

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

LETICIA WOODS, ELAINE BONIN,  
MANDY CERVENY, JEFFREY MERKOVICH,  
WENDY UNTERSCHINE, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

PRA GROUP INC. and PORTFOLIO  
RECOVERY ASSOCIATES, LLC,

Defendants.

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) Case No.: 18-cv-1724

) **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 Plaintiffs 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 Leticia Woods is an individual who resides in the Eastern District of Wisconsin (Milwaukee County).

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

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

6. Plaintiff Jeffrey Merkovich is an individual who resides in the Eastern District of Wisconsin (Milwaukee County).

7. Plaintiff Wendy Untersshine is an individual who resides in the Eastern District of Wisconsin (Milwaukee County).

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

9. Defendant PRA Group, Inc. is a debt collection agency with its principal offices located at 120 Corporate Blvd., Norfolk, VA 23502.

10. Upon information and belief, the entity named “Portfolio Recovery Associates, LLC” is a wholly owned subsidiary of PRA Group, Inc., and its principal offices are also located at 120 Corporate Blvd., Norfolk, VA 23502.

11. Upon information and belief, PRA Group, Inc. purchases and owns consumer debts and Portfolio Recovery Associates, LLC collects those debts on PRA’s behalf. Hereafter, both entities will be referred to collectively as “PRA.”

12. The FDCPA defines a “debt” as “any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.”

13. The FDCPA defines a “debt collector” as “any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, *or* who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.” 15 U.S.C. § 1692a(6)

(emphasis added); *Tepper v. Amos Fin., LLC*, 898 F.3d 364, 370-71 (3d Cir. 2018); *see also*, *Barbato v. Greystone All., LLC*, Civil Action No. 3:13-2748, 2017 U.S. Dist. LEXIS 189994, at \*24-30 (M.D. Pa. Nov. 16, 2017); *Tepper v. Amos Fin., LLC*, No. 15-cv-5834, 2017 U.S. Dist. LEXIS 127697, at \*20-22 (E.D. Pa. Aug. 9, 2017), *aff'd.*, 898 F.3d 364 (“the statute provides two possible paths for a plaintiff to prove that a particular defendant is a ‘debt collector.’ Subject to certain exceptions not relevant here, the defendant will be a debt collector if either (1) its ‘principal purpose . . . is the collection of any debts,’ or (2) it ‘regularly collects or attempts to collect . . . debts owed or due . . . another.’”); *Chenault v. Credit Corp Sols.*, 2017 U.S. Dist. LEXIS 197747, at \*4-6 (E.D. Pa. Dec. 1, 2017); *Kurtzman v. Nationstar Mortg. LLC*, No. 16 17236, 2017 U.S. App. LEXIS 19750, at \*6-7 (11th Cir. Oct. 10, 2017); *Skinner v. LVNV Funding LLC*, 2018 U.S. Dist. LEXIS 2812, at \*7-8 (N.D. Ill. Jan 8, 2018); *Mitchell v. LVNV Funding LLC*, 2017 U.S. Dist. LEXIS 206440, at \*7-12 (N.D. Ind. Dec. 15, 2017); *Skibbe v. U.S. Bank Trust, N.A.*, 2018 U.S. Dist. LEXIS 24581, at \*13-14 (Feb. 15, 2018).

14. The primary purpose of PRA’s business, and PRA’s principal purpose, is the collection of consumer debts. PRA’s 2016 Form 10-K states:

Our primary business is the purchase, collection and management of portfolios of nonperforming loans that have been charged-off by the credit grantor. The accounts we acquire are primarily the unpaid obligations of individuals owed to credit grantors, which include banks and other types of consumer, retail, and auto finance companies. We acquire portfolios of nonperforming loans in two broad categories: Core and Insolvency. Our Core operation specializes in purchasing and collecting receivables. Because the credit grantor and/or other debt servicing companies have unsuccessfully attempted to fully collect these receivables, we are able to purchase them at a substantial discount to their face value. Our Insolvency operation consists primarily of purchasing and collecting accounts that are involved in a Chapter 13 bankruptcy proceeding from credit grantors based in the U.S, but also includes the purchasing and collecting of insolvent accounts in Europe and Canada.

Available at <https://www.sec.gov/Archives/edgar/data/1185348/000118534816000067/praa-20151231x10k.htm>.

15. PRA is engaged in the business of a collection agency, using the mails and telephone to collect defaulted consumer debts.

16. PRA is also engaged in the business of a collection agency under Wisconsin law, in that it purchases and receives assignment of consumer debts that are in default at the time PRA acquires them.

17. A company meeting the definition of a “debt collector” (here, PRA Group, Inc.) is vicariously liable for the actions of a second company collecting debts on its behalf (i.e. Portfolio Recovery Associates, LLC). *Janetos v. Fulton Friedman & Gullace, LLP*, 825 F.3d 317, 325-26 (7th Cir. 2016) (assignees who are “debt collectors” are responsible for the actions of those collecting on their behalf); *citing Pollice*, 225 F.3d at 404-05.

18. PRA is a debt collector as defined in 15 U.S.C. § 1692a.

## **FACTS**

### ***Facts Related to Plaintiff Woods***

19. On or about November 2, 2017, PRA mailed a debt collection letter to Plaintiff Woods regarding an alleged debt owed to “Portfolio Recovery Associates, LLC” and originally owed to “CAPITAL ONE BANK (USA) N.A.” A copy of this letter is attached to this complaint as Exhibit A.

20. Upon information and belief, the alleged debt referenced in Exhibit A was incurred by use of a credit card, used only for personal, family, or household purposes.

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

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

23. Exhibit A states: “This letter is to confirm your authorization on 10/31/2017 of recurring payments from you debit card ending in 7796.”

24. Exhibit A also states:

**\*\*\*PLEASE NOTE: Any changes to the authorized arrangements must be made at least 72 hours prior to the scheduled date by contacting one of our representatives by phone at 1-800-772-1413 during our hours of operation.\*\*\***

25. The statement: “Any changes to the authorized arrangements must be made at least 72 hours prior to the scheduled date and by contacting one of our representatives by phone...” is false, deceptive, and misleading to the unsophisticated consumer. *See, e.g., Williams v. NCB Mgmt. Servs.*, 2018 US Dist. LEXIS 111063 (N.D. Ill. July 3, 2018); *Koval v Harris & Harris, Ltd.*, 2017 U.S. Dist. LEXIS 53124 (N.D. Ill. Apr. 5, 2017).

26. Under the Electronic Fund Transfer Act, 15 U.S.C. § 1693, *et seq.*, Plaintiff Woods could have cancelled her pre-authorized payment by contacting her bank directly by telephone or in writing.

27. Specifically, 15 U.S.C. § 1693e(a) provides: “A consumer may stop payment of a preauthorized electronic fund transfer by notifying the financial institution orally or in writing at any time up to three business days preceding the scheduled date of such transfer.” *See also* 12 C.F.R. § 205.10(c)(1) (“Regulation E”).

28. By stating: “Any changes to the authorized arrangements must be made at least 72 hours prior to the scheduled date and by contacting one of our representatives by phone,” Exhibit A falsely indicates that the only way Plaintiff Woods could cancel her preauthorized

electronic fund transfer was to contact PRA directly by phone rather than contact her bank by phone or in writing.

29. In *Williams*, a court in the Northern District of Illinois held that allegations that similar language violated the FDCPA stated a claim:

[I]t is plausible that an unsophisticated debtor—who would be unaware that Regulation E permits her to cancel the payments by calling her bank—would conclude that the sole means of cancellation listed in the letter (calling NCB) is the only one available.

*Williams*, 2018 US Dist. LEXIS 111063 at \*5.

30. Furthermore, the debt collection letter at issue in *Williams* stated: “You *may* cancel this Authorization by calling us toll free at the listing on the front of this letter at least three business days before you wish the cancellation to be effective.” *Id.* at \*2. (emphasis added).

31. Conversely, Exhibit A states: “Any changes to the authorized arrangements *must* be made at least 72 hours prior to the scheduled date and by contacting one of our representatives by phone.” (emphasis added).

32. Plaintiff Woods was confused and misled by Exhibit A.

33. The unsophisticated consumer would be confused and misled by Exhibit A.

34. Plaintiff Woods had to spend time and money investigating Exhibit A, and the consequences of any potential responses to Exhibit A.

#### ***Facts Related to Plaintiff Bonin***

35. On or about December 1, 2017, PRA mailed a debt collection letter to Plaintiff Bonin regarding an alleged debt owed to “PORTFOLIO RECOVERY ASSOCIATES, LLC” and originally owed to “CAPITAL ONE BANK (USA) NA.” A copy of this letter is attached to this complaint as Exhibit B.

36. Upon information and belief, the alleged debt referenced in Exhibit B was incurred by use of a credit card, used only for personal, family, or household purposes.

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

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

39. Upon information and belief, Exhibit B was the first written communication Plaintiff Bonin received from PRA regarding the alleged debt referenced in Exhibit B.

40. Exhibit B contains the validation notice that the FDCPA, 15 U.S.C. § 1692g, requires debt collectors to provide along with their initial communications:

Unless you notify this office within 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 30 days from 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 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.

41. Exhibit B additionally contains the following text:

**DISPUTES:** Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502  
**DISPUTES E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

42. The instruction in Exhibit B that the consumer may “Call 1-800-772-1413,” to communicate “DISPUTES” is false, deceptive, misleading, and confusing to the unsophisticated consumer because it contradicts, overshadows, and confuses the debt validation notice stated in Exhibit B, and encourages the consumer to forego her verification rights by communicating disputes orally rather than in writing.

43. 15 U.S.C. § 1692g(a)(4) states:

(a) Notice of debt; contents

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

...

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

44. To trigger verification rights, the debtor must provide the debt collector with written notification that there is a dispute. 15 U.S.C. § 1692g(a)(4); *see Evans v. Portfolio Recovery Assocs., LLC*, 889 F.3d 337, 347-48 (7th Cir. 2018) (oral disputes do not entitle consumers to verification rights, including “the ultimate power vis-à-vis debt collectors: the power to demand cessation of all collection activities”); *see also McCabe v. Crawford & Co.*, 272 F. Supp. 2d 736, 743 (N.D. Ill. July 8, 2003) (“If the debtor gives only *oral* notification of the dispute, the FDCPA imposes no requirement on the debt collector to obtain verification of the debt.”) (citing *Fasten v. Zager*, 49 F. Supp. 2d 144, 149 (E.D.N.Y. May 20, 1999)).

45. Upon receiving a *written* dispute from the consumer within the 30-day debt validation period, the FDCPA requires the debt collector to contact the creditor and obtain verification of the debt before conducting any further collection efforts. 15 U.S.C. § 1692g(b):

**(b) Disputed debts**

If the consumer notifies the debt collector in writing within the thirty-day period described in subsection (a) that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall cease collection of the debt, or any disputed portion thereof, until the debt collector obtains verification of the debt or a copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector. Collection activities and communications that do not otherwise violate this



subchapter may continue during the 30-day period referred to in subsection (a) unless the consumer has notified the debt collector in writing that the debt, or any portion of the debt, is disputed or that the consumer requests the name and address of the original creditor. 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.

46. Congress adopted a specific FDCPA dispute procedure in 15 U.S.C. § 1692g “to eliminate the recurring problem of debt collectors dunning the wrong person or attempting to collect debts which the consumer has already paid.” *Majeski v. I.C. Sys.*, 2010 U.S. Dist. LEXIS 1830, at \*22 n.6 (quoting *Swanson v. Southern Oregon Credit Serv., Inc.*, 869 F.2d 1222, 1225 (9th Cir. 1988)).

47. Courts within the Seventh Circuit and throughout the country have found that a debt collector overshadows the debtor's statutory validation rights by directing consumers to dispute their debts by telephone. *See Laniado v. Certified Credit & Collection Bureau*, 705 Fed. Appx. 87 (3d Cir. 2017) (unpublished) (holding the inclusion of the statement “SHOULD THERE BE ANY DISCREPANCY PLEASE CALL TOLL FREE” in a collection letter sent within the 30-day validation period overshadows the validation notice); *Miller v. Payco-General American Credits, Inc.*, 943 F.2d 482 (4th Cir. 1991) (holding the inclusion of the statement “PHONE US TODAY” in an initial collection letter to overshadow the validation notice.); *Caprio v. Healthcare Revenue Recovery Group, LLC*, 709 F.3d 142, 152 (3d Cir. 2013) (reversing dismissal of the plaintiff's overshadowing claims, because the letter at issue “can be reasonably read to have two or more different meanings, one of which is inaccurate, i.e., that [the plaintiff] could dispute the debt by making a telephone call.”); *Durkin v. Equifax Check Servs.*, 406 F.3d 410, 417 (7th Cir. 2005); *Seplak by Seplak v. IMBS, Inc.*, 1999 U.S. Dist. LEXIS 2106, 1999 WL 104730 (N.D. Ill. February 23, 1999); *Flowers v. Accelerated Bureau of Collections*,

1997 U.S. Dist. LEXIS 3354, 1997 WL 136313 (N.D. Ill. March 13, 1997); *Stebbins v. Allied Account Servs.*, 1991 U.S. Dist. LEXIS 21778, \*7 (D. Conn. September 9, 1991); *Woolfolk v. Van Ru Credit Corp.*, 783 F. Supp. 724, 726 (D. Conn. 1990); *Gaetano v. Payco of Wisconsin*, 774 F. Supp. 1404, 1411-12 (D. Conn. 1990); *Garrett v. Credit Bureau of Carbon County d/b/a Collection Center, Inc.*, 2018 Colo. App. LEXIS 1447 (Col. Ct. App. Oct. 18, 2018).

48. Exhibit B confusingly directs the consumer to notify PRA of disputes by telephone or in writing. Such directions overshadow the validation notice by falsely indicating to the consumer that oral disputes are equivalent to written disputes.

49. Plaintiff Bonin was confused and misled by Exhibit B.

50. The unsophisticated consumer would be confused and misled by Exhibit B.

51. Plaintiff Bonin had to spend time and money investigating Exhibit B, and the consequences of any potential responses to Exhibit B.

#### ***Facts Related to Plaintiff Cerveny***

52. On or about February 2, 2018, PRA mailed a debt collection letter to Plaintiff Cerveny regarding an alleged debt owed to “PORTFOLIO RECOVERY ASSOCIATES, LLC” and originally owed to “CAPITAL ONE BANK (USA) NA.” A copy of this letter is attached to this complaint as Exhibit C.

53. Upon information and belief, the alleged debt referenced in Exhibit C was incurred by use of a credit card, used only for personal, family, or household purposes.

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

55. Upon information and belief, Exhibit C is a form debt collection letter, used by PRA to attempt to collect alleged debts.

56. Upon information and belief, Exhibit C was the first written communication Plaintiff Cerveny received from PRA regarding the alleged debt referenced in Exhibit C.

57. Exhibit C contains the validation notice that the FDCPA, 15 U.S.C. § 1692g, requires debt collectors to provide along with their initial communications:

Unless you notify this office within 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 30 days from 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 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.

58. Exhibit C additionally contains the following text:

**DISPUTES:** Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502  
**DISPUTES E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

59. The instruction in Exhibit C that the consumer may “Call 1-800-772-1413,” to communicate “DISPUTES” is false, deceptive, misleading, and confusing to the unsophisticated consumer because it contradicts, overshadows, and confuses the debt validation notice stated in Exhibit C, and encourages the consumer to forego her verification rights by communicating disputes orally rather than in writing.

60. Plaintiff Bonin was confused and misled by Exhibit C.

61. The unsophisticated consumer would be confused and misled by Exhibit C.

62. Plaintiff Bonin had to spend time and money investigating Exhibit C, and the consequences of any potential responses to Exhibit C.

#### ***Facts Related to Plaintiff Merkovich***

63. On or about February 4, 2018, PRA mailed a debt collection letter to Plaintiff Merkovich regarding an alleged debt owed to “PORTFOLIO RECOVERY ASSOCIATES, LLC” and originally owed to “CAPITAL ONE BANK (USA) NA.” A copy of this letter is attached to this complaint as Exhibit D.

64. Upon information and belief, the alleged debt referenced in Exhibit D was incurred by use of a credit card, used only for personal, family, or household purposes.

65. Upon information and belief, Exhibit D is a form letter, generated by computer, and with the information specific to Merkovich inserted by computer.

66. Upon information and belief, Exhibit D is a form debt collection letter, used by PRA to attempt to collect alleged debts.

67. Upon information and belief, Exhibit D was the first written communication Plaintiff Merkovich received from PRA regarding the alleged debt referenced in Exhibit D.

68. Exhibit D contains the validation notice that the FDCPA, 15 U.S.C. § 1692g, requires debt collectors to provide along with their initial communications:

Unless you notify this office within 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 30 days from 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 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.

69. Exhibit D additionally contains the following text:

**DISPUTES:** Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502  
**DISPUTES E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

70. The instruction in Exhibit D that the consumer may “Call 1-800-772-1413,” to communicate “DISPUTES” is false, deceptive, misleading, and confusing to the unsophisticated consumer because it contradicts, overshadows, and confuses the debt validation notice stated in Exhibits 5, and encourages the consumer to forego her verification rights by communicating disputes orally rather than in writing.

71. Plaintiff Merkovich was confused and misled by Exhibit D.

72. The unsophisticated consumer would be confused and misled by Exhibit D.

73. Plaintiff Merkovich had to spend time and money investigating Exhibit D, and the consequences of any potential responses to Exhibit D.

***Facts Related to Plaintiff Untersshine***

74. On or about February 6, 2018, PRA mailed a debt collection letter to Plaintiff Untersshine regarding an alleged debt owed to “PORTFOLIO RECOVERY ASSOCIATES, LLC” and originally owed to “SYNCHRONY BANK” and associated with Plaintiff’s “OLD NAVY” store-branded credit account. A copy of this letter is attached to this complaint as Exhibit E.

75. Upon information and belief, the alleged debt referenced in Exhibit E was incurred for personal, family, or household purposes, including purchases of household goods and clothing from Old Navy stores.

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

77. Upon information and belief, Exhibit E is a form debt collection letter, used by PRA to attempt to collect alleged debts.

78. Upon information and belief, Exhibit E was the first written communication Plaintiff Untersshine received from PRA regarding the alleged debt referenced in Exhibit E.

79. Exhibit E contains the validation notice that the FDCPA, 15 U.S.C. § 1692g, requires debt collectors to provide along with their initial communications:

Unless you notify this office within 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 30 days from 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 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.

80. Exhibit E contains the following:

**DISPUTES:** Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502  
**DISPUTES E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

81. On or about February 13, 2018, PRA mailed another debt collection letter to Plaintiff Untersshine regarding the same alleged debt owed to “PORTFOLIO RECOVERY ASSOCIATES, LLC,” and allegedly originally owed to “SYNCHRONY BANK” and associated with Plaintiff’s “OLD NAVY” store-branded credit account. A copy of this letter is attached to this complaint as Exhibit F.

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

83. Upon information and belief, Exhibit F is a form debt collection letter, used by PRA to attempt to collect alleged debts.

84. Exhibit F contains the following:

**DISPUTES:** Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502  
**DISPUTES E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

85. The instruction in Exhibits E & F that the consumer may “Call 1-800-772-1413,” to communicate “DISPUTES” is false, deceptive, misleading, and confusing to the unsophisticated consumer because it contradicts, overshadows, and confuses the debt validation notice stated in Exhibit E, and encourages the consumer to forego her verification rights by communicating disputes orally rather than in writing.

86. Furthermore, Exhibit F confusingly directs the consumer to notify PRA about disputes without reference to the validation notice included in Exhibit E, which was sent approximately one week earlier.

87. The overshadowing effect is compounded in the “follow-up” because Exhibit F does not reference the debtor’s validation rights or explain the effect of disputing the debt orally or in writing. *Velazquez v. Fair Collections & Outsourcing, Inc.*, 2013 U.S. Dist. LEXIS 124895, at \*17-22 (“the absence of a reprinted validation notice or reference to the debtor’s right to request validation, combined with the specific text of a second letter, can create impermissible overshadowing or contradiction.”); *see also, e.g., Miller v. McCalla, Raymer, Padrick, Cobb, Nichols, & Clark, LLC*, 214 F.3d 872, 875 (7th Cir. 2000) (“to authorize debt collectors to comply orally would be just an invitation to the sort of fraudulent and coercive tactics in debt collection that the Act aimed (rightly or wrongly) to put an end to.”).

88. Plaintiff Unterschine was confused and misled by Exhibits E & F.

89. The unsophisticated consumer would be confused and misled by Exhibits E & F.

90. Plaintiff Unterschine had to spend time and money investigating Exhibits E & F, and the consequences of any potential responses to Exhibits E & F.

#### ***THE FDCPA***

91. The FDCPA creates substantive rights for consumers; violations cause injury to consumers, and such injuries are concrete and particularized. *Pogorzelski v. Patenaude & Felix APC*, No. 16-C-1330, 2017 U.S. Dist. LEXIS 89678 \*9 (E.D. Wis. June 12, 2017) (“A plaintiff who receives misinformation from a debt collector has suffered the type of injury the FDCPA was intended to protect against.”); *Spuhler v. State Collection Servs.*, No. 16-CV-1149, 2017 U.S. Dist. LEXIS 177631 (E.D. Wis. Oct. 26, 2017) (“As in *Pogorzelski*, the Spuhlers’ allegations that the debt collection letters sent by State Collection contained false representations of the character, amount, or legal status of a debt in violation of their rights under the FDCPA sufficiently pleads a concrete injury-in-fact for purposes of standing.”); *Lorang v. Ditech Fin.*

*LLC*, 2017 U.S. Dist. LEXIS 169286, at \*6 (W.D. Wis. Oct. 13, 2017) (“the weight of authority in this circuit is that a misrepresentation about a debt is a sufficient injury for standing because a primary purpose of the FDCPA is to protect consumers from receiving false and misleading information.”); *Qualls v. T-H Prof'l & Med. Collections, Ltd.*, 2017 U.S. Dist. LEXIS 113037, at \*8 (C.D. Ill. July 20, 2017) (“Courts in this Circuit, both before and after *Spokeo*, have rejected similar challenges to standing in FDCPA cases.”) (citing “*Hayes v. Convergent Healthcare Recoveries, Inc.*, 2016 U.S. Dist. LEXIS 139743 (C.D. Ill. 2016)); *Long v. Fenton & McGarvey Law Firm P.S.C.*, 223 F. Supp. 3d 773, 777 (S.D. Ind. Dec. 9, 2016) (“While courts have found that violations of other statutes . . . do not create concrete injuries in fact, violations of the FDCPA are distinguishable from these other statutes and have been repeatedly found to establish concrete injuries.”); *Bock v. Pressler & Pressler, LLP*, No. 11-7593, 2017 U.S. Dist. LEXIS 81058 \*21 (D.N.J. May 25, 2017) (“through [s]ection 1692e of the FDCPA, Congress established ‘an enforceable right to truthful information concerning’ debt collection practices, a decision that ‘was undoubtedly influenced by congressional awareness that the intentional provision of misinformation’ related to such practices, ‘contribute[s] to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy,’”); *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).

92. 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”).

93. 15 U.S.C. § 1692e generally prohibits “any false, deceptive, or misleading representation or means in connection with the collection of any debt.”

94. 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.”

95. 15 U.S.C. § 1692f generally prohibits “any unfair or unconscionable means to collect or attempt to collect any debt.”

96. 15 U.S.C. § 1692g states:

**(a) Notice of debt; contents**

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

(1) the amount of the debt;

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

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

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

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

(emphasis added)

97. 15 U.S.C. § 1692g(b) states, in part, that “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.”

98. The Seventh Circuit has held that a debt collector must disclose the debtor’s rights to obtain verification in a non-confusing manner, and must ensure its representations to debtors do not contradict the validation notice. *Bartlett v. Heibl*, 128 F.3d 497, 500 (7th Cir. 1997) (“the debt collector may not defeat the statute’s purpose by making the required disclosures in a form or within a context in which they are unlikely to be understood by the unsophisticated debtors who are the particular objects of the statute’s solicitude.”).

99. The false statement or implication during the thirty-day validation period that a dispute communicated by telephone is equivalent to a dispute communicated in writing is a material false statement. *E.g., Flowers v. Accelerated Bureau of Collections, Inc.*, 1997 U.S. Dist. LEXIS 6070, \*7-9 (N.D. Ill. Apr. 29, 1997).

### **COUNT I - FDCPA**

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

101. Count I is brought on behalf of Plaintiff Wood.

102. By stating: “Any changes to the authorized arrangements must be made at least 72 hours prior to the scheduled date and by contacting one of our representatives by phone,” Exhibit A is false, deceptive, and misleading because Plaintiff Wood could have cancelled her pre-authorized payment by contacting her bank within less than 72 hours prior to the scheduled date of payment.

103. Defendant violated 15 U.S.C. §§ 1692e and 1692e(10).

### **COUNT II - FDCPA**

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

105. Count II is brought on behalf of Plaintiffs Bonin, Cerveny, Merkovich, and Untershine.

106. By representing that the consumer may effectively communicate their dispute by telephone, Exhibits B, C, D, & E contradict and overshadow the disclosure of the consumer’s rights to obtain verification of the debt and the name and address of the original creditor.

107. Exhibits B, C, D, & E are likewise misleading because the letters imply that a consumer may effectively communicate a dispute by telephone rather than in writing.

108. Defendants violated 15 U.S.C. §§ 1692e, 1692e(10), 1692f, 1692g(a)(4), 1692g(a)(5), and 1692g(b).

### **COUNT III - FDCPA**

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

110. Count III is brought on behalf of Plaintiff Untersshine.

111. By representing that the consumer may effectively communicate their dispute by telephone, Exhibit F contradicts and overshadow the disclosure of the consumer's rights to obtain verification of the debt and the name and address of the original creditor, which were included in PRA's previous letter sent to Plaintiff less than 30 days prior.

112. Exhibit F is likewise misleading because the letters imply that a consumer may effectively communicate a dispute by telephone rather than in writing.

113. Defendants violated 15 U.S.C. §§ 1692e, 1692e(10), 1692f, 1692g(a)(4), 1692g(a)(5), and 1692g(b).

### **CLASS ALLEGATIONS**

114. Plaintiff brings this action on behalf of three prospective classes.

115. Class I consists of (a) all natural persons who reside in the state of Wisconsin, (b) to whom Defendants mailed a collection letter in the form of Exhibit A to the Complaint in this Action, (c) regarding an alleged debt which was incurred for personal, family, or household purposes, (d) between October 30, 2017 and October 30, 2018, inclusive, (e) not returned by the postal service. Plaintiff Wood is the designated representative for Class I.

116. Class II consists of (a) all natural persons in the state of Wisconsin, (b) to whom Defendants mailed a collection letter in the form of Exhibits B, C, and/or D to the Complaint in this Action, (c) regarding an alleged debt which was incurred for personal, family, or household purposes, (d) between October 30, 2017 and October 30, 2018, inclusive, (e) not returned by the

postal service. Plaintiffs Bonin, Cerveney, and Merkovich are the designated representatives for Class II.

117. Class III consists of (a) all natural persons in the state of Wisconsin, (b) to whom Defendants mailed a collection letter in the form of Exhibit F to the Complaint in this Action, (c) where the letter in the form of Exhibit F was mailed fewer than thirty days after the letter Defendant mailed Plaintiff a collection letter which included the validation notice and sought to collect the same alleged debt, (d) which was incurred for personal, family or household services, (e) and where the second letter was mailed between October 30, 2017 and October 30, 2018, inclusive, (f) and neither letter was returned by the postal service. Plaintiff Untershtine is the designated representative for Class III.

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

119. 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 letters at issue violate the FDCPA and WCA.

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

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

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

**JURY DEMAND**

123. 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: October 30, 2018

**ADEMI & O'REILLY, LLP**

By: /s/ Mark A. Eldridge  
John D. Blythin (SBN 1046105)  
Mark A. Eldridge (SBN 1089944)  
Jesse Fruchter (SBN 1097673)  
Ben J. Slatky (SBN 1106892)  
3620 East Layton Avenue  
Cudahy, WI 53110  
(414) 482-8000  
(414) 482-8001 (fax)  
jblythin@ademilaw.com  
meldridge@ademilaw.com  
jfruchter@ademilaw.com  
bslatky@ademilaw.com

# **EXHIBIT A**



Dear Leticia A Woods,

This letter is to confirm your authorization on 10/31/2017 of recurring payments from your debit card ending in 7796.

The payment amounts detailed on the back of this letter will appear on your bank statement as "PRA".

Your payments will be drafted until the final agreed upon payment is received unless you've authorized any other arrangements. **Your payment schedule is detailed on the back of this page.**

**\*\*\*PLEASE NOTE: Any changes to the authorized arrangements must be made at least 72 hours prior to the scheduled date by contacting one of our representatives by phone at 1-800-772-1413 during our hours of operation.\*\*\***

If this authorization was provided in error, please call us at 1-800-772-1413 immediately. Federal law gives you the right to stop payments by contacting the financial institution that holds the account you are using to make payments. Please contact the institution to exercise this right.

**Account Details**

**Date:** November 2, 2017  
**Account Number:** [REDACTED] 9421  
**Seller:** CAPITAL ONE BANK (USA) N.A.  
**Original Creditor:** CAPITAL ONE BANK (USA) N.A.  
**Creditor to Whom Debt is Owed:** Portfolio Recovery Associates, LLC  
**Balance:** \$610.74



**Contact Us**

If you have any questions, contact us via:



**Online** – anytime by visiting:  
[www.prapay.com](http://www.prapay.com)



**Phone** – Call Toll-Free at 1-800-772-1413 to discuss your account with us.



**Mail** –  
PORTFOLIO RECOVERY ASSOCIATES, LLC  
P.O. Box 12914  
Norfolk VA 23541

**HOURS OF OPERATION (EST):** 8 AM to 11 PM Mon.-Fri., 8 AM to 8 PM Sat., 11 AM to 10 PM Sun.

**This communication is from a debt collector and is an attempt to collect a debt.  
Any information obtained will be used for that purpose.  
NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

DEPT 922 6856485917110  
PO BOX 4115  
CONCORD CA 94524

Account Number: [REDACTED] 9421



ADDRESS SERVICE REQUESTED



LETICIA A WOODS  
3540 N 15TH ST  
MILWAUKEE WI 53206-2301







The payments detailed below are in reference to the following debit authorization only: Card Number Ending In: 7796

| PAYMENT DRAFT DATE | PAYMENT AMOUNT |
|--------------------|----------------|
| 11/30/2017         | \$81.43        |
| 12/30/2017         | \$81.43        |
| 01/30/2018         | \$81.43        |
| 02/28/2018         | \$81.43        |
| 03/30/2018         | \$81.43        |
| 04/30/2018         | \$81.43        |

**COMPANY ADDRESS:** Portfolio Recovery Associates, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

**MAKE ALL CHECKS PAYABLE TO:** Portfolio Recovery Associates, LLC

**SEND ALL PAYMENTS TO:** Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541

**DISPUTES CORRESPONDENCE ADDRESS:** Portfolio Recovery Associates, LLC Disputes Department, 140 Corporate Boulevard, Norfolk, VA 23502 or E-mail us: PRA\_Disputes@portfoliorecovery.com

**QUALITY SERVICE AVAILABLE Mon. - Fri. 8 AM to 5 PM (EST)**

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at (800) 772-1413 or by e-mail at qualityservice@portfoliorecovery.com.

**PRIVACY NOTICE:** We collect certain personal information about you from the following sources: (a) information we received from you; (b) information about your transactions with our affiliates, others, or us; (c) information we receive from consumer reporting agencies. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic information about you to those employees and entities that need to know that information in order to collect your account. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

# Exhibit B

**Portfolio Recovery Associates, LLC**

December 1, 2017

**Seller:** CAPITAL ONE BANK (USA) N.A.  
**Original Creditor:** CAPITAL ONE BANK (USA) N.A.  
**Original Creditor Address:** 4851 COX ROAD, GLEN ALLEN VA 23060  
**Creditor to Whom Debt is Owed:** PORTFOLIO RECOVERY ASSOCIATES, LLC  
**Account Number:** ██████████ 5841  
**Current Balance:** \$1,254.22

ELAINE V BONIN,

Welcome to PORTFOLIO RECOVERY ASSOCIATES, LLC ("PRA, LLC")! We want to help you resolve this account, so call us at 1-800-772-1413 for low payment options. If paying off this debt is difficult for you please call anyway, because we have payment options for almost every budget.

PRA, LLC purchased account ██████████ 5841 on 11/22/2017. All future payments for this account, including credit counseling service payments, should be directed to us.

**Call toll-free at 1-800-772-1413 to discuss payment arrangements.**  
**8 AM to 11 PM Mon.-Fri., 8 AM to 8 PM Sat., 11 AM to 10 PM Sun. (EST)**  
**Contact us at [help@portfoliorecovery.com](mailto:help@portfoliorecovery.com) to communicate with us by e-mail.**

**Various Payment Options Available Including:**

| <b>Pay by Phone:</b> ☎  | <b>Mail:</b> ✉   | <b>Online:</b> 💻  |
|---|--|---|
| <ul style="list-style-type: none"> <li>Authorize automatic withdrawals from your bank account</li> <li>Complete a debit card payment</li> </ul> | <ul style="list-style-type: none"> <li>Complete the attached coupon</li> <li>Make all checks and payments to:<br/>PORTFOLIO RECOVERY ASSOCIATES, LLC<br/>P.O. Box 12914<br/>Norfolk, VA 23541</li> </ul> | <ul style="list-style-type: none"> <li>Complete a payment from your checking account</li> <li>Pay us online at:<br/><a href="http://www.prapay.com">www.prapay.com</a></li> </ul> |

Unless you notify this office within 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 30 days from 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 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 communication is from a debt collector and is an attempt to collect a debt.**  
**Any information obtained will be used for that purpose.**  
**NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

001

DEPT 922 9928157917129  
 PO BOX 4115  
 CONCORD CA 94524



ADDRESS SERVICE REQUESTED

Account Number: ██████████ 5841

Payment Amount: \_\_\_\_\_



ELAINE V BONIN  
 9120 W HIGHLAND PK AVE APT 348  
 FRANKLIN WI 53132-8002



001  
 PORTFOLIO RECOVERY ASSOCIATES, LLC  
 P.O. Box 12914  
 Norfolk VA 23541

**MAKE ALL CHECKS PAYABLE TO:** PORTFOLIO RECOVERY ASSOCIATES, LLC  
**SEND ALL PAYMENTS TO:** PORTFOLIO RECOVERY ASSOCIATES, LLC, P.O. Box 12914, Norfolk, VA 23541

**COMPANY ADDRESS:** PORTFOLIO RECOVERY ASSOCIATES, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

**DISPUTES:** Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502

**DISPUTES E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

**QUALITY SERVICE AVAILABLE Mon. - Fri. 8 AM to 5 PM (EST)**

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at (800) 772-1413 or by e-mail at [qualityservice@portfoliorecovery.com](mailto:qualityservice@portfoliorecovery.com).

**PRIVACY NOTICE:** We collect certain personal information about you from the following sources: (a) information we received from you; (b) information about your transactions with our affiliates, others, or us; (c) information we receive from consumer reporting agencies. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic information about you to those employees and entities that need to know that information in order to collect your account. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**NOTICE:** If this account is eligible to be reported to the credit reporting agencies by our company, we are required by law to notify you that a negative credit report reflecting on your credit records may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligation.

We are required under state law to notify consumers of the following rights. This list does not include a complete list of rights consumers have under state and federal laws:

**CALIFORNIA:** 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 [www.ftc.gov](http://www.ftc.gov). Nonprofit credit counseling services may be available in the area.

**COLORADO:** Office located at 4600 South Syracuse Street, Suite 966, Denver, CO 80237. Telephone 1-866-508-4751. FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.COAG.GOV/CAR](http://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.

**MAINE:** Telephone number at licensed location is (800) 772-1413. Hours of operation at licensed location are 8 AM to 11 PM Mon.-Fri., 8 AM to 8 PM Sat., 11 AM to 10 PM Sun. (EST).

**MASSACHUSETTS:** Office located at 49 Winter St., Weymouth, MA 02188. Telephone (800) 772-1413. Hours of operation are 9 AM to 6 PM Monday through Thursday (EST). **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.

**NEW YORK CITY:** City of New York License Numbers 1096994, 1394695, 1394697, 1394696, 1394698, 2045465, 2052875.

**NORTH CAROLINA:** Collection Agency Permit No. 4132.

**TENNESSEE:** This collection agency is licensed by the Tennessee Collection Service Board of the Department of Commerce and Insurance. (#00000770)

# Exhibit C


**Portfolio Recovery Associates, LLC**

February 2, 2018

Seller: CAPITAL ONE BANK (USA) N.A.  
 Original Creditor: CAPITAL ONE BANK (USA) N.A.  
 Original Creditor Address: 4851 COX ROAD, GLEN ALLEN VA 23060  
 Creditor to Whom Debt is Owed: PORTFOLIO RECOVERY ASSOCIATES, LLC  
 Account Number: [REDACTED] 9144  
 Current Balance: \$1,815.86

MANDY L CERVENY,

Welcome to PORTFOLIO RECOVERY ASSOCIATES, LLC ("PRA, LLC")! We want to help you resolve this account, so call us at 1-800-772-1413 for low payment options. If paying off this debt is difficult for you please call anyway, because we have payment options for almost every budget.

PRA, LLC purchased account [REDACTED] 9144 on 01/22/2018. All future payments for this account, including credit counseling service payments, should be directed to us.

**Call toll-free at 1-800-772-1413 to discuss payment arrangements.  
 8 AM to 11 PM Mon.-Fri., 8 AM to 8 PM Sat., 11 AM to 10 PM Sun. (EST)  
 Contact us at help@portfoliorecovery.com to communicate with us by e-mail.**

**Various Payment Options Available Including:**

| <b>Pay by Phone:</b> ☎  | <b>Mail:</b> ✉   | <b>Online:</b> 💻  |
|---|--|---|
| <ul style="list-style-type: none"> <li>• Authorize automatic withdrawals from your bank account</li> <li>• Complete a debit card payment</li> </ul> | <ul style="list-style-type: none"> <li>• Complete the attached coupon</li> <li>• Make all checks and payments to:<br/>PORTFOLIO RECOVERY ASSOCIATES, LLC<br/>P.O. Box 12914<br/>Norfolk, VA 23541</li> </ul> | <ul style="list-style-type: none"> <li>• Complete a payment from your checking account</li> <li>• Pay us online at:<br/>www.prapay.com</li> </ul> |

Unless you notify this office within 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 30 days from 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 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 communication is from a debt collector and is an attempt to collect a debt.  
 Any information obtained will be used for that purpose.**

**NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

001

DEPT 922 7817897718016  
 PO BOX 4115  
 CONCORD CA 94524



Account Number: [REDACTED] 9144

Payment Amount: \_\_\_\_\_

ADDRESS SERVICE REQUESTED



MANDY L CERVENY  
 2508 W KIMBERLY AVE  
 MILWAUKEE WI 53221-4934



001  
 PORTFOLIO RECOVERY ASSOCIATES, LLC  
 P.O. Box 12914  
 Norfolk VA 23541

**MAKE ALL CHECKS PAYABLE TO:** PORTFOLIO RECOVERY ASSOCIATES, LLC

**SEND ALL PAYMENTS TO:** PORTFOLIO RECOVERY ASSOCIATES, LLC, P.O. Box 12914, Norfolk, VA 23541

**COMPANY ADDRESS:** PORTFOLIO RECOVERY ASSOCIATES, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

**DISPUTES:** Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502

**DISPUTES E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

**QUALITY SERVICE AVAILABLE Mon. - Fri. 8 AM to 5 PM (EST)**

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at (800) 772-1413 or by e-mail at qualityservice@portfoliorecovery.com.

**PRIVACY NOTICE:** We collect certain personal information about you from the following sources: (a) information we received from you; (b) information about your transactions with our affiliates, others, or us; (c) information we receive from consumer reporting agencies. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic information about you to those employees and entities that need to know that information in order to collect your account. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**NOTICE:** If this account is eligible to be reported to the credit reporting agencies by our company, we are required by law to notify you that a negative credit report reflecting on your credit records may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligation.

We are required under state law to notify consumers of the following rights. This list does not include a complete list of rights consumers have under state and federal laws:

**CALIFORNIA:** 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 www.ftc.gov. Nonprofit credit counseling services may be available in the area.

**COLORADO:** Office located at 4600 South Syracuse Street, Suite 966, Denver, CO 80237. Telephone 1-866-508-4751. 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.

**MAINE:** Telephone number at licensed location is (800) 772-1413. Hours of operation at licensed location are 8 AM to 11 PM Mon.-Fri., 8 AM to 8 PM Sat., 11 AM to 10 PM Sun. (EST).

**MASSACHUSETTS:** Office located at 49 Winter St., Weymouth, MA 02188. Telephone (800) 772-1413. Hours of operation are 9 AM to 6 PM Monday through Thursday (EST). **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.

**NEW YORK CITY:** City of New York License Numbers 1096994, 1394695, 1394697, 1394696, 1394698, 2045465, 2052875, 2061138.

**NORTH CAROLINA:** Collection Agency Permit No. 4132.

**TENNESSEE:** This collection agency is licensed by the Tennessee Collection Service Board of the Department of Commerce and Insurance. (#00000770)

# Exhibit D



# Portfolio Recovery Associates, LLC

February 4, 2018

Seller: CAPITAL ONE BANK (USA) N.A.  
 Original Creditor: CAPITAL ONE BANK (USA) N.A.  
 Original Creditor Address: 4851 COX ROAD, GLEN ALLEN VA 23060  
 Creditor to Whom Debt is Owed: PORTFOLIO RECOVERY ASSOCIATES, LLC  
 Account Number: [REDACTED] 3323  
 Current Balance: \$184.04

JEFFREY S MERKOVICH,

Welcome to PORTFOLIO RECOVERY ASSOCIATES, LLC ("PRA, LLC")! We want to help you resolve this account, so call us at 1-800-772-1413 for low payment options. If paying off this debt is difficult for you please call anyway, because we have payment options for almost every budget.

PRA, LLC purchased account [REDACTED] 3323 on 01/25/2018. All future payments for this account, including credit counseling service payments, should be directed to us.

Call toll-free at 1-800-772-1413 to discuss payment arrangements.  
 8 AM to 11 PM Mon.-Fri., 8 AM to 8 PM Sat., 11 AM to 10 PM Sun. (EST)  
 Contact us at [help@portfoliorecovery.com](mailto:help@portfoliorecovery.com) to communicate with us by e-mail.

## Various Payment Options Available Including:

| Pay by Phone: ☎   | Mail: ✉   | Online: 💻  |
|---|---|--|
| <ul style="list-style-type: none"> <li>Authorize automatic withdrawals from your bank account</li> <li>Complete a debit card payment</li> </ul> | <ul style="list-style-type: none"> <li>Complete the attached coupon</li> <li>Make all checks and payments to:<br/>           PORTFOLIO RECOVERY ASSOCIATES, LLC<br/>           P.O. Box 12914<br/>           Norfolk, VA 23541</li> </ul> | <ul style="list-style-type: none"> <li>Complete a payment from your checking account</li> <li>Pay us online at:<br/> <a href="http://www.prapay.com">www.prapay.com</a></li> </ul> |

Unless you notify this office within 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 30 days from 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 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 communication is from a debt collector and is an attempt to collect a debt.  
 Any information obtained will be used for that purpose.  
 NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

001

DEPT 922 8584492618020  
 PO BOX 4115  
 CONCORD CA 94524



ADDRESS SERVICE REQUESTED



JEFFREY S MERKOVICH  
 249 N CHICAGO AVE APT 5  
 SOUTH MILWAUKEE WI 53172-1269



Account Number: [REDACTED] 3323

Payment Amount: \_\_\_\_\_

001  
 PORTFOLIO RECOVERY ASSOCIATES, LLC  
 P.O. Box 12914  
 Norfolk VA 23541

**MAKE ALL CHECKS PAYABLE TO: PORTFOLIO RECOVERY ASSOCIATES, LLC**  
**SEND ALL PAYMENTS TO: PORTFOLIO RECOVERY ASSOCIATES, LLC, P.O. Box 12914, Norfolk, VA 23541**

**COMPANY ADDRESS: PORTFOLIO RECOVERY ASSOCIATES, LLC, 120 Corporate Boulevard, Norfolk, VA 23502**

**DISPUTES:** Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502

**DISPUTES E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

**QUALITY SERVICE AVAILABLE Mon. - Fri. 8 AM to 5 PM (EST)**

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at (800) 772-1413 or by e-mail at [qualityservice@portfoliorecovery.com](mailto:qualityservice@portfoliorecovery.com).

**PRIVACY NOTICE:** We collect certain personal information about you from the following sources: (a) information we received from you; (b) information about your transactions with our affiliates, others, or us; (c) information we receive from consumer reporting agencies. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic information about you to those employees and entities that need to know that information in order to collect your account. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**NOTICE:** If this account is eligible to be reported to the credit reporting agencies by our company, we are required by law to notify you that a negative credit report reflecting on your credit records may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligation.

We are required under state law to notify consumers of the following rights. This list does not include a complete list of rights consumers have under state and federal laws:

**CALIFORNIA:** 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 [www.ftc.gov](http://www.ftc.gov). Nonprofit credit counseling services may be available in the area.

**COLORADO:** Office located at 4600 South Syracuse Street, Suite 966, Denver, CO 80237. Telephone 1-866-508-4751. FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.COAG.GOV/CAR](http://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.

**MAINE:** Telephone number at licensed location is (800) 772-1413. Hours of operation at licensed location are 8 AM to 11 PM Mon.-Fri., 8 AM to 8 PM Sat., 11 AM to 10 PM Sun. (EST).

**MASSACHUSETTS:** Office located at 49 Winter St., Weymouth, MA 02188. Telephone (800) 772-1413. Hours of operation are 9 AM to 6 PM Monday through Thursday (EST). **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.

**NEW YORK CITY:** City of New York License Numbers 1096994, 1394695, 1394697, 1394696, 1394698, 2045465, 2052875, 2061138.

**NORTH CAROLINA:** Collection Agency Permit No. 4132.

**TENNESSEE:** This collection agency is licensed by the Tennessee Collection Service Board of the Department of Commerce and Insurance. (#00000770)

# Exhibit E



# Portfolio Recovery Associates, LLC

**Seller:** SYNCHRONY BANK  
**Merchant:** OLD NAVY  
**Original Creditor:** SYNCHRONY BANK  
**Original Creditor Address:** P.O. BOX 965033, ORLANDO FL 32896-5033  
**Creditor to Whom Debt is Owed:** PORTFOLIO RECOVERY ASSOCIATES, LLC  
**Account Number:** [REDACTED]1255  
**Current Balance:** \$606.12

February 6, 2018

WENDY UNTERSCHINE,

Welcome to PORTFOLIO RECOVERY ASSOCIATES, LLC ("PRA, LLC")! We want to help you resolve this account, so call us at 1-800-772-1413 for low payment options. If paying off this debt is difficult for you please call anyway, because we have payment options for almost every budget.

PRA, LLC purchased account [REDACTED] 255 on 01/23/2018. All future payments for this account, including credit counseling service payments, should be directed to us.

**Call toll-free at 1-800-772-1413 to discuss payment arrangements.**  
**8 AM to 11 PM Mon.-Fri., 8 AM to 8 PM Sat., 11 AM to 10 PM Sun. (EST)**  
**Contact us at [help@portfoliorecovery.com](mailto:help@portfoliorecovery.com) to communicate with us by e-mail.**

### Various Payment Options Available Including:

| Pay by Phone: ☎   | Mail: ✉  | Online: 💻   |
|---|--|---|
| <ul style="list-style-type: none"> <li>Authorize automatic withdrawals from your bank account</li> <li>Complete a debit card payment</li> </ul> | <ul style="list-style-type: none"> <li>Complete the attached coupon</li> <li>Make all checks and payments to:<br/>PORTFOLIO RECOVERY ASSOCIATES, LLC<br/>P.O. Box 12914<br/>Norfolk, VA 23541</li> </ul> | <ul style="list-style-type: none"> <li>Complete a payment from your checking account</li> <li>Pay us online at:<br/><a href="http://www.prapay.com">www.prapay.com</a></li> </ul> |

Unless you notify this office within 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 30 days from 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 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 communication is from a debt collector and is an attempt to collect a debt.**  
**Any information obtained will be used for that purpose.**  
**NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

001

DEPT 922 8856558618023  
PO BOX 4115  
CONCORD CA 94524

Account Number: [REDACTED]1255



Payment Amount: \_\_\_\_\_

ADDRESS SERVICE REQUESTED



WENDY UNTERSCHINE  
LN APT 143 E PINE HOLLOW  
OAK CREEK WI 53154

001  
PORTFOLIO RECOVERY ASSOCIATES, LLC  
P.O. Box 12914  
Norfolk VA 23541





**MAKE ALL CHECKS PAYABLE TO:** PORTFOLIO RECOVERY ASSOCIATES, LLC  
**SEND ALL PAYMENTS TO:** PORTFOLIO RECOVERY ASSOCIATES, LLC, P.O. Box 12914, Norfolk, VA 23541

**COMPANY ADDRESS:** PORTFOLIO RECOVERY ASSOCIATES, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

**DISPUTES:** Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502

**DISPUTES E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

**QUALITY SERVICE AVAILABLE Mon. - Fri. 8 AM to 5 PM (EST)**

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at (800) 772-1413 or by e-mail at [qualityservice@portfoliorecovery.com](mailto:qualityservice@portfoliorecovery.com).

**PRIVACY NOTICE:** We collect certain personal information about you from the following sources: (a) information we received from you; (b) information about your transactions with our affiliates, others, or us; (c) information we receive from consumer reporting agencies. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic information about you to those employees and entities that need to know that information in order to collect your account. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**NOTICE:** If this account is eligible to be reported to the credit reporting agencies by our company, we are required by law to notify you that a negative credit report reflecting on your credit records may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligation.

We are required under state law to notify consumers of the following rights. This list does not include a complete list of rights consumers have under state and federal laws:

**CALIFORNIA:** 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 [www.ftc.gov](http://www.ftc.gov). Nonprofit credit counseling services may be available in the area.

**COLORADO:** Office located at 4600 South Syracuse Street, Suite 966, Denver, CO 80237. Telephone 1-866-508-4751. FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.COAG.GOV/CAR](http://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.

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**MASSACHUSETTS:** Office located at 49 Winter St., Weymouth, MA 02188. Telephone (800) 772-1413. Hours of operation are 9 AM to 6 PM Monday through Thursday (EST). **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.

**NEW YORK CITY:** City of New York License Numbers 1096994, 1394695, 1394697, 1394696, 1394698, 2045465, 2052875, 2061138.

**NORTH CAROLINA:** Collection Agency Permit No. 4132.

**TENNESSEE:** This collection agency is licensed by the Tennessee Collection Service Board of the Department of Commerce and Insurance. (#00000770)

# EXHIBIT F

# Portfolio Recovery Associates, LLC

## Account Details

Name: WENDY UNTERSHERINE  
Account Number: [REDACTED] 255  
Seller: SYNCHRONY BANK  
Merchant: OLD NAVY  
Original Creditor: SYNCHRONY BANK  
Creditor to Whom Debt is Owed: PORTFOLIO RECOVERY ASSOCIATES, LLC  
Current Balance Due: \$606.12

February 13, 2018

Dear WENDY UNTERSHERINE,

### We know life happens.

And, at times, customers may fall behind on financial commitments. We understand.

Every day Portfolio Recovery Associates, LLC ("PRA, LLC") works with people to create flexible payment arrangements to resolve their debt. We would love the opportunity to do the same for **YOU**.

### Introducing PRApay.com

This website will help you understand the process, your options, and- most importantly-how we're committed to working together to resolve your debt.

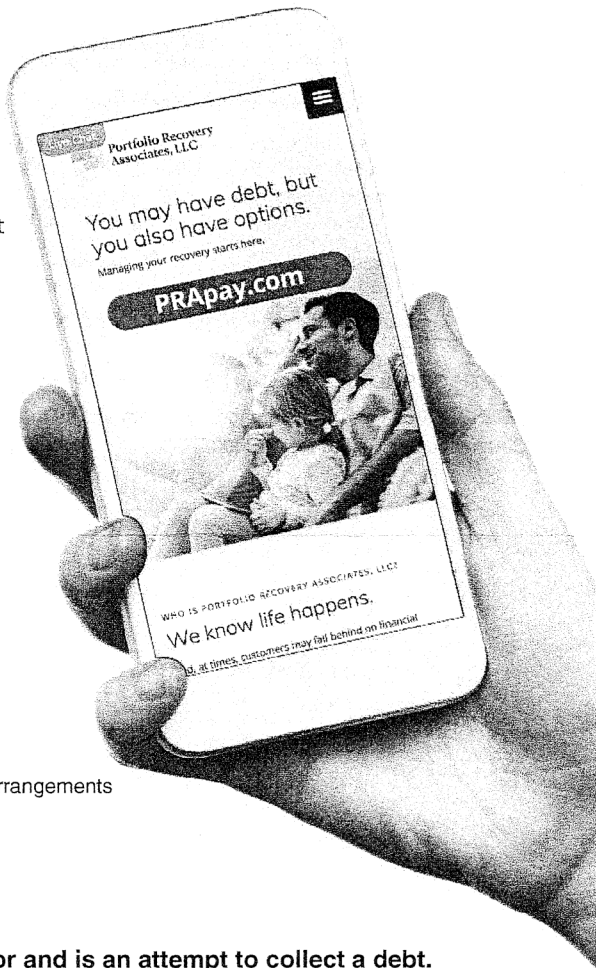
Access your account from your computer or mobile device at [www.PRApay.com](http://www.PRApay.com). You'll find the same important account information as our letters, such as the original creditor, seller, merchant, account offers, and more.




- ✓ View your account balance
- ✓ Make a payment - easy and secure
- ✓ Set up a custom payment plan
- ✓ View scheduled payments

### Let's figure it out.

Please contact us. We are standing by ready to help.

Sincerely,  
Portfolio Recovery Associates, LLC



-  Visit [www.PRApay.com](http://www.PRApay.com) – Pay online anytime
-  Call 1-800-772-1413 – Pay by phone to make payment arrangements
-  Mail checks and payments to:  
PORTFOLIO RECOVERY ASSOCIATES, LLC  
P.O. Box 12914, Norfolk, VA 23541

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

**NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

DEPT 922 9908539118026  
PO BOX 4115  
CONCORD CA 94524



ADDRESS SERVICE REQUESTED

Account Number: [REDACTED] 255

Payment Amount: \_\_\_\_\_



WENDY UNTERSHERINE  
LN APT 143 E PINE HOLLOW  
OAK CREEK WI 53154

34  
PORTFOLIO RECOVERY ASSOCIATES, LLC  
P.O. Box 12914  
Norfolk VA 23541



**HOURS OF OPERATION (EST):** 8 AM to 11 PM Mon.-Fri., 8 AM to 8 PM Sat., 11 AM to 10 PM Sun.

**MAKE ALL CHECKS PAYABLE TO:** PORTFOLIO RECOVERY ASSOCIATES, LLC

**SEND ALL PAYMENTS TO:** PORTFOLIO RECOVERY ASSOCIATES, LLC, P.O. Box 12914, Norfolk, VA 23541

**COMPANY ADDRESS:** PORTFOLIO RECOVERY ASSOCIATES, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

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**DISPUTES E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

**QUALITY SERVICE AVAILABLE Mon. - Fri. 8 AM to 6 PM (EST)**

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at 1-800-772-1413 or by e-mail at PRACustomerCare@portfoliorecovery.com.

**PRIVACY NOTICE:** We collect certain personal information about you from the following sources: (a) information we received from you; (b) information about your transactions with our affiliates, others, or us; (c) information we receive from consumer reporting agencies. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic information about you to those employees and entities that need to know that information in order to collect your account. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

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**NEW YORK CITY:** City of New York License Numbers 1096994, 1394695, 1394697, 1394696, 1394698, 2045465, 2052875, 2061138, 2063671.

**NORTH CAROLINA:** Collection Agency Permit No. 4132.

**TENNESSEE:** This collection agency is licensed by the Tennessee Collection Service Board of the Department of Commerce and Insurance. (#00000770)



# 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**  
**LETICIA WOODS, 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**  
**PRA GROUP INC., et al.**

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   | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury - Med. Malpractice<br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input checked="" type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 440 Other Civil Rights   | <b>PRISONER PETITIONS</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><b>Habeas Corpus:</b><br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition   | <b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 463 Habeas Corpus - Alien Detainee<br><input type="checkbox"/> 465 Other Immigration Actions  |   |

**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 and Wisconsin Consumer 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: October 30, 2018 SIGNATURE OF ATTORNEY OF RECORD: /s/ Mark A. Eldridge

## 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

LETICIA WOODS, et al.

Plaintiff(s)

v.

PRA GROUP INC. and
PORTFOLIO RECOVERY ASSOCIATES LLC,

Defendant(s)

Civil Action No. 18-cv-1724

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) PRA GROUP INC.
120 Corporate Blvd.
Norfolk, VA 23502

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you receive 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 the plaintiff’s attorney, whose name and address are:

John D. Blythin
Ademi & O'Reilly, LLP
3620 East Layton Avenue
Cudahy, WI 53110

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.

STEPHEN C. DRIES, CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))*

This summons and the attached complaint for *(name of individual and title, if any)*:

\_\_\_\_\_ were received by me on *(date)* \_\_\_\_\_.

I personally served the summons and the attached complaint on the individual at *(place)*:

\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons and the attached complaint 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 and the attached complaint 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.:

UNITED STATES DISTRICT COURT
for the
Eastern District of Wisconsin

LETICIA WOODS, et al.

Plaintiff(s)

v.

PRA GROUP INC. and
PORTFOLIO RECOVERY ASSOCIATES LLC,

Defendant(s)

Civil Action No. 18-cv-1724

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) PORTFOLIO RECOVERY ASSOCIATES LLC
120 Corporate Blvd.
Norfolk, VA 23502

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you receive 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 the plaintiff’s attorney, whose name and address are:

John D. Blythin
Ademi & O'Reilly, LLP
3620 East Layton Avenue
Cudahy, WI 53110

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.

STEPHEN C. DRIES, CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))*

This summons and the attached complaint for *(name of individual and title, if any)*:

\_\_\_\_\_ were received by me on *(date)* \_\_\_\_\_.

I personally served the summons and the attached complaint on the individual at *(place)*:

\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons and the attached complaint 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 and the attached complaint 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: [Five Wisconsin Consumers Sue PRA Group, Portfolio Recovery Associates Over 'Misleading' Letters](#)

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