

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

SHERRY BOOKER , individually and) on behalf of all others similarly situated,))	Case No.
Plaintiff,)	JURY DEMAND
vs.)	
CHEADLE LAW ,)	
Defendant.)	
_____)	

**COMPLAINT FOR VIOLATION OF
FAIR DEBT COLLECTION PRACTICES ACT**

I. INTRODUCTION

1. Plaintiff, Sherry Booker, brings this class action claim on behalf of herself and all others similarly situated against Defendant, Cheadle Law, under the Federal Fair Debt Collection Practices Act (“FDCPA” herein). The FDCPA was enacted to “eliminate abusive debt collection practices by debt collectors,” and to “prohibit debt collectors from engaging in unfair or deceptive acts or practices in the collection of consumer debts.” 15 U.S.C. 1692(e). Plaintiff alleges that Defendant deceived Plaintiff and upon information and belief those similarly situated to Plaintiff who were sent deceptive letters attempting to violate their rights.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k (d).

3. Venue is proper in the Middle District of Tennessee pursuant to 18 U.S.C. § 1391(b) because Defendant does business within the Middle District of Tennessee, and because Plaintiff is a resident of Davidson County, Tennessee, which is within Middle District of Tennessee.

III. PARTIES

3. Plaintiff, Sherry Booker (“Plaintiff” herein), is a natural person residing in Davidson County in the state of Tennessee, and is a “consumer” as defined by the FDCPA, 15 U.S.C. §1692a(3).

4. Defendant, Cheadle Law (“Defendant” herein) is an entity who at all relevant times was engaged, by use of the mail and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5). In addition, Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

6. On or about June 12, 2017, Plaintiff received a letter from Defendant, which provided a file number, a list of attorney’s fees, and that

Plaintiff owes an “obligation” to Defendant, a law firm. Specifically, and without limitation, Defendant’s letter on June 12, 2017, “Cheadle Law” has obtained ownership of an “Amount of Obligation: \$4,067.83” and is charging Plaintiff “Attorney Fees: \$1,355.94.”

7. Such misrepresentations violated Plaintiff’s rights and misled her. Specifically, and without limitation, Defendant’s letter on June 12, 2017 made Plaintiff believe that due to a pending lawsuit, she was under a legal obligation was to pay Defendant’s legal fees, when such statements are false.

8. Defendant’s conduct violated the FDCPA in multiple ways, including but not limited to:

- a) Falsely representing the character, amount, or legal status of Plaintiff’s alleged debt (§ 1692e(2)(A));
- b) Communicating or threatening to communicate credit information which is known or which should be known to be false (§ 1692e(8));
- c) Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff (§ 1692e(10));
- d) Using unfair or unconscionable means against Plaintiff in connection with an attempt to collect a debt (§ 1692f);
- e) Collecting an amount from Plaintiff that is not expressly authorized by the agreement creating the debt (§ 1692f(1));
- f) Collecting an amount from Plaintiff that is not permitted by law (§ 1692f(1)).

9. As a result of the above violations of the FDCPA Plaintiff suffered and continues to suffer injury such as personal humiliation, embarrassment, mental anguish and emotional distress. Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, costs, and attorney's fees.

Class Allegations

10. Plaintiff brings this class action on behalf of herself and all others similarly situated ("the Class").

11. Plaintiff represents, and is a member of the following class:

- a. All persons residing in the United States, who, within the one (1) year preceding the filing of this Complaint, received collection correspondence from Defendant that provided a file number, a list of attorney's fees, and that the individual owes an "obligation" to Defendant

12. As a result of Defendant's conduct, Plaintiff and, upon information and belief, members of the Class have been deprived of accurate and valid information regarding their rights and the obligations of debt collectors like Defendant.

13. Defendant and its employees or agents are excluded from the Class. Upon information and belief, the number of Class members is in the tens of thousands, if not more. Thus, this matter should be certified as a Class action to assist in the expeditious litigation of these matters.

14. This lawsuit seeks statutory damages, actual damages, and injunctive relief for recovery of economic injury on behalf of the Class and is not intended to request any recovery for personal injury and claims related thereto. Plaintiffs reserve the right to expand the Class definition to seek recovery on behalf of additional persons as warranted when additional facts are learned as a result of further investigation and discovery.

15. The joinder of the Class members is impractical and the disposition of their claims in the Class action will provide substantial benefits both to the parties and to the court. The Class can be identified through Defendant's records or Defendant's agents' records.

16. There is a well-defined community of interest in the questions of law and fact involved affecting the parties to be represented. The questions of law and fact to the Class predominate over questions which may affect individual Class members, including the following:

- a. Whether, within the one (1) year preceding the filing of this Complaint, Defendant communicated with consumers in connection with debt collection and provided a file number, a list of attorney's fees, and that the individual owes an "obligation" to Defendant.
- b. Whether Plaintiffs and the Class members were damaged thereby, and the extent of damages for such violation; and

c. Whether Defendant should be enjoined from engaging in such conduct in the future.

17. As a person who received the grossly inadequate and misleading collection letter from Defendant, Plaintiff is asserting claims that are typical of the Class. Plaintiff will fairly and adequately represent and protect the interests of the Class in that Plaintiff has no interests antagonistic to any member of the Class.

18. Plaintiff and the members of the Class have all suffered irreparable harm as a result of the Defendant's unlawful and wrongful conduct. Absent a class action, the Class will continue to face the potential for irreparable harm. In addition, these violations of law will be allowed to proceed without remedy resulting in consumers who continue to lack notice of their rights and Defendant's obligations.

19. Because of the size of the individual Class member's claims, few, if any, Class members could afford to seek legal redress for the wrongs complained of herein.

20. A class action is a superior method for the fair and efficient adjudication of this controversy. Class wide damages are essential to induce Defendant to comply with federal law. The interest of Class members in individually controlling the prosecution of separate claims against Defendant is

small because the maximum statutory damages in an individual action under the FDCPA is minimal. Management of these claims is likely to present significantly fewer difficulties than those presented in many class claims.

21. Defendant has committed violations generally applicable to the Class, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the Class as a whole.

First Cause of Action: Violation of the Fair Debt Collection Practices Act

22. Plaintiff incorporates by reference the paragraphs 1 through 21 of this Complaint.

23. As a direct proximate result of Defendant's conduct, Plaintiff and the Class have suffered actual damages and other harm, thereby entitling them to seek statutory damages in the amount of \$1,000.00 each, in addition to reasonably incurred attorney's fees and costs. 15 U.S.C. §1692k(a)(1)-(3)

Prayer for Relief

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff and the Class members the following relief against Defendant:

- a. That this action be certified as a class action on behalf of the Class and Plaintiff be appointed as the representative of the Class;
- b. For statutory damages of \$1,000.00 for Plaintiff and each member of the Class pursuant to 15 U.S.C. §1692k(a)(1)

- c. For actual damages according to proof;
- d. For reasonable attorneys' fees and costs of suit;
- e. For prejudgment interest at the legal rate; and
- f. For such further relief as this Court deems necessary, just, and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Dated: October 20, 2017

Respectfully submitted,

By: /s/ Susan S. Lafferty

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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

SHERRY BOOKER, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Susan S. Lafferty, Esq. BPR #025961
Lafferty Law Firm, P.C., 555 Marriott Drive, Suite 315, Nashville, TN 37214, (615) 878-1926

DEFENDANTS

Cheadle Law

County of Residence of First Listed Defendant _____
(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
- 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 or 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 and 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)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act		
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <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 - 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 U.S.C. 1692 Et. Seq.

Brief description of cause:

FEDERAL FAIR DEBT COLLECTION PRACTICES ACT

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

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/19/2017

/s/ Susan S. Lafferty

FOR OFFICE USE ONLY

RECEIPT # _____

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims Cheadle Law Sought to Collect Impermissible 'Attorney Fees'](#)
