

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

JAMES WILLIAMS, KIM MORGAN, and
MARK MOREHOUSE, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

STATE COLLECTION SERVICE, INC.,

Defendant.

) Case No.: 17-cv-532

) **CLASS ACTION COMPLAINT**

) **Jury Trial Demanded**

INTRODUCTION

1. This class action seeks redress for collection practices that violate the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (the “FDCPA”).

JURISDICTION AND VENUE

2. The court has jurisdiction to grant the relief sought by the Plaintiff pursuant to 15 U.S.C. § 1692k and 28 U.S.C. §§ 1331 and 1337. Venue in this District is proper in that Defendant directed its collection efforts into the District.

PARTIES

3. Plaintiff James Williams is an individual who resides in the Eastern District of Wisconsin (Milwaukee County).

4. Plaintiff Kim Morgan is an individual who resides in the Eastern District of Wisconsin (Milwaukee County).

5. Plaintiff Mark Morehouse is an individual who resides in the Eastern District of Wisconsin (Milwaukee County).

6. Each Plaintiff is a “consumer” as defined in the FDCPA, 15 U.S.C. § 1692a(3), in that Defendant sought to collect from each Plaintiff a debt allegedly incurred for personal, family or household purposes.

7. Defendant State Collection Service, Inc. (“SCS”) is a corporation with its principal place of business located at 2509 S. Stoughton Rd., Madison, WI 53716.

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

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

FACTS

Williams Letter

10. Plaintiff Williams entered into consumer transactions with “Aurora Adv HC Bay View Clinic,” “Aurora St Lukes Medical Center” and “PB Aurora St Lukes Medical Center” or an affiliate or predecessor corporation.

11. Each consumer transaction was incurred for personal medical services.

12. Further, each consumer transaction involved agreements to render services and defer payment. Plaintiff was not expected to pay at the time medical services were rendered, but was billed at a later date. Thus, payment was deferred by agreement. *See Tylke v. Advanced Pain Mgmt., S.C.*, Case No. 14cv5354 (Milwaukee Co. Cir. Ct., Dec. 11, 2014) (“Any time a merchant sends a bill for goods or services after a consumer transaction has taken place, there is an ‘agreement to defer payment.’”).

13. On or about June 3, 2016, SCS mailed a debt collection letter to Plaintiff Williams regarding an alleged debt owed to the creditors listed in Paragraph 10. A copy of this letter is attached to this complaint as Exhibit A.

14. Exhibit A lists the following:

Creditor	Client Acct #	Service Date	Account Balance
AURORA ADV HC BAY VIEW CLINIC	[REDACTED]	8041 04/01/15	\$5.00
AURORA ST LUKES MEDICAL CENTER	[REDACTED]	8041 09/12/15	\$27.00
PB AURORA ST LUKES MEDICAL CENTER	[REDACTED]	8041 11/20/15	\$537.75
Total Amount Due:			\$ 569.75

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

16. Exhibit A includes the following language:

The following is a list of your accounts and their current balances due this department at this time. Be advised, there may be other claims owing in a different department from this same office.

17. Exhibit A is confusing and misleading to the unsophisticated consumer.

18. Exhibit A simultaneously tells the unsophisticated consumer that the “Account Balance” and “Total Amount Due” is \$569.75, but then states “There may be other claims owing in a different department from this same office.”

Morgan Letter

19. Plaintiff Morgan entered into one or more consumer transactions with “Aurora Sinai Medical Center” and “PB Aurora Sinai Medical Center” or an affiliate or predecessor corporation.

20. Each consumer transaction was incurred for personal medical services.

21. Further, each consumer transaction involved agreements to render services and defer payment. Plaintiff was not expected to pay at the time medical services were rendered, but was billed at a later date. Thus, payment was deferred by agreement. *See Tylke v. Advanced Pain Mgmt., S.C.*, Case No. 14cv5354 (Milwaukee Co. Cir. Ct., Dec. 11, 2014) (“Any time a merchant

sends a bill for goods or services after a consumer transaction has taken place, there is an ‘agreement to defer payment.’”).

22. On or about June 26, 2016, SCS mailed a debt collection letter to Plaintiff regarding an alleged debt owed to the creditors listed in Paragraph 23. A copy of this letter is attached to this complaint as Exhibit B.

23. Exhibit B lists the following:

Creditors:	Client Acct #	Service Date	Account Balance:
AURORA SINAI MEDICAL CENTER	[REDACTED]	0887 06/14/15	\$1197.00
PB AURORA SINAI MEDICAL CENTER	[REDACTED]	0887 06/14/15	\$72.05
PB AURORA SINAI MEDICAL CENTER	[REDACTED]	0887 06/14/15	\$172.70

This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

24. Exhibit B states:

"Amount: \$1441.75"

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

26. Exhibit B includes the following language:

The account number above is an account number we assigned to an account in our office. You may have more than one account in our office that is the subject of your payment arrangement. There may be other accounts in another department in our office.

27. Exhibit B is confusing and misleading to the unsophisticated consumer.

28. Exhibit B simultaneously tells the unsophisticated consumer an “Account Balance” and states an "Amount" of \$1441.75, but then states “There may be other accounts in another department in our office.”

Morehouse Letter

29. Plaintiff Morehouse entered into one or more consumer transactions with “Lakeshore Medical Clinic Southpointe” and “Aurora West Allis Medical Center” or an affiliate or predecessor corporation.

30. Each consumer transaction was incurred for personal medical services.

31. Further, each consumer transaction involved agreements to render services and defer payment. Plaintiff was not expected to pay at the time medical services were rendered, but was billed at a later date. Thus, payment was deferred by agreement. *See Tylke v. Advanced Pain Mgmt., S.C.*, Case No. 14cv5354 (Milwaukee Co. Cir. Ct., Dec. 11, 2014) (“Any time a merchant sends a bill for goods or services after a consumer transaction has taken place, there is an ‘agreement to defer payment.’”).

32. On or about August 18, 2016, SCS mailed a debt collection letter to Plaintiff regarding an alleged debt owed to the above creditors. A copy of this letter is attached as Exhibit C.

33. Upon information and belief, Exhibit C is a form letter, generated by computer, and with the information specific to Plaintiff inserted by computer.

34. Exhibit C lists the following:

Creditors:	Client Acct #	Service Date	Account Balance:
LAKESHORE MEDICAL CLINIC SOUTHPOINTE	[REDACTED] 0798	09/11/15	\$0.00
LAKESHORE MEDICAL CLINIC SOUTHPOINTE	[REDACTED] 0798	09/11/15	\$75.96
AURORA WEST ALLIS MEDICAL CENTER	[REDACTED] 0798	12/28/15	\$65.00

35. Exhibit C states:

Your payment of \$ 140.96 is due 08/25/16.

Amount: \$ 140.96

36. Exhibit C also includes the text:

The account number above is an account number we assigned to an account in our office. You may have more than one account in our office that is the subject of your payment arrangement. There may be other accounts in another department in our office.

37. Exhibit C is confusing and misleading to the unsophisticated consumer.

38. Exhibit C simultaneously tells the unsophisticated consumer that the “Amount” owed and “payment due” are \$140.96, but then states “There may be other accounts in another department in our office.”

39. The unsophisticated consumer would have no idea whether payment of the "Account Balance," "Total Amount Due," or "Amount" would satisfy their debt with SCS. It is extremely common for patients to receive multiple bills – for example, from the hospital, and from the physician’s group and from the laboratory – from a single visit to a medical provider. It is also very common for those multiple bills to be processed together through the provider’s billing department, and if not paid, sent together to the same third party debt collector.

40. Indeed, if there are any additional accounts that SCS is assigned to collect from Plaintiffs, payment of the “Account Balance” would most definitely *not* satisfy the account balance.

41. SCS’s conduct is comparable to the conduct in *Chuway v. Nat’l Action Fin. Servs.*, 362 F.3d 944, (7th Cir. 2004). In *Chuway*, the debt collector violated the FDCPA by stating a “balance,” but also stating: “To obtain your most current balance information, please call [the debt collector].” As in *Chuway*, Exhibit A, Exhibit B and Exhibit C state a balance or amount due and then state that the balance may not actually be the balance. Such conduct violates the FDCPA.

42. Additionally, Exhibit C states: "Lakeshore Medical Clinic Southpointe Account Balance: \$0.00."

43. An account balance of \$0.00 is inherently confusing and ambiguous. Debt collection, by nature, requires an "amount due." A creditor or debt collector billing a consumer to "pay" an account for which there is a \$0.00 "amount due" is not a debt. A creditor and/or debt collector has no enforceable right to *anything* from a consumer regarding an account with a zero balance. Contacting a consumer to collect a \$0.00 balance is harassment and taking action by sending debt collection letters that cannot legally be taken because, by definition, no debt exists.

44. Alternatively, if a debt does exist and SCS has incorrectly represented the balance to be zero, then SCS has misrepresented the "character, amount, or legal status" of the debt.

45. Plaintiffs were confused by Exhibits A-C.

46. The unsophisticated consumer would be confused by Exhibits A-C.

47. Plaintiffs had to spend time and money investigating Exhibits A-C.

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

49. 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).

50. 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”).

51. 15 U.S.C. § 1692e generally prohibits “any false, deceptive, or misleading representation or means in connection with the collection of any debt.”

52. 15 U.S.C. § 1692e(2) specifically prohibits the “false representation of the character, amount, or legal status” of an alleged debt, or the “false representation of...compensation which may be lawfully received by any debt collector for the collection” of an alleged debt.

53. 15 U.S.C. § 1692e(5) specifically prohibits threatening “to take any action that cannot legally be taken or that is not intended to be taken.”

54. 15 U.S.C. § 1692e(10) specifically prohibits the “use of any false representation or deceptive means to collect or attempt to collect any debt.”

COUNT I – FDCPA

55. Plaintiffs incorporate by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

56. Count I is brought on behalf of all Plaintiffs.

57. Exhibit A simultaneously tells the unsophisticated consumer his or her “Account Balance,” but then states “There may be other claims owing in a different department from this same office.”

58. Likewise, Exhibit B and Exhibit C simultaneously tell the unsophisticated consumer his or her “Account Balance,” but then state “There may be other accounts in another department in our office.”

59. Exhibits A-C contradict themselves and misrepresent the “character, amount, or legal status” of the alleged debt by implying that the balance listed on Exhibits A-C may not be the actual balance due.

60. Defendant violated 15 U.S.C. §§ 1692e, 1692e(2)(a), and 1692e(10).

COUNT II – FDCPA

61. Plaintiffs incorporate by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

62. Count II is brought on behalf of Plaintiff Morehouse.

63. Exhibit A attempts to collect an "Account Balance" of \$0.00 from Plaintiff.

64. Exhibit A contradicts itself and misrepresents the “character, amount, or legal status” of the alleged debt by implying that a debt exists when, in fact, a zero balance means no debt exists.

65. Alternatively, if a debt does exist and SCS has incorrectly represented the balance to be zero, then SCS has misrepresented the “character, amount, or legal status” of the debt.

66. Defendant violated 15 U.S.C. §§ 1692e, 1692e(2)(a), 1692e(5) and 1692e(10).

CLASS ALLEGATIONS

67. Plaintiffs bring this action on behalf of two classes.

68. Class One consists of (a) all natural persons in the State of Wisconsin, (b) who were sent a collection letter in the form represented by Exhibit A or Exhibit B or Exhibit C to the complaint in this action, (c) seeking to collect a debt, incurred for personal, family or household purposes (d) between April 13, 2016 and April 13, 2017, inclusive, (e) that was not returned by the postal service. Class One shall be called the "Same Office" class and the designated representatives are Plaintiffs Williams, Morgan and Morehouse.

69. Class Two consists of (a) all natural persons in the State of Wisconsin (b) to whom defendant SCS sent a collection letter stating an Account Balance of \$0.00, (c) seeking to collect one or more debts incurred for medical services, (d) between April 13, 2016 and April 13, 2017, inclusive, (f) that was not returned by the postal service. Class Two shall be called the "Zero Account Balance" class and the designated representative is Plaintiff Morehouse.

70. Each Class is so numerous that joinder is impracticable. On information and belief, there are more than 50 members of each Class.

71. There are questions of law and fact common to the members of each class, 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(2)(a), 1692e(5), and 1692e(10).

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

73. 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.

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

JURY DEMAND

75. Plaintiffs hereby demand a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court enter judgment in favor of Plaintiffs and the Classes 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: April 13, 2017

ADEMI & O'REILLY, LLP

By: /s/ John D. Blythin
Shpetim Ademi (SBN 1026973)
John D. Blythin (SBN 1046105)
Mark A. Eldridge (SBN 1089944)
Denise L. Morris (SBN 1097911)
3620 East Layton Avenue
Cudahy, WI 53110

(414) 482-8000
(414) 482-8001 (fax)
sademi@ademilaw.com
jblythin@ademilaw.com
meldridge@ademilaw.com
dmorris@ademilaw.com

EXHIBIT A



June 3, 2016

The following is a list of your accounts and their current balances due this department at this time. Be advised, there may be other claims owing in a different department from this same office.

Account #: [REDACTED] 3034

Creditor	Client Acct #	Service Date	Account Balance
AURORA ADV HC BAY VIEW CLINIC	[REDACTED]	8041 04/01/15	\$5.00
AURORA ST LUKES MEDICAL CENTER	[REDACTED]	8041 09/12/15	\$27.00
PB AURORA ST LUKES MEDICAL CENTER	[REDACTED]	8041 11/20/15	\$537.75
Total Amount Due:			\$ 569.75

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.

PAYMENT OPTIONS:

1. Cash, check, credit card, debit card or money order.
2. E-Z Pay Line: Call 608-441-5010 or toll free 877-677-4862

This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

*** Detach Lower Portion and Return with Payment***

127ONSTAT107408



PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

IF PAYING BY CREDIT CARD, FILL OUT BELOW	
CIRCLE CARD USING FOR PAYMENT	<input type="checkbox"/> VISA <input type="checkbox"/> M/C <input type="checkbox"/> DISC <input type="checkbox"/> AmEx
CARD NUMBER + 3or 4-DIGIT SECURITY CODE (on back)	AMOUNT
SIGNATURE	EXP DATE

June 3, 2016

7408-S1 143856197
James Williams
3137A S Clement Ave
Milwaukee WI 53207-2835

State Collection Service, Inc.
PO Box 6250
Madison WI 53716-0250

Phone Number (608) 661-3063 or Toll Free (800) 207-6153

[REDACTED] 3034 00000056975 0

Exhibit B



June 26, 2016

Account #: [REDACTED] 9527

***** REMINDER *****

Your payment of \$ 400.00 is due 07/03/16.

You may sign up for email notifications.

If you would like to receive notices by email, please visit: <http://www.statecollectionsservice.com/emailme>. When you sign up for email notifications, please use the account number above.

PAYMENT OPTIONS:

1. Cash, check, credit card, debit card or money order.
2. E-Z Pay Line: Call 608-441-5010 or toll free 877-677-4862
3. Online at ezpay.statecol.com using access code: [REDACTED]

To assure proper credit please write this number [REDACTED] 9527 on your check or money order.

The account number above is an account number we assigned to an account in our office. You may have more than one account in our office that is the subject of your payment arrangement. There may be other accounts in another department in our office.

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.

Creditors:

AURORA SINAI MEDICAL CENTER
 PB AURORA SINAI MEDICAL CENTER
 PB AURORA SINAI MEDICAL CENTER

Client Acct #

[REDACTED] 0887
 [REDACTED] 0887
 [REDACTED] 0887

Service Date

06/14/15
 06/14/15
 06/14/15

Account Balance:

\$1197.00
 \$72.05
 \$172.70

This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

Detach Lower Portion and Return with Payment

127ONSTAT107569



PO Box 1022
 Wixom MI 48393-1022
 ADDRESS SERVICE REQUESTED

IF PAYING BY CREDIT CARD, FILL OUT BELOW	
CIRCLE CARD USING FOR PAYMENT	
Card Number + 3 or 4-digit security code (on back of card)	AMOUNT
SIGNATURE	EXP. DATE

June 26, 2016

S1 161107449

 Kim Morgan
 1032 E Knapp St Rm 704-A
 Milwaukee WI 53202-3845

State Collection Service, Inc.
 PO Box 6250
 Madison WI 53716-0250

Phone Number (608) 661-3063 or Toll Free (800) 207-6153

Account # [REDACTED] 9527
 Amount: \$1,441.75

Exhibit C



August 18, 2016

Account # [REDACTED] 3381

***** REMINDER *****

Your payment of \$ 140.96 is due 08/25/16.

You may sign up for email notifications.

If you would like to receive notices by email, please visit: <http://www.statecollectionservice.com/emailme>. When you sign up for email notifications, please use the account number above.

PAYMENT OPTIONS:

- 1. Cash, check, credit card, debit card or money order.
- 2. E-Z Pay Line: Call 608-441-5010 or toll free 877-677-4862
- 3. Online at ezpay.statecol.com using access code: [REDACTED]

To assure proper credit please write this number 38938381 on your check or money order.

The account number above is an account number we assigned to an account in our office. You may have more than one account in our office that is the subject of your payment arrangement. There may be other accounts in another department in our office.

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.

Creditors:	Client Acct #	Service Date	Account Balance:
LAKESHORE MEDICAL CLINIC SOUTHPOINTE	[REDACTED] 0798	09/11/15	\$0.00
LAKESHORE MEDICAL CLINIC SOUTHPOINTE	[REDACTED] 0798	09/11/15	\$75.96
AURORA WEST ALLIS MEDICAL CENTER	[REDACTED] 0798	12/28/15	\$65.00

This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

Detach Lower Portion and Return with Payment

127ONSTAT107559



PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

IF PAYING BY CREDIT CARD, FILL OUT BELOW	
CIRCLE CARD USING FOR PAYMENT	
Card Number + 3 or 4-digit security code (on back of card)	AMOUNT
SIGNATURE	EXP. DATE

August 18, 2016

S1 202692170



Mark Morehouse
8010 W Howard Ave
Milwaukee WI 53220-1614

State Collection Service, Inc.
PO Box 6250
Madison WI 53716-0250



Phone Number (608) 661-3063 or Toll Free (800) 207-6153

Account # [REDACTED] 3381

Amount: \$ 140.96

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

JAMES WILLIAMS, et al.

(b) County of Residence of First Listed Plaintiff Milwaukee

(EXCEPT IN U.S. PLAINTIFF CASES)

(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

DEFENDANTS

STATE COLLECTION SERVICE, INC.

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.

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	<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"/> 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"/> 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"/> 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	<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"/> 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"/> 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"/> 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	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 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	PRISONER PETITIONS	<input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 441 Voting	<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	<input type="checkbox"/> 442 Employment	<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"/> 443 Housing/Accommodations	<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"/> 444 Welfare	<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"/> 445 Amer. w/Disabilities - Employment	IMMIGRATION		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<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"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State 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
- 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 \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

April 13, 2017

SIGNATURE OF ATTORNEY OF RECORD

s/ John D. Blythin

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IEP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

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

JAMES WILLIAMS, KIM MORGAN
and MARK MOREHOUSE

Plaintiff

v.

STATE COLLECTION SERVICE, INC.

Defendant

Civil Action No. 17-cv-532

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) STATE COLLECTION SERVICE, INC.
c/o THOMAS D HAAG
2509 S STOUGHTON RD
MADISON, WI 53716

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-532

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: [State Collection Service Faces FDCPA Lawsuit](#)
