

BARSHAY SANDERS, PLLC
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Attorneys for Plaintiffs
Our File No.: 112001

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

Coleen Bonti and Andrew Goldstein, individually and
on behalf of all others similarly situated,

Plaintiffs,

vs.

Escallate, LLC,

Defendant.

Docket No:

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Coleen Bonti and Andrew Goldstein, individually and on behalf of all others similarly situated (hereinafter referred to collectively as “*Plaintiffs*”), by and through the undersigned counsel, complain, state and allege against Escallate, 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.

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100 GARDEN CITY PLAZA, SUITE 500
GARDEN CITY, NEW YORK 11530

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

PARTIES

5. Plaintiff Coleen Bonti is an individual who is a citizen of the State of New York residing in Suffolk County, New York.

6. Plaintiff Andrew Goldstein is an individual who is a citizen of the State of New York residing in Suffolk County, New York.

7. Plaintiffs are “consumers” as defined by 15 U.S.C. § 1692a(3).

8. On information and belief, Defendant Escallate, LLC, is an Ohio Limited Liability Company with a principal place of business in Hamilton County, Ohio.

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

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

ALLEGATIONS

11. Defendant alleges each of the Plaintiffs owe a debt (“the Debts”).

12. The Debts were primarily for personal, family or household purposes and are therefore “debts” as defined by 15 U.S.C. § 1692a(5).

13. Sometime after the incurrence of the Debts, Plaintiffs fell behind on payments owed.

14. Thereafter, at an exact time known only to Defendant, the Debts were assigned or otherwise transferred to Defendant for collection.

15. In its efforts to collect the debt alleged owed by Plaintiff Bonti, Defendant contacted Plaintiff Bonti by four (4) letters all dated September 28, 2016. (“**Exhibit 1.**”)

16. The letters were the initial communications Plaintiff Bonti received from Defendant.

17. In its efforts to collect the debt alleged owed by Plaintiff Goldstein, Defendant contacted Plaintiff Goldstein by letter dated February 15, 2017. (“**Exhibit 1.**”)

18. The letter was the initial communication Plaintiff Goldstein received from Defendant.

19. The letters are “communications” as defined by 15 U.S.C. § 1692a(2).

20. The letters are identical in all material respects.

21. 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.

22. 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.

23. 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.

24. The letters contain the required information.

25. However, a debt collector has the obligation, not just to convey the required information, but also to convey such clearly.

26. 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.

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. 15 U.S.C. § 1692g(b) provides, in relevant part, "If the consumer notifies the debt collector in writing within the thirty-day period . . . 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 . . . the name and address of the original creditor, and [the] name and address of the original creditor, is mailed to the consumer by the debt collector."

29. 15 U.S.C. § 1692g(b) provides, in relevant part, "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 . . . requests the name and address of the original creditor."

30. 15 U.S.C. § 1692g(b) provides, in relevant part, “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 . . . request the name and address of the original creditor.”

31. Plaintiffs have the right to dispute their debts.

32. Plaintiffs have the right to demand the name and address of their original creditors.

33. The letters state that if Plaintiffs do not contact Defendant within 30 days to dispute the validity of the debts, Defendant may submit a negative credit report to the credit bureaus.

34. The letters provide that the only way to stop Defendant’s negative credit report is to dispute the debts.

35. The letters fail to advise Plaintiffs that Plaintiffs also have the right to stop Defendant’s negative credit report by requesting the name and address of the original creditor, pursuant to 15 U.S.C. § 1692g(b).

36. Defendant’s conduct would likely make the least sophisticated consumer believe that her request for the original creditor information would not stop Defendant’s negative credit report.

37. Defendant’s conduct would likely make the least sophisticated consumer forego her validation rights for fear of a negative credit report.

38. Defendant’s conduct would likely make the least sophisticated consumer forego her right to request the name and address of the original creditor for fear of a negative credit report.

39. Defendant’s conduct would likely make the least sophisticated consumer uncertain as to her rights.

40. Defendant’s conduct would likely make the least sophisticated consumer confused as to her rights.

41. Defendant has violated § 1692g as the above-referenced language overshadows the information required to be provided by that Section.

42. 15 U.S.C. § 1692e prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt.

43. While § 1692e specifically prohibits certain practices, the list is non-exhaustive,

and does not preclude a claim of falsity or deception based on non-enumerated practice.

44. Collection notices are deceptive if they can be reasonably read to have two or more different meanings, one of which is inaccurate.

45. The question of whether a collection letter is deceptive is determined from the perspective of the “least sophisticated consumer.”

46. Because the letters were reasonably susceptible to an inaccurate reading, as described above, they are deceptive within the meaning of the FDCPA.

47. The least sophisticated consumer would likely be deceived by Defendant’s conduct.

48. The least sophisticated consumer would likely be deceived in a material way by Defendant’s conduct.

49. The least sophisticated consumer would likely be deceived into believing that her request for the original creditor information would not stop Defendant’s negative credit report.

50. The least sophisticated consumer would likely be deceived to forego her validation rights for fear of a negative credit report.

51. The least sophisticated consumer would likely be deceived to forego her right to request the name and address of the original creditor for fear of a negative credit report.

52. Defendant has violated § 1692e by using a false, deceptive and misleading representation in its attempt to collect a debt.

CLASS ALLEGATIONS

53. Plaintiffs bring 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 a letter substantially the same as the letters sent to Plaintiffs herein, from one year before the date of this Complaint to the present.

54. 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.

55. Defendant regularly engages in debt collection.

56. The Class consists of more than 35 persons from whom Defendant attempted to collect delinquent consumer debts using a letter substantially the same as the letters sent to Plaintiffs herein.

57. Plaintiffs' 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.

58. 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.

59. Plaintiffs 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, Plaintiffs have retained counsel experienced in actions brought under consumer protection laws.

JURY DEMAND

60. Plaintiffs hereby demand a trial of this action by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request judgment as follows:

- a. Certify this action as a class action; and
- b. Appoint Plaintiffs as Class Representatives of the Class, and Plaintiffs' 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 Plaintiffs' attorneys' fees pursuant to 15 U.S.C. § 1692k;
and
- f. Grant Plaintiffs' costs; together with
- g. Such other relief that the Court determines is just and proper.

DATED: October 1, 2017

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 Plaintiffs
Our File No.: 112001

BARSHAY | SANDERS PLLC
100 GARDEN CITY PLAZA, SUITE 500
GARDEN CITY, NEW YORK 11530

ESCALLATE LLC

Toll Free: 866-449-6832
Fax: (330) 232-8168

www.paypastdue.com

24 Hour Tele-Pay:
(877) 237-7788

| | | | |
|--------------------|------------------------------|------------------------|--------------|
| Provider/Creditor: | EMP OF SUFFOLK COUNTY, PLLC | Account Nbr: | 1388 |
| Location: | BROOKHAVEN MEM HOSP MED CNTR | Purchase/Service Date: | 12-07-15 |
| Amount Assigned: | \$37.04 | Patient name: | Coleen Bonti |
| Accrued Interest: | \$0.00 | | |
| Balance Due: | \$37.04 | | |

Dear Coleen Bonti

This letter has been sent to you by Escallate, LLC a collection agency. 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.

The account shown above has been listed with our office for collection.

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 of 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.

If you have not contacted Escallate within 30 days after receiving this notice to dispute the validity of this debt and if your total debt is \$50.00 or more, you are hereby notified that a negative credit report may be submitted to national credit reporting agencies if you fail to fulfill the terms of your credit obligations.

TR-0000564508281610411CDSTN

You may be charged a \$20.00 Non-Sufficient Funds Fee for any payment that is not honored because sufficient funds are not available in the account on which the payment was drawn.

Escallate's Contact Person : James White

New York City Department of Consumer Affairs license number 1257376

300050115

Open M - Th 8:00 a.m. - 9:00 p.m. EST Friday 8:00 a.m. - 4:30 p.m. EST

SEND ONLY PAYMENTS TO: ESCALLATE, LLC. ♦ PO BOX 645425 ♦ CINCINNATI OH 45264-5425

ALL OTHER MAIL TO : ESCALLATE, LLC. ♦ 5200 STONEHAM RD STE 200 ♦ NORTH CANTON OH 44720

6153

0115341385

DETACH AND RETURN THIS PORTION WITH PAYMENT

DEPT 101A
PO BOX 3521
AKRON OH 44309-3521
ADDRESS SERVICE REQUESTED



Please check box if address is incorrect or changed, and indicate change(s) on reverse side

| | | |
|---|-------------------------------------|-----------------------------------|
| IF PAYING BY CREDIT CARD, PLEASE CHECK CARD AND FILL OUT BELOW. | | |
| <input type="checkbox"/> VISA | <input type="checkbox"/> MASTERCARD | <input type="checkbox"/> DISCOVER |
| CARD NUMBER | CVC CODE | EXP. DATE |
| SIGNATURE | LETTER DATE | BALANCE DUE |
| | 09-28-16 | \$37.04 |
| | ACCOUNT NUMBER | 1388 |
| ESCALLATE Toll Free: 866-449-6832 Fax: (330) 232-8168 | | SHOW AMOUNT \$ PAID HERE |

Send Payments To:
ESCALLATE, LLC
PO BOX 645425
CINCINNATI OH 45264-5425

COLEEN BONTI
26 WASHINGTON AVE
HOLTSVILLE NY 11742-1027

1388 000003704 300 7



Toll Free: 866-449-6832

24 Hour Tele-Pay:

Fax: (330) 232-8168

www.paypastdue.com

(877) 237-7788

Provider/Creditor: EMP OF SUFFOLK COUNTY, PLLC
Location: BROOKHAVEN MEM HOSP MED CNTR
Amount Assigned: \$37.04
Accrued Interest: \$0.00
Balance Due: \$37.04

Account Nbr: 1387
Purchase/Service Date: 12-05-15
Patient name: Coleen Bonti

Dear Coleen Bonti

This letter has been sent to you by Escallate, LLC a collection agency. 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.

The account shown above has been listed with our office for collection.

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 of 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.

If you have not contacted Escallate within 30 days after receiving this notice to dispute the validity of this debt and if your total debt is \$50.00 or more, you are hereby notified that a negative credit report may be submitted to national credit reporting agencies if you fail to fulfill the terms of your credit obligations.

You may be charged a \$20.00 Non-Sufficient Funds Fee for any payment that is not honored because sufficient funds are not available in the account on which the payment was drawn.

Escallate's Contact Person : James White

New York City Department of Consumer Affairs license number 1257376

300050116

Open M - Th 8:00 a.m. - 9:00 p.m. EST Friday 8:00 a.m. - 4:30 p.m. EST

SEND ONLY PAYMENTS TO: ESCALLATE, LLC. ♦ PO BOX 645425 ♦ CINCINNATI OH 45264-5425

ALL OTHER MAIL TO : ESCALLATE, LLC. ♦ 5200 STONEHAM RD STE 200 ♦ NORTH CANTON OH 44720

6152

DETACH AND RETURN THIS PORTION WITH PAYMENT

DEPT 101A
PO BOX 3521
AKRON OH 44309-3521
ADDRESS SERVICE REQUESTED



IF PAYING BY CREDIT CARD, PLEASE CHECK CARD AND FILL OUT BELOW.

Form for credit card payment with fields for VISA/MC logos, CARD NUMBER, CVC CODE, SIGNATURE, EXP. DATE, LETTER DATE, BALANCE DUE, ACCOUNT NUMBER, and ESCALLATE contact info.

Please check box if address is incorrect or changed, and indicate change(s) on reverse side

Send Payments To:
ESCALLATE, LLC
PO BOX 645425
CINCINNATI OH 45264-5425

COLEEN BONTI
26 WASHINGTON AVE
HOLTSVILLE NY 11742-1027

1387 000003704 300 3

TR-00000564506281610411CDSTN

01 1 5041385

ESCALLATE LLC

Toll Free: 866-449-6832
Fax: (330) 232-8168

www.paypastdue.com

24 Hour Tele-Pay:
(877) 237-7788

| | | | |
|--------------------|------------------------------|------------------------|--------------|
| Provider/Creditor: | EMP OF SUFFOLK COUNTY, PLLC | Account Nbr: | 1386 |
| Location: | BROOKHAVEN MEM HOSP MED CNTR | Purchase/Service Date: | 09-01-15 |
| Amount Assigned: | \$37.04 | Patient name: | Coleen Bonti |
| Accrued Interest: | \$0.00 | | |
| Balance Due: | \$37.04 | | |

Dear Coleen Bonti

This letter has been sent to you by Escallate, LLC a collection agency. 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.

The account shown above has been listed with our office for collection.

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 of 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.

If you have not contacted Escallate within 30 days after receiving this notice to dispute the validity of this debt and if your total debt is \$50.00 or more, you are hereby notified that a negative credit report may be submitted to national credit reporting agencies if you fail to fulfill the terms of your credit obligations.

TR-000056490281610411CDSTN

You may be charged a \$20.00 Non-Sufficient Funds Fee for any payment that is not honored because sufficient funds are not available in the account on which the payment was drawn.

Escallate's Contact Person : James White

New York City Department of Consumer Affairs license number 1257376

300060116

Open M - Th 8:00 a.m. - 9:00 p.m. EST Friday 8:00 a.m. - 4:30 p.m. EST

SEND ONLY PAYMENTS TO: ESCALLATE, LLC. ♦ PO BOX 645425 ♦ CINCINNATI OH 45264-5425

ALL OTHER MAIL TO : ESCALLATE, LLC. ♦ 5200 STONEHAM RD STE 200 ♦ NORTH CANTON OH 44720

6151

0115041385

DETACH AND RETURN THIS PORTION WITH PAYMENT

DEPT 101A
PO BOX 3521
AKRON OH 44309-3521
ADDRESS SERVICE REQUESTED



Please check box if address is incorrect or changed, and indicate change(s) on reverse side

| | | |
|---|-------------------------------------|-----------------------------------|
| IF PAYING BY CREDIT CARD, PLEASE CHECK CARD AND FILL OUT BELOW. | | |
| <input type="checkbox"/> VISA | <input type="checkbox"/> MASTERCARD | <input type="checkbox"/> DISCOVER |
| CARD NUMBER | CVC CODE | |
| SIGNATURE | EXP DATE | |
| LETTER DATE | BALANCE DUE | ACCOUNT NUMBER |
| 09-28-16 | \$37.04 | 1386 |
| ESCALLATE Toll Free: 866-449-6832 Fax: (330) 232-8168 | | SHOW AMOUNT PAID HERE \$ |

Send Payments To:
ESCALLATE, LLC
PO BOX 645425
CINCINNATI OH 45264-5425

COLEEN BONTI
26 WASHINGTON AVE
HOLTSVILLE NY 11742-1027

1386 000003704 300 8



Toll Free: 866-449-6832

24 Hour Tele-Pay:

Fax: (330) 232-8168

www.paypastdue.com

(877) 237-7788

Provider/Creditor: EMP OF SUFFOLK COUNTY, PLLC
Location: BROOKHAVEN MEM HOSP MED CNTR
Amount Assigned: \$45.40
Accrued Interest: \$0.00
Balance Due: \$45.40

Account Nbr: 385
Purchase/Service Date: 09-07-15
Patient name: Coleen Bonti

Dear Coleen Bonti

This letter has been sent to you by Escallate, LLC a collection agency. 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.

The account shown above has been listed with our office for collection.

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 of 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.

If you have not contacted Escallate within 30 days after receiving this notice to dispute the validity of this debt and if your total debt is \$50.00 or more, you are hereby notified that a negative credit report may be submitted to national credit reporting agencies if you fail to fulfill the terms of your credit obligations.

You may be charged a \$20.00 Non-Sufficient Funds Fee for any payment that is not honored because sufficient funds are not available in the account on which the payment was drawn.

Escallate's Contact Person : James White

New York City Department of Consumer Affairs license number 1257376

300060115

Open M - Th 8:00 a.m. - 9:00 p.m. EST Friday 8:00 a.m. - 4:30 p.m. EST

SEND ONLY PAYMENTS TO: ESCALLATE, LLC. ♦ PO BOX 645425 ♦ CINCINNATI OH 45264-5425
ALL OTHER MAIL TO : ESCALLATE, LLC. ♦ 5200 STONEHAM RD STE 200 ♦ NORTH CANTON OH 44720

6150

DETACH AND RETURN THIS PORTION WITH PAYMENT

DEPT 101A
PO BOX 3521
AKRON OH 44309-3521
ADDRESS SERVICE REQUESTED



IF PAYING BY CREDIT CARD, PLEASE CHECK CARD AND FILL OUT BELOW.

Form for credit card payment including fields for CARD NUMBER, CVC CODE, SIGNATURE, EXP. DATE, LETTER DATE, BALANCE DUE, ACCOUNT NUMBER, and a table with values: 09-28-16, \$45.40, 385. Includes logos for VISA, MasterCard, Discover, and American Express.

Please check box if address is incorrect or changed, and indicate change(s) on reverse side



MIXED AADC 440 5643 1 MB 0.419
005640



COLEEN BONTI
26 WASHINGTON AVE
HOLTSVILLE NY 11742-1027

Send Payments To:
ESCALLATE, LLC
PO BOX 645425
CINCINNATI OH 45264-5425

385 000004540 300 8

TR-00000564509281610411CDSTN

0115341385



Toll Free: 866-449-6832

24 Hour Tele-Pay:

Fax: (330) 232-8168

www.paypastdue.com

(877) 237-7788

Provider/Creditor: EMP OF SUFFOLK COUNTY, PLLC
Location: BROOKHAVEN MEM HOSP MED CNTR
Amount Assigned: \$69.83
Accrued Interest: \$0.00
Balance Due: \$69.83

Account Nbr: [REDACTED] 4152
Purchase/Service Date: 09-28-16
Patient name: ANDREW GOLDSTEIN

Dear ANDREW GOLDSTEIN

This letter has been sent to you by Escallate, LLC a collection agency. 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.

The account shown above has been listed with our office for collection.

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 of 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.

If you have not contacted Escallate within 30 days after receiving this notice to dispute the validity of this debt and if your total debt is \$50.00 or more, you are hereby notified that a negative credit report may be submitted to national credit reporting agencies if you fail to fulfill the terms of your credit obligations.

You may be charged a \$20.00 Non-Sufficient Funds Fee for any payment that is not honored because sufficient funds are not available in the account on which the payment was drawn.

Escallate's Contact Person : James White
New York City Department of Consumer Affairs license number 1257376

300050116

Open Monday through Friday 9:00 a.m. EST - 6:00 p.m. EST

SEND ONLY PAYMENTS TO: ESCALLATE, LLC. • PO BOX 645425 • CINCINNATI OH 45264-5425
ALL OTHER MAIL TO : ESCALLATE, LLC. • 5200 STONEHAM RD STE 200 • NORTH CANTON OH 44720

5052

DETACH AND RETURN THIS PORTION WITH PAYMENT

DEPT 101A
PO BOX 3521
AKRON OH 44309-3521
ADDRESS SERVICE REQUESTED



Please check box if address is incorrect or changed, and indicate change(s) on reverse side

IF PAYING BY CREDIT CARD, PLEASE CHECK CARD AND FILL OUT BELOW.

Form for credit card payment with fields for CARD NUMBER, SIGNATURE, CVC CODE, and EXP. DATE.

Table with columns: LETTER DATE, BALANCE DUE, ACCOUNT NUMBER. Values: 02-15-17, \$69.83, [REDACTED] 4152

ESCALLATE
Toll Free: 866-449-6832
Fax: (330) 232-8168

SHOW AMOUNT PAID HERE \$

MIXED AADC 440 4693 1 MB 0.423
004686



ANDREW GOLDSTEIN
41 DRESSEL DR
MASTIC NY 11950-2005

Send Payments To:
ESCALLATE, LLC
PO BOX 645425
CINCINNATI OH 45264-5425

[REDACTED] 4152 000006983 300 0

TR-00060-05/20/15 1702975CD-574

01 1 5664132

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

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NEW YORK

| | | |
|---|---|------------------|
| Coleen Bonti and Andrew Goldstein, individually |) | |
| and on behalf of all others similarly situated |) | |
| _____ |) | |
| <i>Plaintiff(s)</i> |) | |
| |) | Civil Action No. |
| v. |) | |
| |) | |
| Escallate, LLC |) | |
| _____ |) | |
| <i>Defendant(s)</i> |) | |

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*
Escallate, LLC
5200 Stoneham Rd , Suite 200
Cincinnati, Ohio 45263

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

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: COLEEN BONTI; DEFENDANTS: ESCALLATE, LLC; (b) County of Residence of First Listed Plaintiff: SUFFOLK; County of Residence of First Listed Defendant: HAMILTON; (c) Attorneys: BARSHAY SANDERS, PLLC, 100 Garden City Plaza, Ste 500, Garden City, NY 11530, (516) 203-7600.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only); III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant); O 1 U.S. Government Plaintiff; O 3 Federal Question (U.S. Government Not a Party); O 2 U.S. Government Defendant; O 4 Diversity (Indicate Citizenship of Parties in Item III); Citizen of This State; Citizen of Another State; Citizen or Subject of a Foreign Country; PTF DEF; O 1 O 1; O 2 O 2; O 3 O 3; Incorporated or Principal Place of Business In This State; Incorporated and Principal Place of Business In Another State; Foreign Nation.

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

V. ORIGIN (Place an "X" in One Box Only); O 1 Original Proceeding; O 2 Removed from State Court; O 3 Remanded from Appellate Court; O 4 Reinstated or Reopened; O 5 Transferred from Another District (specify); O 6 Multidistrict Litigation - Transfer; O 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 O No.

VIII. RELATED CASE(S) IF ANY; (See Instructions) JUDGE; DOCKET NUMBER.

DATE: October 2, 2017; SIGNATURE OF ATTORNEY OF RECORD: /s Craig b. Sanders.

FOR OFFICE USE ONLY; RECEIPT #; AMOUNT; APPLYING IFF; JUDGE; MAG. JUDGE.

CERTIFICATION OF ARBITRATION ELIGIBILITY

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

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

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

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: NO
2. If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? YES
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? YES

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

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

BAR ADMISSION

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

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

I certify the accuracy of all information provided above.

Signature: /s Craig B. Sanders

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Escallate Hit with NY Consumers' FDCPA Lawsuit](#)
