

BARSHAY SANDERS, PLLC
100 Garden City Plaza, Suite 500
Garden City, New York 11530
Tel: (516) 203-7600
Fax: (516) 706-5055
Email: *ConsumerRights@BarshaySanders.com*
Attorneys for Plaintiff
Our File No.: 116221

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

James J. Wyche, individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

Maddocks Collection Services, LLC,

Defendant.

Docket No:

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

James J. Wyche, individually and on behalf of all others similarly situated (hereinafter referred to as “*Plaintiff*”), by and through the undersigned counsel, complains, states and alleges against Maddocks Collection Services, LLC (hereinafter referred to as “*Defendant*”), as follows:

INTRODUCTION

1. This action seeks to recover for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”).

JURISDICTION AND VENUE

2. This Court has federal subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).

3. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District.

4. At all relevant times, Defendant conducted business within the State of New York.



PARTIES

5. Plaintiff James J. Wyche is an individual who is a citizen of the State of New York residing in Nassau County, New York.

6. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

7. On information and belief, Defendant Maddocks Collection Services, LLC, is a New York Limited Liability Company with a principal place of business in Albany County, New York.

8. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

9. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS

10. Defendant alleges Plaintiff owes a debt (“the Debt”).

11. The Debt was primarily for personal, family or household purposes and is therefore a “debt” as defined by 15 U.S.C. § 1692a(5).

12. Sometime after the incurrence of the Debt, Plaintiff fell behind on payments owed.

13. Thereafter, at an exact time known only to Defendant, the Debt was assigned or otherwise transferred to Defendant for collection.

14. In its efforts to collect the debt, Defendant contacted Plaintiff by letter (“the Letter”) dated January 30, 2018. (“**Exhibit 1.**”)

15. The Letter was the initial communication Plaintiff received from Defendant.

16. The Letter is a “communication” as defined by 15 U.S.C. § 1692a(2).

17. 15 U.S.C. § 1692g provides that within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing certain enumerated information.

18. The written notice must contain the amount of the debt.

19. The written notice must contain the name of the creditor to whom the debt is owed.

20. The written notice must contain 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.

21. The written notice must contain 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.

22. The written notice must contain 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.

23. 15 U.S.C. § 1692g(b) provides that if the consumer notifies the debt collector in writing within the thirty-day validation period 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.

24. A debt collector has the obligation, not just to convey the required information, but also to convey such clearly.

25. Even if a debt collector conveys the required information accurately, the debt collector nonetheless violates the FDCPA if that information is overshadowed or contradicted by other language in the communication.

26. Even if a debt collector conveys the required information accurately, the debt collector nonetheless violates the FDCPA if that information is overshadowed by other collection activities during the 30-day validation period following the communication.

27. A collection activity or communication overshadows or contradicts the validation notice if it would make the "least sophisticated consumer" uncertain or confused as to her rights.

28. Defendant has demanded Plaintiff make payment during the validation period.

29. The Letter states, "To avoid additional collection efforts, you must pay the above balance."

30. Defendant has implicitly demanded Plaintiff make payment during the validation period without explaining that such demand does not override the Plaintiff's right to dispute the debt.

31. Defendant has implicitly demanded Plaintiff make payment during the validation period without explaining that such demand does not override the Plaintiff's right to demand validation of the debt.

32. Defendant has implied that unless payment is remitted and cleared in full, collection efforts will continue unabated, without explaining that a written dispute as to the validity of the debt would require Defendants to cease collection activity until Defendants provide the requested information.

33. Defendant has implicitly stated that unless payment is remitted and cleared in full, collection efforts will continue unabated, without explaining that a written request for the name and address of the original creditor would require Defendant to cease collection activity until Defendants provide the requested information.

34. The least sophisticated consumer, upon reading that collection efforts will cease upon remittance and clearance of payment in full, would reasonably but inaccurately believe that remitting payment or arranging payments are the only ways to prevent such collection efforts.

35. The least sophisticated consumer, upon reading that collection efforts will cease upon remittance and clearance of payment in full, would reasonably but inaccurately believe that even if she disputes the validity of the debt in writing within the thirty-day validation period, collection efforts would nevertheless continue even during the verification process.

36. The least sophisticated consumer, upon reading that collection efforts will cease upon remittance and clearance of payment in full, would reasonably but inaccurately believe that even if she requests in writing the name and address of the original creditor within the thirty-day validation period, collection efforts would nevertheless continue even before Defendant furnishes the requested information.

37. The least sophisticated consumer, upon reading that collection efforts will cease upon remittance and clearance of payment in full, would likely be inclined to remit payment regardless of whether she believes the debt is valid.

38. The least sophisticated consumer, upon reading that collection efforts will cease upon remittance and clearance of payment in full, would likely be inclined to remit payment regardless of whether she is sure of the name and address of the original creditor.

39. Defendant's conduct, as detailed above, would likely make the least sophisticated consumer uncertain as to her rights.

40. Defendant's conduct, as detailed above, would likely make the least sophisticated consumer confused as to her rights.

41. Defendant violated § 1692g as Defendant overshadowed the information required to be provided by that Section.

CLASS ALLEGATIONS

42. Plaintiff brings this action individually and as a class action on behalf of all persons similarly situated in the State of New York from whom Defendant attempted to collect a consumer debt using an initial collection letter that states, "To avoid additional collection efforts, you must pay the above balance," from one year before the date of this Complaint to the present.

43. This action seeks a finding that Defendant's conduct violates the FDCPA, and asks that the Court award damages as authorized by 15 U.S.C. § 1692k.

44. Defendant regularly engages in debt collection.

45. The Class consists of more than 35 persons from whom Defendant attempted to collect a consumer debt using an initial collection letter that states, "To avoid additional collection efforts, you must pay the above balance."

46. Plaintiff's claims are typical of the claims of the Class. Common questions of law or fact raised by this class action complaint affect all members of the Class and predominate over any individual issues. Common relief is therefore sought on behalf of all members of the Class. This class action is superior to other available methods for the fair and efficient adjudication of this controversy.

47. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to the individual members of the Class, and a risk that any adjudications with respect to individual members of the Class would, as a practical matter, either be dispositive of the interests of other members of the Class not party to the adjudication, or substantially impair or impede their ability to protect their

interests. Defendant has acted in a manner applicable to the Class as a whole such that declaratory relief is warranted.

48. Plaintiff will fairly and adequately protect and represent the interests of the Class. The management of the class action proposed is not extraordinarily difficult, and the factual and legal issues raised by this class action complaint will not require extended contact with the members of the Class, because Defendant's conduct was perpetrated on all members of the Class and will be established by common proof. Moreover, Plaintiff has retained counsel experienced in actions brought under consumer protection laws.

JURY DEMAND

49. Plaintiff hereby demands a trial of this action by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

- a. Certify this action as a class action; and
- b. Appoint Plaintiff as Class Representative of the Class, and Plaintiff's attorneys as Class Counsel; and
- c. Find that Defendant's actions violate the FDCPA; and
- d. Grant damages against Defendant pursuant to 15 U.S.C. § 1692k; and
- e. Grant Plaintiff's attorneys' fees pursuant to 15 U.S.C. § 1692k; and
- f. Grant Plaintiff's costs; together with
- g. Such other relief that the Court determines is just and proper.

DATED: January 28, 2019

BARSHAY SANDERS, PLLC

By: /s/ Craig B. Sanders

Craig B. Sanders, Esq.

100 Garden City Plaza, Suite 500

Garden City, New York 11530

Tel: (516) 203-7600

Fax: (516) 706-5055

csanders@barshaysanders.com

Attorneys for Plaintiff

Our File No.: 116221



Maddocks Collection Services

980 Broadway, Suite 243
Thornwood, NY 10594

Tel: 1-800-830-3247

January 30, 2018

PAY ONLINE AT:
www.maddockscollects.com

JAMES WYCHE
8 Gombert Pl
Roosevelt NY 11575-1602

Client: HEMPSTEAD MAIN MEDICAL
MCS Acct #: █████ 5276

Dear JAMES WYCHE,

We have been requested by the client as listed above to obtain payment for the above listed account.

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

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 the 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.

To avoid additional collection efforts, you must pay the above balance.

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

Sincerely,

Tania Frias
Maddocks Collection Services

PAY ONLINE AT: www.maddockscollects.com

Creditor
HEMPSTEAD MAIN MEDICAL

Total

Total
280.00

\$280.00

PLEASE SEE REVERSE SIDE OF THIS LETTER FOR IMPORTANT INFORMATION

***** Please detach the lower portion and return with your payment *****

Y1FBF3CAB8



980 Broadway, Suite 243
Thornwood, NY 10594
ADDRESS SERVICE REQUESTED

IF YOU WISH TO PAY BY CREDIT CARD, CIRCLE ONE AND FILL IN THE INFORMATION BELOW.	
CARD NUMBER	EXP. DATE
CARD HOLDER NAME	CVV
SIGNATURE	AMOUNT PAID
<input type="checkbox"/> IF YOU WISH TO PAY WITH A FLEX/MEDICAL SPENDING CARD CHECK HERE AND FILL IN INFORMATION ABOVE.	

MCS Acct #: █████ 5276
Total: \$280.00

Payment Amount: \$ _____

12345678-000358-01-I-AA



0008120024006138101311575160208-1YA1--Y1FBF3CAB8 358
A0010 - 358

JAMES WYCHE
8 Gombert Pl
Roosevelt NY 11575-1602



Maddocks Collection Services
980 Broadway, Suite 243
Thornwood NY 10594-1139



New York Verbiage:

Debt collectors, in accordance with the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to: a) the use or threat of violence; b) the use of obscene or profane language; and c) repeated phone calls made with the intent to annoy, abuse, or harass. If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt: 1. Supplemental security income, (SSI); 2. Social security; 3. Public assistance (welfare); 4. Spousal support, maintenance (alimony) or child support; 5. Unemployment benefits; 6. Disability benefits; 7. Workers' compensation benefits; 8. Public or private pensions; 9. Veterans' benefits; 10. Federal student loans, federal student grants, and federal work study funds; and 11. Ninety percent of your wages or salary earned in the last sixty days.

This collection agency is licensed in New York City, License # 1378783

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JAMES J. WYCHE

(b) County of Residence of First Listed Plaintiff NASSAU
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

BARSHAY SANDERS, PLLC
100 Garden City Plaza, Ste 500, Garden City, NY 11530
(516) 203-7600

DEFENDANTS

MADDOCKS COLLECTION SERVICES, LLC

County of Residence of First Listed Defendant ALBANY
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

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

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

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

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

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

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

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

VI. CAUSE OF ACTION

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

Brief description of cause: 15 USC §1692 Fair Debt Collection Practices Act Violation

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

JUDGE _____ DOCKET NUMBER _____

DATE January 29, 2019 SIGNATURE OF ATTORNEY OF RECORD /s Craig Sanders

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CERTIFICATION OF ARBITRATION ELIGIBILITY

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

Case is Eligible for Arbitration

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

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

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

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

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

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

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? Yes No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? Yes No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes No
 - c) If this is a Fair Debt Collection Practice Act case, specific the County in which the offending communication was received: NASSAU

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

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

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court. Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court? Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature: /s Craig B. Sanders

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NEW YORK

James J. Wyche, individually and on behalf of all
others similarly situated,

Plaintiff(s)

v.

Maddocks Collection Services, LLC,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*
Maddocks Collection Services, LLC
c/o Corporation Service Company
80 State Street
Albany, New York 12207

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States, or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

BARSHAY SANDERS PLLC
100 GARDEN CITY PLAZA, SUITE 500
GARDEN CITY, NY 11530

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

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

This Summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action: Maddocks Collection Services Improperly Demanded Payment During Validation Period](#)
