

Defendant

Civil Action No. 17-cv-644

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) THE CBE GROUP, INC.
c/o CORPORATION SERVICE COMPANY
8040 EXCELSIOR DRIVE, SUITE 400
MADISON, WI 53717

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:

John D. Blythin
Ademi & O'Reilly, LLP
3620 East Layton Avenue
Cudahy, WI 53110
(414) 482-8000-Telephone

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. 17-cv-644

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:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [The CBE Group Sued Over 'Abusive' Debt Collection Tactics](#)
