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2 **UNITED STATES DISTRICT COURT**
3 **FOR THE MIDDLE DISTRICT OF LOUISIANA**

4 **SHENA BLAND, ON BEHALF OF**
5 **HERSELF AND ALL THOSE**
6 **SIMILARLY SITUATED**

7 **Plaintiff,**

8 **v.**

9 **ALCO COLLECTIONS, INC.**

10 **Defendant.**

) **Case No.:**

) **CIVIL COMPLAINT- CLASS ACTION**

) **AND**

) **JURY TRIAL DEMAND**

11
12 Plaintiff, Shena Bland, (hereinafter "Plaintiff"), by and through her undersigned attorney,
13 alleges against Alco Collections, Inc. (hereinafter "Defendant") as follows:

14 **PRELIMINARY STATEMENT**

15 1. This is an action for damages arising from Defendant's violations of 15 U.S.C. § 1692 *et*
16 *seq.*, the Fair Debt Collection Practices Act (hereinafter "FDCPA"), a strict liability statute
17 which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.
18

19 **JURISDICTION AND VENUE**

20 2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 15 U.S.C.
21 §1692k(d).
22

23 3. Venue is proper in this District pursuant to 28 U.S.C. §1391(b)(1) and (2) because the acts
24 and transactions occurred in this jurisdiction and because Defendant transacts business in this
25 jurisdiction.
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PARTIES

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2 4. Plaintiff, Shena Bland, is a natural person, who at all relevant times has resided in the city of
3 Baton Rouge, East Baton Rouge Parish County, State of Louisiana, and is a “consumer” as
4 defined by 15 U.S.C. § 1692a(3).

5 5. Defendant, Alco Collections, Inc, is a debt collection agency that regularly collects or
6 attempts to collect, directly or indirectly, consumer debts owed or due or asserted to be owed or
7 due another in this state with its corporate mailing address as 14635 S. Harrells Ferry Rd, Baton
8 Rouge, LA 70816, and is a “debt collector” as defined by 15 U.S.C § 1692a(6).
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11 **FACTS**

12 6. Plaintiff repeats and realleges the prior allegations as if fully set forth herein.

13 7. Upon information and belief, on a date better known to Defendant, Prime Properties, XL
14 assigned an alleged consumer debt to Defendant for collection.
15

16 8. The alleged debt arose out of a transaction in which money, property, insurance or services,
17 which are the subject of the transaction, were primarily for personal, family or household
18 purposes and is therefore a “debt” as that term is defined by 15 U.S.C. §1692a(5).
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20 9. On or about August 3, 2016, Defendant sent a collection letter to Plaintiff in an attempt to
21 collect the alleged debt. The Collection Letter is attached hereto and made a part hereof as
22 Exhibit A.
23

24 10. The Collection Letter is an initial communication from Defendant to Plaintiff regarding the
25 alleged debt.

26 11. The letter provides in pertinent part:

27 “UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS
28 NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION

1 THEREOF, THIS OFFICE WILL ASSUME THIS DEBT IS VALID. IF YOU NOTIFY
2 THIS OFFICE WITHIN 30 DAYS FROM RECEIVING THIS NOTICE, THIS OFFICE
3 WILL OBTAIN VERIFICATION OF DEBT AND OR OBTAIN A COPY OF A
4 JUDGMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION.
5 IF YOU REQUEST THIS OFFICE IN WITHIN 30 DAYS OF NOTICE THIS OFFICE
6 WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL
7 CREDITOR IF DIFFERENT FROM THE ORIGINAL CREDITOR.”

8 12. Defendant’s collection letter fails to advise that in order for the debt collector to be required
9 to provide verification of the debt in order to continue collection efforts pursuant to 15 U.S.C. §
10 1692g, the request must be made by the consumer in writing within the thirty-day period.

11 13. Defendant’s collection letter fails to advise that in order for Defendant to be required to
12 provide the consumer with the name and address of the original creditor, if different from the
13 current creditor, in order to continue collection efforts pursuant to 15 U.S.C. § 1692g, the request
14 must be made in writing within the thirty-day period.

15 14. The failures to properly notify the Plaintiff of its statutory rights, requirements, and
16 obligations is a violation of the FDCPA. As such, Plaintiff has been damaged and is entitled to
17 relief.

18 **CLASS ACTION ALLEGATIONS**

19 15. Plaintiff brings this action as a class action, pursuant to Rule 23 of the Federal Rules of
20 Civil Procedure (“FRCP”), on behalf of herself and all persons/consumers, along with their
21 successors-in-interest, who have received similar debt collection notices/letters/communications
22 from Defendant which, as alleged herein, are in violation of the FDCPA, as of the date of
23 Plaintiff’s Complaint (“Class”). Excluded from the Class is Defendant herein, and any person,
24 firm, trust, corporation or other entity related to or affiliated with Defendant, including, without
25 limitation, persons who are officers, directors, employees, associates or partners of Defendant as
26 impracticable. On information and belief, hundreds of persons, if not thousands, of persons have
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1 received debt collection notices/letters/communications from Defendant, which violate various
2 provisions of the FDCPA.

3 16. This Class satisfies all the requirements of Rule 23 of the FRCP for maintaining a class
4 action.

5 17. The Class is so numerous that joinder of all members is impracticable. On information and
6 belief, hundreds of persons have received debt collection notices/letters/communications from
7 Defendant that violate various provisions of the FDCPA.

8 18. The debt collection notices/letters/communications from Defendant, received by the Class,
9 are to be evaluated by the objective standard of the hypothetical “least sophisticated consumer.”
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11 19. There are questions of law and fact which are common to the Class and which predominate
12 over questions affecting any individual Class member. These common questions of law and fact
13 include, without limitation: (i) Whether Defendant violated various provisions of the FDCPA;
14 (ii) Whether Plaintiff and the Class have been injured by Defendant’s conduct; (c) Whether
15 Plaintiff and the Class have sustained damages and are entitled to restitution as a result of
16 Defendant’s wrongdoing and, if so, what is the proper measure and appropriate statutory formula
17 to be applied in determining such damages and restitution; and, (iv) Whether Plaintiff and the
18 Class are entitled to declaratory and/or injunctive relief.
19
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21 20. Plaintiff’s claims are typical of the claims of the Class, and Plaintiff has no interests adverse
22 or antagonistic to the interests of other members of the Class.

23 21. A class action is superior to other methods for the fair and efficient adjudication of the
24 claims herein asserted, this being specifically envisioned by Congress as a principal means of
25 enforcing the FDCPA, as codified by 15 U.S.C. §1692(k).
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1 22. The members of the Class have claims that are unlikely to be vindicated in the absence of a
2 class action.

3 23. Prosecution of separate actions by individual members of the Class would create the risk of
4 inconsistent or varying adjudications resulting in the establishment of inconsistent or varying
5 standards for the parties.

6 24. A class action will permit a large number of similarly situated persons to prosecute their
7 common claims in a single forum simultaneously, efficiently and without the duplication of
8 effort and expense that numerous individual actions would engender. Class treatment will also
9 permit the adjudication of relatively small claims by many Class members who could not
10 otherwise afford to seek legal redress for the wrongs complained of herein.

11 25. Plaintiff will fairly and adequately represent the Class members' interests in that Plaintiff's
12 counsel is experienced and, further, anticipates no impediments in the pursuit and maintenance
13 of the class action as sought herein.

14 26. Defendant has acted, and will act, on grounds generally applicable to the entire Class,
15 thereby making appropriate a final injunctive relief or corresponding declaratory relief with
16 respect to the Class as a whole.

17 27. All conditions precedent have been performed, complied with, waived or satisfied before
18 the filing of this Complaint.

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24 **COUNT I**
25 **VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**
26 **15 U.S.C. §1692g(a)(4)**

27 28. Plaintiff repeats, reiterates and incorporates the prior allegations as if fully set forth herein.

28 29. Defendant's Collection Letter failed to advise that the debt collector is only obligated to
obtain verification of the debt or a copy of the judgment if the consumer notifies the debt

1 collector of the dispute request in writing.

2 30. Defendant's Collection Letter is in violation of 15 U.S.C. §1692g(a)(4) which requires that
3 a collection letter contain a statement that upon written notification from the consumer within the
4 thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain
5 verification of the debt or a copy of a judgment against the consumer and a copy of such
6 verification or judgment will be mailed to the consumer by the debt collector.
7

8 **COUNT II**
9 **VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**
10 **15 U.S.C. §1692g(a)(5)**

11 31. Plaintiff repeats, reiterates and incorporates the prior allegations as if fully set forth herein.

12 32. Defendant's Collection Letter failed to advise that the debt collector will provide the
13 consumer with the name and address of the original creditor, if different from the current
14 creditor, only upon the consumer's written request.

15 33. Defendant's Collection Letter is in violation of 15 U.S.C. §1692g(a)(5) which requires a
16 statement that, upon the consumer's written request, the debt collector will provide the consumer
17 with the name and address of the original creditor, if different from the current creditor.
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19 **COUNT III**
20 **VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**
21 **15 U.S.C. §1692e(10)**

22 34. Plaintiff repeats, reiterates and incorporates the prior allegations as if fully set forth herein.

23 35. Defendant's Collection Letter is in violation of 15 U.S.C. §1692e(10) which prohibits the
24 use of any false representation or deceptive means to collect or attempt to collect any debt.
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26 36. As a result of the foregoing violations, Plaintiff has been damaged and is entitled to relief.
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EXHIBIT A

ACI

P.O. BOX 41662
BATON ROUGE, LA 70835

08-03-16

SHENA BLAND
5734 KLIENPETER RD TRL 7
BATON ROUGE LA 70811

RE: PRIME PROPERTIES, XL

STATEMENT

Account#:	SHENA BLAND	
Amount Placed	Amount Paid	Balance
\$800.00	\$0.00	\$800.00

YOUR CURRENT BALANCE IS: \$ 800.00. PLEASE SEND BALANCE TO:

ALCO COLLECTIONS, INC.
P.O. BOX 41662
BATON ROUGE, LA 70835
(225)751-5660

We may have told a credit bureau about a late payment, missed payment or other default on your Account. This information may be reflected in your credit report.

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 WITHIN 30 DAYS FROM RECEIVING THIS NOTICE, THIS OFFICE WILL OBTAIN VERIFICATION OF DEBT AND OR OBTAIN A COPY OF A JUDGMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION. IF YOU REQUEST THIS OFFICE IN WITHIN 30 DAYS OF NOTICE THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE ORIGINAL CREDITOR.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

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

UNITED STATES DISTRICT COURT

for the

Middle District of Louisiana

SHENA BLAND, ON BEHALF OF HERSELF AND ALL THOSE SIMILARLY SITUATED

Plaintiff(s)

v.

ALCO COLLECTIONS, INC.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Alco Collections, Inc.
14635 S Harrells Ferry Rd
Baton Rouge, LA 70816

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:

Marc Michaud, Esq.
Patrick Miller, LLC
400 Poydras Street, Suite 1680
Texaco Center
New Orleans, LA 70130

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

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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 \$ _____ .

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:

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
SHENA BLAND, ON BEHALF OF HERSELF AND ALL THOSE SIMILARLY SITUATED
(b) County of Residence of First Listed Plaintiff East Baton Rouge Parish County
(c) Attorneys (Firm Name, Address, and Telephone Number) Marc Michaud, Esq. Patrick Miller, LLC

DEFENDANTS
ALCO COLLECTIONS, INC
County of Residence of First Listed Defendant
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)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
REAL PROPERTY
TORTS
CIVIL RIGHTS
PRISONER PETITIONS
FORFEITURE/PENALTY
LABOR
IMMIGRATION
BANKRUPTCY
SOCIAL SECURITY
FEDERAL TAX SUITS
OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

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:
Unlawful Debt Collection Practices

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

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

DATE: 12/01/2016
SIGNATURE OF ATTORNEY OF RECORD: /s/ Marc Michaud, Esq.

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

- I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.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; **NOTE: 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 clerk(s) 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 six 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.
- 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 actual dollar amount 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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Says Alco Collections Violated FDCPA](#)
