

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 08 2017 ★

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

LONG ISLAND OFFICE

**Jazzmin Walton on behalf of herself
and all others similarly situated,**

Plaintiff,

v.

Weltman, Weinberg & Reis Co., L.P.A.

Defendant.

C_N 17 6516

CLASS ACTION

Jury Demanded

FEUERSTEIN, J.

BROWN, M. J.

**Class Action Complaint for
Violations of the Fair Debt Collection Practices Act**

1. Plaintiff Jazzmin Walton (“Plaintiff” or “Walton”) files this Complaint seeking redress for the illegal practices of Defendant, Weltman, Weinberg & Reis Co., L.P.A. (“Defendant” or “WWR”), in connection with the collection of a debt allegedly owed by Plaintiff in violation of the Fair Debt Collection Practices Act, (“FDCPA”), 15 U.S.C. § 1692, *et seq.*

Parties

2. Plaintiff Jazzmin Walton is a citizen of New York State who resides within this District.
3. Plaintiff is a “consumer” as that term is defined by FDCPA § 1692a(3).
4. The alleged debt of Plaintiff is a “debt” as defined by 15 U.S.C. § 1692a in that it is a debt alleged to be owed for personal, family, or household services.

5. The alleged debt was for the purchase of household and personal products and no part of the alleged debt was incurred for business related items or services. The alleged debt was allegedly incurred for a car loan.

6. Defendant is a company regularly engaged in the collection of debts allegedly due to others.

7. Defendant is a “debt collector,” as defined by FDCPA § 1692a(6).

Jurisdiction and Venue

8. This Court has federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

9. Declaratory relief is available under 28 U.S.C. §§ 2201 and 2202.

10. Venue is proper in this district under 28 U.S.C. § 1391(b), as the acts and transactions that give rise to this action occurred, in substantial part, in this district.

11. Venue is also proper in this district since Defendant transact business in this district.

Factual Allegations

12. Weltman, Weinberg & Reis Co., L.P.A. (WWR) alleges that Plaintiff owes U.S. Bank money for a defaulted car loan.

13. In an attempt to collect the alleged debt, on or about November 11, 2016, Defendant sent Plaintiff a debt collection letter. (**Exhibit A**)

14. Exhibit A seeks to collect a total debt of \$11,750.74.

15. Exhibit A details the alleged debt as follows:

Current Creditor: U.S. Bank
Account No. – IL XXXXXX9451
WWR No: 30888398
Balance Due as of November 11, 2016: \$11,750.74
Account Charge-off Date: 06/30/2015
Total Amount Due at Charge-off: \$10,856.24
Total Interest Charged Since Charge-off \$606.52
Total Charges and Fees Since Charge-off: \$287.98
Total Payment(s) Made Since Charge-off: \$00

16. Exhibit A violates the FDCPA in that it fails to adequately inform the least sophisticated consumer of the amount of the alleged debt, and it seeks to collect unauthorized fees and costs.

17. Exhibit A is misleading in that the least sophisticated consumer can interpret Exhibit A two different ways, at least one of which is false.

18. Exhibit A indicates that interest has accrued on the account post charge off, but it does not indicate any information about how to calculate the interest as is required under *Carlin v. Davidson Fink LLP*, 852 F.3d 207, 216 (2d Cir. 2017).

19. Exhibit A also does not include the “safe harbor” language the Second Circuit outlined in *Avila v. Riexinger & Assocs., LLC*, 817 F.3d 72 (2d Cir. N.Y. 2016).

20. There is simply no way for the least sophisticated consumer to conclude the proper amount or status of the alleged debt. Nor can the consumer determine what interest and fees may continue to accrue. As such, Exhibit A violates 15 USC 1692e; 1692e(2); 1692e(5); 1692e(10); and 1692g(a).

21. Exhibit A also seeks to collect “Charges and Fees” in the amount of \$287.98 allegedly accrued after “charge off.”

22. Exhibit A also seeks to collect “Interest” in the amount of \$606.52 allegedly accrued after “charge off.”

23. The imposition of “Interest” “Charges” and “Fees” is illegal under the FDCPA unless the Defendant is able to show that the consumer agreed to such charges, or by showing that the fees and interest are permitted under law.

24. Defendant violated the FDCPA in imposing “interest” “charges” and/or “fees.” Imposing “interest” “charges” and/or “fees” after charge off without a legal basis for such violates 15 USC 1692e; 1692(2); 1692e(5); 1692g(a); 1692f; and 1692f(1).

25. In an attempt to collect the alleged debt, on or about February 1, 2017 Defendant sent Plaintiff a debt collection letter. **(Exhibit B)**

26. Exhibit B seeks to collect a total debt of \$11,750.74.

27. Exhibit B details the alleged debt as follows:

Current Creditor: U.S. Bank
Account No. – IL XXXXXX9451
WWR No: 30888398
Balance Due as of February 1, 2017: \$11,750.74

28. Exhibit B violates the FDCPA in that it fails to adequately inform the least sophisticated consumer of the amount of the alleged debt.

29. Exhibit B is misleading in that the least sophisticated consumer can interpret Exhibit B two different ways, at least one of which is false. Exhibit B does not indicate any information about how to calculate the interest as is required under *Carlin v. Davidson Fink LLP*, 852 F.3d 207, 216 (2d Cir. 2017).

30. Exhibit B also does not include the “safe harbor” language the Second Circuit outlined in *Avila v. Riexinger & Assocs., LLC*, 817 F.3d 72 (2d Cir. N.Y. 2016).

31. There is simply no way for the least sophisticated consumer to conclude the proper amount or status of the alleged debt. Nor can the consumer determine what interest and fees may continue to accrue. As such, Exhibit B violates 15 USC 1692e; 1692e(2); 1692e(5); 1692e(10); and 1692g(a).

32. Exhibit B also seeks to collect “Charges and Fees” in the amount of \$287.98 allegedly accrued after “charge off.”

33. Exhibit B also seeks to collect “Interest” in the amount of \$606.52 allegedly accrued after “charge off.”

34. The imposition of “Interest” “Charges” and “Fees” is illegal under the FDCPA unless the Defendant is able to show that the consumer agreed to such charges, or by showing that the fees and interest are permitted under law.

35. Defendant violated the FDCPA in imposing “interest” “charges” and/or “fees.” Imposing “interest” “charges” and/or “fees” after charge off without a legal basis for such violates 15 USC 1692e; 1692(2); 1692e(5); 1692g(a); 1692f; and 1692f(1).

36. Exhibits A and B appear on the letterhead indicating that the Defendants are attorneys. However Exhibit A and B do not contain an actual signature of an attorney. On information and belief no attorney meaningfully reviewed Exhibit A nor Exhibit B, prior to being sent to the Plaintiff. As such, Exhibits A and B falsely indicate that the documents had been created and approved by an attorney violating 15 USC 1692e(3).

37. The Defendant also violated 15 USC 1692c(b) and 15 USC 1692d in that Defendant communicated with third parties in connection with the alleged debt in by calling the Plaintiff's relatives and leaving messages at Plaintiff's relatives home indicating that they were attempting to collect a debt.

Class Action Allegations

38. Under Federal Rule of Civil Procedure 23, a class action is appropriate and preferable in this case because:

- a. Based on the fact that the collection letter at the heart of this litigation is a mass-mailed form letters, the class is so numerous that joinder of all members is impractical.
- b. There are questions of law and fact common to the class that predominate over any questions affecting only individual class members. These common questions include whether Exhibit A and/or Exhibit B violates the FDCPA.
- c. The claims of Plaintiff are typical of the class members' claims. All are based on the same facts and legal theories. The only individual issue is the identification of the consumers who received the letter, (*i.e.*, the class members), which is a matter capable of ministerial determination from the Defendants' records.
- d. Plaintiff will fairly and adequately represent the class members' interests. All claims are based on the same facts and legal theories and Plaintiff's interests are consistent with the interests of the class.
- e. Plaintiff has retained counsel experienced in bringing class actions and collection abuse claims.

39. A class action is superior for the fair and efficient adjudication of the class members' claims.

40. Congress specifically envisions class actions as a principal means of enforcing the FDCPA. *See* 15 U.S.C. § 1692k.

41. The class members are generally unsophisticated individuals unaware of the protections afforded them by the FDCPA, which rights will not be vindicated in the absence of a class action.

42. Prosecution of separate actions by individual members of the classes would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties and would not be in the interest of judicial economy.

43. If the facts are discovered to be appropriate, Defendant will seek to certify a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure.

44. This Count is brought by Plaintiff, individually, and on behalf of a class that, according to Defendant's records, consists of: (a) all individuals who have mailing addresses within the United States; and (b) within one year before the filing of this action; (c) were sent a collection letter in a form materially identical or substantially similar to Exhibit A and/or Exhibit B attached to Plaintiff's Complaint; (d) which was not returned by the postal service as undeliverable.

45. Collection letters, such as those sent by Defendant, are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."

Violations of the Fair Debt Collection Practices Act

46. Plaintiff restates, realleges, and incorporates herein by reference all foregoing paragraphs as if set forth fully in this Count.

Class Allegations Related to Exhibit A and Exhibit B

47. By sending Exhibit A, the Defendant violated 15 USC 1692g(a) in that the Defendant did not properly and effectively convey the amount of the debt. To the extent that the amount of the debt was conveyed it was confused and overshadowed by additional information provided by Defendant in Exhibit A.

48. By sending Exhibit A, the Defendant violated 15 U.S.C. §§ 1692 e,e(2), e(5), e(10) and 15 USC 1692g(a), by failing to clarify and detail if and how interest was accumulating on the debt. Exhibit A can be read two different ways at least one of which is false. It can be read to indicate that interest was accruing, in that Exhibit A states that that interest has accumulated post charge off. Exhibit A also states that \$11,750.74 was owed “As of the date of this letter...” which indicates to the least sophisticated consumer that the amount would change after the date of the letter. Alternatively, Exhibit A does not include any language specifically stating that interest was accumulating and how it was being calculated as required in the Second Circuit. This makes it impossible for the least sophisticated consumer to determine if and how interest was being assessed and the amount of the debt.

49. By sending Exhibit B, the Defendant violated 15 U.S.C. §§ 1692 e,e(2), e(5), and e(10), by failing to clarify and detail if and how interest was accumulating on the debt. Exhibit B can be read two different ways at least one of which is false. It can be read to indicate that interest was accruing, in that Exhibit B states that that \$11,750.74 was owed “As of February 1, 2017” which indicates to the least sophisticated consumer that the amount would change after that date. Alternatively, Exhibit B does not include any language specifically stating that interest was accumulating and how it was being calculated as required in the Second Circuit. This makes it impossible for the least sophisticated consumer to determine if and how interest was being assessed, and the amount of the debt.

50. By sending Exhibit A and Exhibit B seeking to collect “Interest” “Charges” and “Fees” post charge off, the Defendants violated 15 USC 1692e; 1692(2); 1692e(5); 1692g(a); 1692f; and 1692f(1).

51. Attempting to collect any additional interest, fees, or costs, is illegal under the FDCPA unless the Defendant is able to show that the consumer agreed to such charges, or by showing that such interest, fees, or costs are permitted under law. Defendant violated the FDCPA by imposing “interest” “charges” and/or “fees.” Imposing “interest” “charges” and/or “fees” after charge off without a legal basis for such violates 15 USC 1692e; 1692(2); 1692e(5); 15 USC 1692e(10); 1692g(a); 1692f; and 1692f(1).

52. Exhibits A and B appear on the letterhead indicating that the Defendants are attorneys. However, Exhibits A and B do not contain an actual signature of an attorney. On information and belief no attorney meaningfully reviewed Exhibit A nor Exhibit B,

prior to being sent to the Plaintiff. As such, Exhibits A and B falsely indicate that the documents had been created and approved by an attorney violating 15 USC 1692e(3).

53. Defendant's violations of 15 U.S.C. §1692, *et seq.*, render Defendant liable to Plaintiff and the Class.

54. As a result of Defendant's deceptive, insidious, and unfair debt collection practices, Defendant is liable to Plaintiff and the Class.

Communicating with Third Parties

55. The Defendant is also liable to Plaintiff for violating 15 USC 1692c(b) and 15 USC 1692d for calling the Plaintiff's relatives and leaving debt collection messages.

WHEREFORE, Plaintiff asks that this Court enter judgment in her favor and in favor of the members of the Class, against Defendant, awarding damages as follows:

- (A) Statutory damages as provided by § 1692k of the FDCPA;
- (B) Actual damages provided under the FDCPA, 15 U.S.C. 1692k;
- (C) Attorneys' fees, litigation expenses and costs incurred in bringing this action;
- (D) Declaratory relief declaring that Exhibit A violates the FDCPA; and
- (E) Any other relief this Court deems appropriate and just.

Jury Demand

Plaintiff demands trial by jury.

Dated: West Islip , New York
November 6, 2017



RESPECTFULLY SUBMITTED,

S/ JOSEPH MAURO
Joseph Mauro
The Law Offices of Joseph Mauro, LLC
306 McCall Ave.
West Islip, NY 11795
Tel: (631) 669-0921

EXHIBIT A

WELTMAN, WEINBERG & REIS Co., L.P.A.

ATTORNEYS AT LAW

Over 90 Years of Service

128 W. Lakeside Ave., Ste. 200 Cleveland, OH 44115-1109
(216) 333-8398 (877) 322-6879
MON-THURS 8AM-845PM, FRI 8AM-445PM, SAT 10AM-12PM

November 11, 2016.

JAZZMIN V WALTON
480 BAYVIEW AVE
AMITYVILLE NY 11701-2628

RE: Current Creditor: U.S. BANK
Account No. - ILXXXXX9451
WWR No.: 30888398

Balance Due as of November 11, 2016: \$11,750.74
Account Charge-off Date: 06/30/2015
Total Amount Due at Charge-off: \$10,856.24
Total Interest Charged Since Charge-off: \$606.52
Total Charges and Fees Since Charge-off: \$287.98
Total Payment(s) Made Since Charge-off: \$.00

Dear JAZZMIN V WALTON:

Please be advised that the above referenced account has been placed with us to collect the outstanding balance due and owing on this account to the current creditor referenced above. As of the date of this letter you owe the amount listed above. Therefore, it is important that you contact us at 1-877-322-6879 to discuss an appropriate resolution for this matter. Additionally, you may be able to pay on your account online via our web pay website at www.wwrepay.com.

This communication is from a debt collector attempting to collect this debt for the current creditor and any information obtained will be used for that purpose. Unless you dispute the validity of this debt, or any portion thereof, within thirty (30) days after receipt of this letter, we will assume that the debt is valid. If you notify us in writing within the thirty (30) day period that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or a copy of a judgment and a copy of such verification or judgment will be mailed to you. If you request in writing within the thirty (30) day period, we will provide you with the name and address of the original creditor if different from the current creditor.

Thank you for your attention to this matter.

Sincerely,

Weltman, Weinberg & Reis Co., L.P.A.

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION ABOUT YOUR RIGHTS

For more information on your account, please detach the bottom portion and return with your payment.

EXHIBIT B

WELTMAN, WEINBERG & REIS Co., LPA

ATTORNEYS AT LAW

(over 80 Years of Service)

323 W. Lakeside Ave. Ste. 200 Cleveland, OH 44113-1009
(216) 335-5393 (877) 322-6879
MON-THURS 9AM-845PM, FRI 9AM-445PM EST

February 1, 2017

JAZZMIN V WALTON
480 BAYVIEW AVE
AMITYVILLE NY 11701-2628

Re: Current Creditor: U.S. BANK
Account No.: ILXXXXX9451
WWR File No.: 30888398
Balance Due as of February 1, 2017: \$11,750.74

Dear JAZZMIN V WALTON:

As you are aware we represent the above referenced current creditor on the aforementioned account. Perhaps you already spoke to a collection representative who explained the seriousness of this matter, or maybe you have not yet called us to discuss repayment options. In any event it is our desire to resolve this matter timely and amicably without further collection efforts. We invite you to call us toll free at 1-877-322-6879 to discuss an opportunity to receive significant savings by settling this matter for a reduced amount. Additionally, you may be able to pay on your account online via our web pay website at www.wwrepay.com.

This communication is from a debt collector attempting to collect this debt for the current creditor and any information obtained will be used for that purpose.

Thank you for your anticipated willingness to resolve this matter.

Sincerely,

Weltman, Weinberg & Reis Co., L.P.A.

To receive proper credit on your account, please detach the bottom portion and return with your payment in the enclosed envelope CONWELT0134

323 W. Lakeside Ave. Ste. 200
Cleveland, OH 44113-1009
ADDRESS SERVICE REQUESTED

WWR FILE NO. - 30888398
Balance Due as of February 1, 2017: \$11,750.74

February 1, 2017

WELTMAN, WEINBERG & REIS CO., L.P.A.
P.O. Box 6597
Cleveland, OH 44101-1597

H26/34/22962743/0335-34 337015058



JAZZMIN V WALTON
480 BAYVIEW AVE
AMITYVILLE NY 11701-2628

H26/34/22962743/0335

JS 44 (Rev. 09/11)

CIVIL COVER SHEET

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

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.)

NOV 08 2017

<p>I. (a) PLAINTIFFS Jazzmin Walton on behalf of herself and all others similarly situated,</p> <p>(b) County of Residence of First Listed Plaintiff <u>Suffolk</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Joseph Mauro, Esq. 306 McCall Ave. West Islip, NY 11795</p>	<p>DEFENDANTS WELTMAN, WEINBERG & REISON, P.A. ISLAND OFFICE</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p style="font-size: 2em; text-align: center;">CV 17 6516</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Plaintiff</td> <td style="width:33%;">Defendant</td> </tr> <tr> <td> <p>Citizen of This State <input type="checkbox"/> 1</p> <p>Citizen of Another State <input type="checkbox"/> 2</p> <p>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3</p> </td> <td> <p>Incorporated or Principal Place of Business In This State <input type="checkbox"/> 1</p> <p>Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 2</p> <p>Foreign Nation <input type="checkbox"/> 3</p> </td> </tr> </table>	Plaintiff	Defendant	<p>Citizen of This State <input type="checkbox"/> 1</p> <p>Citizen of Another State <input type="checkbox"/> 2</p> <p>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3</p>	<p>Incorporated or Principal Place of Business In This State <input type="checkbox"/> 1</p> <p>Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 2</p> <p>Foreign Nation <input type="checkbox"/> 3</p>
Plaintiff	Defendant				
<p>Citizen of This State <input type="checkbox"/> 1</p> <p>Citizen of Another State <input type="checkbox"/> 2</p> <p>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3</p>	<p>Incorporated or Principal Place of Business In This State <input type="checkbox"/> 1</p> <p>Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 2</p> <p>Foreign Nation <input type="checkbox"/> 3</p>				

SUMMONS ISSUED

FEUERSTEIN, J.

BROWN, M. J.

IV. NATURE OF SUIT (Place an "X" in One Box Only)			FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Med. Malpractice</p>	<p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p>	<p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p>	<p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input checked="" type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 440 Other Civil Rights</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 448 Education</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p>	<p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p>	<p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p>	<p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>
			<p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition)</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>		

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 USC 1692 et seq.

Brief description of cause:
Debt Collection Abuse

VII. 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

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

DATE: 11/07/2017 SIGNATURE OF ATTORNEY OF RECORD: /s/ Joseph Mauro

FOR OFFICE USE ONLY

RECEIPT # 23951 AMOUNT \$400.00 APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, Joseph mauro, counsel for Plaintiff, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason **Case is a class action. An arbitrator can't certify class. Damages may exceed \$150,000 depending on Defendant's Net Worth.**

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

None

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? Yes
 - b) Did the events of omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? _____

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

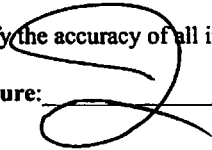
I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature:  _____

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Weltman, Weinberg & Reis Hit with Multiple-Count FDCPA Lawsuit in New York](#)
