

1 Plaintiff EUGENE CLARK alleges as follows:

2 **INTRODUCTION**

3 1. Plaintiff EUGENE CLARK (hereinafter referred to as “Plaintiff”), brings
4 this lawsuit against SAN DIEGO ACCOUNTS SERVICE, a California Corporation
5 d/b/a/ CALIFORNIA ACCOUNTS SERVICE (hereinafter “Defendant”) for
6 violations of the Federal Fair Debt Collection Practices Act (“FDCPA”), and
7 Rosenthal Fair Debt Collections Practices Act (“Rosenthal FDCPA”).

8 2. Plaintiff brings this action to seek actual damages, statutory damages,
9 injunctive relief, attorneys’ fees and costs, and other relief the Court deems
10 appropriate.

11 3. Plaintiff alleges as follows, upon personal knowledge as to himself and
12 his own acts and experiences, and, as to all other matters, upon information and
13 belief, including investigation conducted by his attorneys.

14 4. Plaintiff makes these allegations on information and belief, with the
15 exception of those allegations that pertain to Plaintiff, or to a Plaintiff’s counsel,
16 which Plaintiff alleges on personal knowledge.

17 5. While many violations are described below with specificity, this
18 Complaint alleges violations of the statutes cited in their entirety.

19 6. Unless otherwise stated, Plaintiff alleges that any violations by
20 Defendant were knowing and intentional, and that Defendant did not maintain
21 procedures reasonably adapted to avoid any such violations.

22 7. Unless otherwise indicated, the use of Defendant in this Complaint
23 includes all agents, employees, officers, members, directors, heirs, successors,
24 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of
25 Defendant.

26 **PARTIES**

27 8. Plaintiff is, and at all times mentioned herein was, an individual, residing
28 in the County of San Diego, State of California.

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A PROFESSIONAL CORPORATION
11251 RANCHO CARMEL DR. # 500694
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1 9. Plaintiff is a “consumer” as the term is defined by 15 U.S.C. section
2 1692a(3) and a “debtor” as the term is defined by California Civil Code section
3 1788.2(h).

4 10. Plaintiff is informed and believes, and thereupon alleges, that Defendant
5 is, and at all times mentioned herein was, a limited partnership who was conducting
6 and engaging in business in the County of San Diego, State of California.

7 11. Plaintiff is informed and believes, and thereupon alleges, that Defendant
8 uses an instrumentality of interstate commerce or the mails in a business the principal
9 purpose of which is the collection of debts, or who regularly collects or attempts to
10 collect, directly or indirectly, debts owed or due or asserted to be owed or due to
11 another and is therefore a “debt collector” as the term is defined by 15 U.S.C. section
12 1692a(6).

13 12. Plaintiff is informed and believes, and thereupon alleges that Defendant
14 is a “debt collector” as the term is defined by Civil Code section 1788.2(c).

15 13. Defendant attempted to collect a medical debt which is a “consumer
16 debt” as the term is defined by the FDCPA and Rosenthal FDCPA.

17 14. Plaintiff is informed and believes and thereupon alleges that at all times
18 herein mentioned each of the Defendants was the agent, servant, employee, or partner
19 of each of the remaining defendants and, in committing the acts and omissions
20 hereinafter alleged, was acting within the course and scope of such agency,
21 employment, partnership, or other business relationship, and were each responsible
22 for the acts and omissions alleged in this complaint.

23 **JURISDICTION AND VENUE**

24 15. This Court has jurisdiction under 15 U.S.C. section 1692k(d), 28 U.S.C.
25 section 1331, and 28 U.S.C. section 1367 for supplemental state claims.

26 16. This action arises out of violations of the FDCPA and Rosenthal
27 FDCPA. Because Defendant does business within the State of California, County of
28 San Diego, personal jurisdiction is established.

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1 17. Venue is proper pursuant to 28 U.S.C. section 1391.

2 **RELEVANT FACTS**

3 18. Sometime after April 27, 2017, Plaintiff received a collection letter
4 (hereinafter referred to as “Collection Notice”), dated April 27, 2017, from
5 Defendant, attempting to collect a debt in the amount of \$77.49 from Plaintiff. A
6 copy of the Collection Notice is attached hereto as **Exhibit 1**, and is incorporated
7 herein by reference.

8 19. Defendant’s Collection Notice does not state that the \$77.49 debt is
9 increasing due to accruing interest, late charges, or other fees. In fact, Defendant’s
10 Collection Notice is completely devoid of any language that would either confirm or
11 deny the existence of acquiring interest, late charges, or other fees.

12 20. Upon information and belief, Defendant was either charging daily
13 accruing interest, late charges, or other fees, which increased the total amount owed.

14 21. Upon information and belief, Defendant’s debt collection practice is
15 largely automated and utilizes standardized form letters or templates.

16 **CLASS ALLEGATIONS**

17 22. Plaintiff brings this action on his own behalf, and on behalf of all others
18 similarly situated.

19 **FDCPA CLASS**

20 23. Plaintiff defines the FDCPA CLASS as follows:

21 All persons located in the State of California to whom
22 Defendant sent, within one year before the date of this
23 complaint and in connection with the collection of a consumer
24 debt, an initial written communication that is substantially
25 similar or materially identical to Defendant’s Collection Notice
26 which was not returned undelivered by the United States
27 Postal Service, in which Defendant did not include language
28 that the amount of the debt was subject to increase due to
accruing interest, late charges, or other fees.

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ROSENTHAL FDCPA CLASS

1
2 24. Plaintiff defines the ROSENTHAL FDCPA CLASS as follows:

3 All persons located in the State of California to whom
4 Defendant sent, within one year before the date of this
5 complaint and in connection with the collection of a consumer
6 debt, an initial written communication that is substantially
7 similar or materially identical to Defendant’s Collection Notice
8 which was not returned undelivered by the United States Postal
9 Service, in which Defendant did not include language that the
10 amount of the debt was subject to increase due to accruing
11 interest, late charges, or other fees.

12 25. The FDCPA Class and the Rosenthal FDCPA Class shall be referred to
13 jointly as “The Classes.”

14 26. Defendant and its employees or agents are excluded from the Classes.

15 27. Plaintiff does not know the exact number of persons in the Classes, but
16 believes them to be in the several hundreds, if not thousands, making joinder of all
17 these actions impracticable.

18 28. The identity of the individual members is ascertainable through
19 Defendant’s and/or Defendant’s agents’ records or by public notice.

20 29. There is a well-defined community of interest in the questions of law and
21 fact involved affecting the members of the Classes. The questions of law and fact
22 common to the Classes predominate over questions affecting only individual class
23 members, and include, but are not limited to, the following:

- 24 a) Whether Defendant violated the FDCPA by sending a written
25 communication substantially in the form of Exhibit 1 to the members of
26 the Classes;
- 27 b) Whether Defendant violated the Rosenthal FDCPA by sending using a
28 written communication substantially in the form of Exhibit 1 to the
members of the Classes;
- c) Whether members of the Classes are entitled to the remedies under the
FDCPA;

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d) Whether members of the Classes are entitled to the remedies under the Rosenthal FDCPA;

e) Whether members of the Classes are entitled to declaratory relief;

f) Whether members of the Classes are entitled to an award of reasonable attorneys’ fees and costs of suit pursuant to the FDCPA;

g) Whether members of the Classes are entitled to an award of reasonable attorneys’ fees and costs of suit pursuant to the Rosenthal FDCPA.

30. Plaintiff will fairly and adequately protect the interest of the Classes.

31. Plaintiff has retained counsel experienced in consumer class action litigation and in handling claims involving unlawful debt collection practices.

32. Plaintiff’s claims are typical of the claims of the Classes, which all arise from the same operative facts involving unlawful collection practices.

33. A class action is a superior method for the fair and efficient adjudication of this controversy.

34. Class-wide damages are essential to induce Defendant to comply with the Federal and State laws alleged in the Complaint.

35. The interests 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 or Rosenthal FDCPA is \$1,000. Management of these claims is likely to present significantly fewer difficulties than those presented in many class claims, *e.g.* securities fraud.

36. Defendant has acted on grounds generally applicable to the Classes, thereby making appropriate final declaratory relief with respect to the class as a whole.

37. Plaintiff contemplates providing notice to the putative class members by direct mail in the form of a postcard and via Internet website.

38. Plaintiff requests certification of a hybrid class combining the elements

1 of Fed. R. Civ. P. 23(b)(3) for monetary damages and Fed. R. Civ. P. 23(b)(2) for
 2 equitable relief.

3 **FIRST CAUSE OF ACTION**
 4 **(Violation of the FDCPA)**

5 39. Plaintiff re-alleges all paragraphs above, as if fully set forth herein.

6 40. Defendant violated 15 U.S.C. sections 1692e, 1692e(2)(A), and
 7 1692e(10) because its Collection Notice failed to disclose that the debt is subject to
 8 daily accrual of interest, late charges, or other charges, which makes the Collection
 9 Notice deceptive, confusing, and misleading. *See Avila v. Riexinger & Assocs., LLC*,
 10 817 F.3d 72 (2d Cir. 2016). In *Avila*, the Second Circuit stated the following:

11 “A reasonable consumer could read the notice and be misled into believing that
 12 she could pay her debt in full by paying the amount listed on the notice. In fact,
 13 however, if interest is accruing daily, or if there are undisclosed late fees, a
 14 consumer who pays the “current balance” stated on the notice will not know
 15 whether the debt has been paid in full. The debt collector could still seek the
 16 interest and fees that accumulated after the notice was sent but before the
 17 balance was paid, or sell the consumer's debt to a third party, which itself could
 18 seek the interest and fees from the consumer.

19 Because the statement of an amount due, without notice that the amount is
 20 already increasing due to accruing interest or other charges, can mislead the
 21 least sophisticated consumer into believing that payment of the amount stated
 22 will clear her account, we hold that the FDCPA requires debt collectors, when
 23 they notify consumers of their account balance, to disclose that the balance may
 24 increase due to interest and fees

25 *See Avila*, 817 F.3d at p. 76; also see *Dragon*, 483 F.Supp.3d 198, 201-203; *Marucci*
 26 *v. Cawley & Bergmann LLP.*, 2014 WL 7140496 (D. N.J. 2014); *Michalek v. ARS*
 27 *Nat. Sys., Inc.* 2011 WL 6180498 at *3-5 (M.D. Pa. 2011); *Smith v. Lyons, Doughty &*
 28 *Veldhuius, P.C.* 2008 WL2885887 at *7 (D. N.J. 2008); *Akram v. California Business*
Bureau Inc., 2016 WL 7029262 (S.D. Cal. Oct. 3, 2016); *Chuway v. National Action*
Financial Services, Inc., 362 F.3d 944, 949 (7th Cir. 2004); *Miller v. McCalla,*
Raymer, Padrick, Cobb, Nichols, & Clark, L.L.C., 214 F.3d 872, 876 (7th Cir. 2000);
Dragon v. I.C. System, Inc., 483 F.Supp.3d 198, 203 (D. Conn. 2007).

1 41. As a result of each and every violation of the FDCPA, as alleged herein,
2 Plaintiff has suffered actual damages and harm resulting from Defendant’s actions as
3 heretofore alleged, including but not limited to worry, emotional distress, anxiety, and
4 humiliation, the exact amount of which is to be proven at trial.

5 42. As a result of each and every violation of the FDCPA, as alleged herein,
6 Plaintiff incurred additional actual damages including, but not limited to,
7 transportation and gasoline costs to the law firm, telephone call charges, copies,
8 postage, and other damages.

9 43. As a result of each and every violation of the FDCPA, as alleged herein,
10 Plaintiff is entitled to actual damages pursuant to 15 U.S.C. section 1692k(a)(1);
11 statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. section
12 1692k(a)(2)(A); and reasonably attorneys’ fees and costs pursuant to 15 U.S.C.
13 section 1692k(a)(3).

14 **SECOND CAUSE OF ACTION**
15 **(Violation of the Rosenthal FDCPA)**

16 44. Plaintiff re-alleges all paragraphs above, as if fully set forth herein.

17 45. Any violation of the FDCPA is a violation of California Civil Code
18 section 1788.17, also known as the Rosenthal FDCPA, because section 1788.17
19 incorporates the FDCPA.

20 46. Defendant violated Civil Code section 1788.17 because it violated 15
21 U.S.C. sections 1692e, 1692e(2)(A) and 1692e(10), as discussed above.

22 47. The Ninth Circuit has ruled that the Rosenthal FDCPA incorporates the
23 FDCPA’s class action damages provision in 15 U.S.C. section 1692k(a)(2)(B) via
24 California Civil Code section 1788.17. *See Gonzales v. Arrow Fin. Servs., LLC*, 660
25 F.3d 1055, 1066 (9th Cir. 2011)

26 48. As a result of each and every violation of the Rosenthal FDCPA,
27 Plaintiff has suffered actual damages and harm resulting from Defendant’s actions as
28 heretofore alleged, including but not limited to worry, emotional distress, anxiety, and

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1 humiliation, the exact amount of which is to be proven at trial.

2 49. As a result of each and every violation of the Rosenthal FDCPA,
3 Plaintiff incurred additional actual damages including, but not limited to,
4 transportation and gasoline costs to the law firm, telephone call charges, copies,
5 postage, and other damages.

6 50. As a result of each and every violation of the Rosenthal FDCPA,
7 Plaintiff is entitled to actual damages pursuant to California Civil Code section
8 1788.30(a); statutory damages under 1692k(a)(2)(A) which is incorporated by
9 California Civil Code section 1788.17; statutory damages for a knowing or willful
10 violation in the amount of up to \$1,000.00 pursuant to California Civil Code section
11 1788.30(b); and reasonable attorney's fees and costs pursuant to California Civil
12 Code section 1788.30(c).

13 **REQUEST FOR PRESERVATION OF EVIDENCE**

- 14 1. Preserve all forms of electronic data, regardless of where the data exists,
15 without modification to or deletion of any potentially discoverable data;
- 16 2. Suspend all procedures that may alter or delete computer data;
- 17 3. Prevent deleting, overwriting, defragmenting, or compressing the data;
- 18 4. Preserve all archived back-up tapes and ensure that (a) if archive tapes
19 are rotated, the relevant tapes are removed from the rotation; (b) if backups are made
20 to hard drives, preserve the hard drive as well;
- 21 5. Preserve the contents of all hard drives, network drives, tape drives,
22 optical drives, floppy disks, CD and DVD drives, and all other types of drives or
23 storage media that are within the possession, custody or control of all people who
24 have knowledge of relevant facts and those who work with them, such as assistants;
- 25 6. Preserve the contents of all information on portable computers—such as
26 laptops and palmtops—used by those people as well as home computers, if these are
27 used for work purposed;
- 28

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1 7. Preserve the contents of all data on computers that were used since the
2 limitations period on the lawsuit began (for example; one year prior to filing) but that
3 are no longer in use.

4 **REQUEST FOR JURY TRIAL**

5 As declared by the seventh amendment to the Constitution of the United States
6 of America, Plaintiff is entitled to, and demands, a trial by jury.

7 **PRAYER FOR DAMAGES AND OTHER REMEDIES**

8 1. An order certifying the Class as requested herein;
9 2. An order appointing the Plaintiff as the representative of the Class;
10 3. An order certifying Plaintiff’s counsel as Class Counsel;
11 4. An order requiring Defendant, at its own cost, to notify all members of
12 the Classes of the unlawful acts discussed herein;

13 5. Injunctive relief requiring Defendant to disclose, in its Collection Notice,
14 that the debt is subject to daily accrual of interest, late charges, or other charges;

15 6. An award of statutory damages in the amount of \$1,000.00, pursuant to
16 15 U.S.C. section 1692k(a)(2)(A), for each plaintiff and putative class member;

17 7. An award of statutory damages in the amount of \$1,000.00, pursuant to
18 California Civil Code section 1788.17, for each plaintiff and putative class member;

19 8. An award of statutory damages in the amount of \$1,000.00, pursuant to
20 California Civil Code section 1788.30(b), for each plaintiff and putative class
21 member;

22 9. An award of costs of litigation and reasonable attorney’s fees, pursuant
23 to 15 U.S.C. section 1692k(a)(3);

24 10. An award of costs of litigation and reasonable attorney’s fees, pursuant
25 to California Civil Code section 1788.30(c);

26 11. An award of interest as permitted by law; and

27 12. Any and all other relief that this Court deems just and proper.
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Respectfully Submitted,
DATED: December 18, 2017

MASHIRI LAW FIRM
A Professional Corporation

By: /s/ Alex Asil Mashiri
Alex Asil Mashiri
Attorney for Plaintiff
EUGENE CLARK

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JS 44 (Rev. 12/12)

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
EUGENE CLARK

DEFENDANTS
SAN DIEGO ACCOUNTS SERVICE, a California Corporation, doing business as CALIFORNIA ACCOUNTS SERVICE

(b) County of Residence of First Listed Plaintiff San Diego, California
(EXCEPT IN U.S. PLAINTIFF CASES)

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.

(c) Attorneys (Firm Name, Address, and Telephone Number)
MASHIRI LAW FIRM, A Professional Corporation
11251 Rancho Carmel Dr. # 500694, San Diego, CA 92150
Tel: 858 348-4938

Attorneys (If Known)

'17CV2529 DMS WVG

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)

| 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 | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <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 | <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"/> 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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <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 type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" 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 Constitutionality of State Statutes |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | | | |
| <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 | | | |

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. section 1692 et. seq.,
 Brief description of cause:
 Violation of the Federal and State Debt Collection Laws

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 500,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

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

DATE 12/18/2017 SIGNATURE OF ATTORNEY OF RECORD s/ Alex Asil Mashiri

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

EXHIBIT 1

CALIFORNIA ACCOUNTS SERVICE
POB 1622
329 VAN HOUTEN AVE.
EL CAJON, CA 92022
(619)444-6116

APR 27, 2017

EUGENE CLARK
12460 JULIAN AVE
LAKEVILLE, CA 92040

RE: LARRY J MARSHALL MD \$77.49

TOTAL: \$77.49

This has been sent to you by a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

We have tried repeatedly with various correspondence and telephone messages to reach an equitable solution to the above mentioned debt. Obviously we have been unsuccessful and the balance is still outstanding.

This account is currently being reported on your credit history as an unpaid collection account. If you contact our office to resolve this unpaid account, we will report to the credit repositories that the matter has been resolved and therefore may help your credit score.

_____ No, I do not intend to pay this bill. I would like this to remain on my credit report.

_____ Yes, please contact me to resolve this matter. My phone number is _____

To make a payment online, go to www.pdcpay.com and use

Access Code: CASPAY
Account #: 453695
Pin #: 17896

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [California Accounts Service Facing FDCPA Suit Over Allegedly Incomplete Collection Letter](#)
