

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRIAN J. GLUCKMAN, on behalf of)	Civil Action No.:
himself and others similarly situated,)	
)	<u>COMPLAINT - - CLASS ACTION</u>
Plaintiff,)	
)	
v.)	JURY TRIAL DEMANDED
)	
LEFKOFF, RUBIN, GLEASON &)	
RUSSO, P.C.,)	
)	
Defendant.)	
_____)	

NATURE OF ACTION

1. This is a class action brought under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.*

2. Congress enacted the FDCPA in 1977 to “eliminate abusive debt collection practices by debt collectors,” 15 U.S.C. § 1692(e), and in response to “abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors,” which Congress found to have contributed “to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy.” 15 U.S.C. § 1692(a).

3. As the Consumer Financial Protection Bureau (“CFPB”)—the federal agency tasked with enforcing the FDCPA—explained, “[h]armful debt collection practices remain a significant concern today. The CFPB receives more consumer complaints about debt collection practices than about any other issue.”¹

4. In fact, in 2018, over one-third of the complaints received by the CFPB involved debt collectors’ attempts to collect debts that consumers did not owe.²

5. To combat this serious problem in the debt collection industry, the FDCPA requires debt collectors to send consumers “validation notices” containing certain information about their alleged debts and consumers’ rights. 15 U.S.C. § 1692g(a).

6. A debt collector must send this notice “[w]ithin five days after the initial communication with a consumer in connection with the collection of any

¹ See Brief for the CFPB as Amicus Curiae, ECF No. 14, p. 2, *Hernandez v. Williams, Zinman, & Parham, P.C.*, No. 14-15672 (9th Cir. Aug. 20, 2014), http://www.ftc.gov/system/files/documents/amicus_briefs/hernandez-v.williams-zinman-parham-p.c./140821briefhernandez1.pdf.

² See Consumer Financial Protection Bureau, *Fair Debt Collection Practices Act—CFPB Annual Report 2018* at 14 (2018), https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/cfpb_fdcpa_annual-report-congress_03-2018.pdf

debt,” unless the required information was “contained in the initial communication or the consumer has paid the debt.” *Id.*, § 1692g(a).

7. “Congress added the validation of debts provision specifically to ensure that debt collectors gave consumers adequate information concerning their legal rights.” *Hernandez v. Williams, Zinman & Parham PC*, 829 F.3d 1068, 1080 (9th Cir. 2016).

8. Pertinent here, the validation notice must advise the consumer 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. 15 U.S.C. § 1692g(a)(4).

9. Moreover, the validation notice must advise the consumer 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. 15 U.S.C. § 1692g(a)(5).

10. A debt collector does not comply with section 1692g “merely by inclusion of the required debt validation notice; the notice Congress required must

be conveyed effectively to the debtor.” *Swanson v. S. Or. Credit Serv., Inc.*, 869 F.2d 1222, 1225 (9th Cir. 1988).

11. To be effective, the notice must not be overshadowed or contradicted by other messages or notices appearing in the initial communication from the collection agency. *See Savino v. Computer Credit, Inc.*, 164 F.3d 81, 85 (2d Cir. 1998) (“A debt collection notice is overshadowing or contradictory if it fails to convey the validation information clearly and effectively and thereby makes the least sophisticated consumer uncertain as to her rights.”).

12. This case centers on the failure of Lefkoff, Rubin, Gleason & Russo, P.C. (“Defendant”) to properly provide the disclosures required by 15 U.S.C. § 1692g in its initial written communications to consumers, or within five days thereafter.

PARTIES

13. Brian J. Gluckman (“Plaintiff”) is a natural person who at all relevant times resided in Duluth, Georgia.

14. Plaintiff is obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due, a creditor other than Defendant.

15. Plaintiff’s obligation, or alleged obligation, owed or due, or asserted to be owed or due, arises from a transaction in which the money, property,

insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes—namely, a credit card debt allegedly owed to Wells Fargo (the “Debt”).

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

17. Defendant is a Georgia Professional Corporation with its corporate headquarters in Atlanta, Georgia.

18. Defendant is an entity that at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. § 1692a(5).

19. At the time Defendant acquired the Debt for collection purposes, the alleged Debt was in default, or Defendant treated the Debt as if it was in default from the time it obtained it for collection.

20. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, or to regularly collect or attempt to collect, directly or indirectly, debts owed or due, or asserted to be owed or due, another.

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

JURISDICTION AND VENUE

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

23. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where the acts and transactions giving rise to Plaintiff's action occurred in this District, and where Defendant transacts business, and has its principal headquarters, in this District.

FACTUAL ALLEGATIONS

24. On or about March 7, 2018, Defendant sent a written communication to Plaintiff in connection with the collection of the Debt.

25. A true and correct copy of the March 7, 2018 communication to Plaintiff is attached as **Exhibit A**.

26. The March 7, 2018 communication was the first communication Plaintiff received from Defendant.

27. Plaintiff did not receive any additional written communications from Defendant within five days of the March 7, 2018 communication.

28. The March 7, 2018 communication to Plaintiff advised him that Defendant represented Wells Fargo with regard to the Debt. *See Ex. A.*

29. Then, under a heading titled “IMPORTANT NOTICE,” Defendant advised Plaintiff:

THIS FIRM IS ACTING AS A DEBT COLLECTOR FOR THE CREDITOR NAMED IN THIS CORRESPONDENCE AND ANY INFORMATION WILL BE USED FOR THAT PURPOSE. PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, YOU HAVE THIRTY (30) DAYS FROM RECEIPT OF THIS NOTICE TO DISPUTE THE VALIDITY OF THIS DEBT, OR ANY PORTION THEREOF, OR THE DEBT WILL BE ASSUMED TO BE VALID BY THE DEBT COLLECTOR. IF YOU DISPUTE THE DEBT IN WRITING WITHIN THIRTY (30) DAYS, WE WILL SEND TO YOU A VERIFICATION OF SAID DEBT OR COPY OF THE JUDGMENT, AS WELL AS THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

Id.

30. Defendant’s March 7, 2018 communication continued:

You are hereby advised that unless your account is paid in full or other satisfactory arrangements are made within thirty (30) days of receipt of this letter, we shall recommend to our client that civil suit be initiated to collect the balance shown above.

This matter demands your immediate attention and response.

Id.

CLASS ACTION ALLEGATIONS

31. Plaintiff brings this action as a class action pursuant to Federal Rules of Civil Procedure 23(a) and (b)(3) on behalf of a class consisting of:

(a) All persons with a Georgia address, (b) to whom Lefkoff, Rubin, Gleason & Russo, P.C. mailed an initial debt collection

communication (c) within one year preceding the date of the filing of this Complaint, (e) in connection with the collection of a consumer debt, (f) where the letter stated “[i]f you dispute the debt in writing within thirty (30) days, we will send to you a verification of said debt or copy of the judgment, as well as the name and address of the original creditor, if different from the current creditor” or “[y]ou are hereby advised that unless your account is paid in full or other satisfactory arrangements are made within thirty (30) days of receipt of this letter, we shall recommend to our client that civil suit be initiated to collect the balance shown above.”

32. Excluded from the class is Defendant, its officers and directors, members of their immediate families and their legal representatives, heirs, successors, or assigns, and any entity in which Defendant has or had controlling interests.

33. The proposed class satisfies Rule 23(a)(1) because, upon information and belief, it is so numerous that joinder of all members is impracticable.

34. The exact number of class members is unknown to Plaintiff at this time and can only be ascertained through appropriate discovery.

35. The proposed class is ascertainable in that it is defined by reference to objective criteria.

36. In addition, upon information and belief, the names and addresses of all members of the proposed class can be identified in business records maintained by Defendant.

37. The proposed class satisfies Rule 23(a)(2) and (3) because Plaintiff's claims are typical of the claims of the members of the class.

38. To be sure, the claims of Plaintiff and all of the members of the class originate from the same conduct, practice, and procedure on the part of Defendant, and Plaintiff possesses the same interests and has suffered the same injuries as each member of the proposed class.

39. Plaintiff satisfies Rule 23(a)(4) because she will fairly and adequately protect the interests of the members of the class and has retained counsel experienced and competent in class action litigation.

40. Plaintiff has no interests that are contrary to or in conflict with the members of the class that he seeks to represent.

41. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy, since joinder of all members is impracticable.

42. Furthermore, as the damages suffered by individual members of the class may be relatively small, the expense and burden of individual litigation make it impracticable for the members of the Class to individually redress the wrongs done to them.

43. There will be no extraordinary difficulty in the management of this action as a class action.

44. Issues of law and fact common to the members of the class predominate over any questions that may affect only individual members, in that Defendant has acted on grounds generally applicable to the class.

45. Among the issues of law and fact common to the class are:

- a. Defendant's violations of the FDCPA as alleged herein;
- b. Defendant's failure to properly provide in its initial debt collection letter the disclosures required by 15 U.S.C. § 1692g;
- c. the availability of statutory penalties; and
- d. the availability of attorneys' fees and costs.

**COUNT I: VIOLATION OF THE FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. § 1692g(a)**

46. Plaintiff repeats and re-alleges each and every factual allegation contained in paragraphs 1 through 45.

47. The FDCPA at 15 U.S.C. § 1692g(a) provides:

(a) Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing –

(4) 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; and

(5) 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.

48. Defendant's March 7, 2018 communication did not contain the proper disclosures required by 15 U.S.C. § 1692g(a)(4) and 15 U.S.C. § 1692g(a)(5), and Defendant did not provide such disclosures within five days thereafter.

49. Specifically, the March 7, 2018 communication violated 15 U.S.C. § 1692g(a)(4) by failing to inform Plaintiff if he notified Defendant, in writing within the thirty-day period, that the Debt, *or any portion thereof*, was disputed, Defendant would obtain verification of the Debt or a copy of a judgment and a copy of such verification or judgment will be mailed to Plaintiff. *See Ex. A.*

50. Moreover, the March 7, 2018 communication violated 15 U.S.C. § 1692g(a)(5) by failing to inform Plaintiff that *upon his written request* within the thirty-day period, Defendant would provide him with the name and address of the original creditor, if different from the current creditor. *See Ex. A.*

51. The harm suffered by Plaintiff is particularized in that the violative initial debt collection letter at issue was sent to him personally and regarded his personal alleged debt.

52. Likewise, Defendant's actions created a concrete harm in that they constituted a debt collection practice that Congress prohibited because such practice is likely to mislead consumers, causing them to misunderstand their rights and to not vindicate the protections afforded them by federal law. *See, e.g., Church v. Accretive Health, Inc.*, 654 Fed.Appx. 990, 995 (11th Cir. 2016) ("Thus, Church has sufficiently alleged that she has sustained a concrete—*i.e.*, 'real'—injury because she did not receive the allegedly required disclosures. The invasion of Church's right to receive the disclosures is not hypothetical or uncertain; Church did not receive information to which she alleges she was entitled. In addition, Defendant's actions invaded a specific private right created by Congress, and the invasion of said right creates the risk of real harm.").

53. Moreover, Defendant's conduct created a real risk of harm to the concrete interest Congress was trying to protect in enacting the FDCPA. *See, e.g., Ziropiannis v. Seterus, Inc.*, No. 17-140-cv, 2017 WL 4005008, at *2 (2d Cir. Sep. 12, 2017) (concluding "that the specific procedural violation alleged in the

amended complaint presents a material risk of harm to the underlying concrete interest Congress sought to protect with the FDCPA”).

54. Indeed, Defendant’s conduct created a real risk that Plaintiff would be unsure of his dispute rights, and of Defendant’s concomitant obligations relating to treating the Debt as disputed and providing information relating to the original creditor. *See, e.g.*, 15 U.S.C. § 1692g(b) (“If the consumer notifies the debt collector in writing within the thirty-day period described in subsection (a) that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall cease collection of the debt, or any disputed portion thereof, until the debt collector obtains verification of the debt or a copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector.”).

**COUNT II: VIOLATION OF THE FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. § 1692g(b)**

55. Plaintiff repeats and re-alleges each and every factual allegation contained in paragraphs 1 through 45.

56. The FDCPA at 15 U.S.C. § 1692g(b) provides:

(b) If the consumer notifies the debt collector in writing within the thirty-day period described in subsection (a) that the debt, or any portion thereof, is disputed, or that the consumer requests the name

and address of the original creditor, the debt collector shall cease collection of the debt, or any disputed portion thereof, until the debt collector obtains verification of the debt or a copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector. 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 has notified the debt collector in writing that the debt, or any portion of the debt, is disputed or that the consumer requests the name and address of the original creditor. *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 dispute the debt or request the name and address of the original creditor.*

(emphasis added).

57. Defendant's March 7, 2018 communication told Plaintiff:

You are hereby advised that unless your account is paid in full or other satisfactory arrangements are made within thirty (30) days of receipt of this letter, we shall recommend to our client that civil suit be initiated to collect the balance shown above.

See Ex. A.

58. Defendant's statement that unless Plaintiff's account was paid in full or other satisfactory arrangements were made within thirty (30) days of receipt of the March 7, 2018 letter, it would recommend to its client that civil suit be initiated to collect the balance shown, overshadowed and contradicted the statutory validation notice required by 15 U.S.C. § 1692g. *See Chauncey v. JDR Recovery Corp.*, 118 F.3d 516, 519 (7th Cir. 1997) ("The statement in the first paragraph of

defendant's letter—'Unless we receive a check or money order for the balance, in full, within thirty (30) days from receipt of this letter, a decision to pursue other avenues to collect the amount due will be made'—contradicts the language in the letter explaining the plaintiff's validation rights under the FDCPA, which allows plaintiff 30 days in which to dispute the debt and request verification."); *see also* *Swift v. Maximus, Inc.*, No. 04-cv-216 (JBW), 2004 WL 1576618, at *3-4 (E.D.N.Y. July 15, 2004) ("[T]he notice states that payment must be received within the thirty day limit. Even the least-sophisticated consumer would calculate that payment must be mailed in advance of a deadline in order to be received by that deadline.").

59. In the alternative, Defendant, through its communication, failed to explain an apparent, though not actual, contradiction that its letter created regarding statutorily-mandated disclosures that Defendant was required to provide to Plaintiff.

60. The harm suffered by Plaintiff is particularized in that the violative initial debt collection letter at issue was sent to him personally and regarded his personal alleged debt.

61. Likewise, Defendant's actions created a concrete harm in that they constituted a debt collection practice that Congress prohibited because such

practice is likely to mislead consumers, causing them to misunderstand their rights and to not vindicate the protections afforded them by federal law. *See, e.g., Church*, 654 Fed.Appx. at 995.

62. Moreover, Defendant's conduct created a real risk of harm to the concrete interest Congress was trying to protect in enacting the FDCPA. *See, e.g., Ziogiannis*, 2017 WL 4005008, at *2.

63. Indeed, Defendant's conduct created a real risk that Plaintiff would be unsure of his dispute rights. *See, e.g., Chauncey*, 118 F.3d at 519 ("We believe that the contradictions in the letter, as in *Avila*, would leave an unsophisticated consumer confused as to what his rights are and therefore violate the FDCPA.").

WHEREFORE, Plaintiff respectfully requests relief and judgment as follows:

- a. Determining that this action is a proper class action under Rule 23 of the Federal Rules of Civil Procedure;
- b. Adjudging and declaring that Defendant violated 15 U.S.C. § 1692g(a) and 15 U.S.C. § 1692g(b);
- c. Awarding Plaintiff and members of the class statutory damages pursuant to 15 U.S.C. § 1692k;

- d. Awarding Plaintiff and members of the class any actual damages they suffered pursuant to 15 U.S.C. § 1692k;
- e. Enjoining Defendant from future violations of 15 U.S.C. § 1692g(a) and 15 U.S.C. § 1692g(b) with respect to Plaintiff and the class;
- f. Awarding Plaintiff and members of the class their reasonable costs and attorneys' fees incurred in this action, including expert fees, pursuant to 15 U.S.C. § 1692k and Rule 23 of the Federal Rules of Civil Procedure;
- g. Awarding Plaintiff and the members of the class any pre-judgment and post-judgment interest as may be allowed under the law; and
- h. Awarding other and further relief as the Court may deem just and proper.

TRIAL BY JURY

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of any and all triable issues.

Dated: June 6, 2018

/s/ Shireen Hormozdi
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Philip L. Rubin
Andrew D. Gleason
Adam S. Russo
Kristi S. Williams

March 7, 2018

Brian J Gluckman
3758 Sidney Lanier Blvd
Duluth GA 30096-3232

Re: Wells Fargo Bank, N.A. (Account No:XXXXXXXXXXXX1521) (Our File No: CM15212) Outstanding Balance: \$7,034.29;

Dear Brian J Gluckman:

This firm represents the above-named creditor with respect to the handling and collection of outstanding debts.

IMPORTANT NOTICE

THIS FIRM IS ACTING AS A DEBT COLLECTOR FOR THE CREDITOR NAMED IN THIS CORRESPONDENCE AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, YOU HAVE THIRTY (30) DAYS FROM THE RECEIPT OF THIS NOTICE TO DISPUTE THE VALIDITY OF THIS DEBT, OR ANY PORTION THEREOF, OR THE DEBT WILL BE ASSUMED TO BE VALID BY THE DEBT COLLECTOR. IF YOU DISPUTE THE DEBT IN WRITING WITHIN THIRTY (30) DAYS, WE WILL SEND TO YOU A VERIFICATION OF SAID DEBT OR COPY THE JUDGMENT, AS WELL AS THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

You are hereby and herewith advised that unless your account is paid in full or other satisfactory arrangements are made within thirty (30) days of receipt of this letter, we shall recommend to our client that civil suit be initiated to collect the balance shown above.

This matter demands your immediate attention and response.

Sincerely,

Adam S. Russo

ASR/lm

CIVIL COVER SHEET

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

Brian J. Gluckman, on behalf of himself and others similarly situated

DEFENDANT(S)

Lefkoff, Rubin, Gleason & Russo, P.C.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

Gwinnett (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, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Shireen Hormozdi, The Hormozdi Law Firm, LLC, 1770 Indian Trail Lilburn Road, Suite 175; Norcross, GA 30093; (678) 395-2434; shireen@norcrosslawfirm.com

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) (FOR DIVERSITY CASES ONLY)

- PLF DEF 1 1 CITIZEN OF THIS STATE, 2 2 CITIZEN OF ANOTHER STATE, 3 3 CITIZEN OR SUBJECT OF A FOREIGN COUNTRY, 4 4 INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE, 5 5 INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE, 6 6 FOREIGN NATION

IV. 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 District), 6 MULTIDISTRICT LITIGATION - TRANSFER, 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT, 8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Violations of the Fair Debt Collection Practices Act, 15 U.S.C. 1692.

(IF COMPLEX, CHECK REASON BELOW)

- 1. Unusually large number of parties. 2. Unusually large number of claims or defenses. 3. Factual issues are exceptionally complex. 4. Greater than normal volume of evidence. 5. Extended discovery period is needed. 6. Problems locating or preserving evidence. 7. Pending parallel investigations or actions by government. 8. Multiple use of experts. 9. Need for discovery outside United States boundaries. 10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT #, AMOUNT \$, APPLYING IFP, MAG. JUDGE (IFP), JUDGE, MAG. JUDGE (Referral), NATURE OF SUIT, CAUSE OF ACTION

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT
- 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395ff)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUP T ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTITRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____

JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.


SIGNATURE OF ATTORNEY OF RECORD

6-8-2018

DATE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lefkoff, Rubin, Gleason & Russo Hit with Debt Collection Suit in Georgia](#)
