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Attorneys for Plaintiffs
Our File No.: 111609

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

Gary G. Huntley and Nicole Charleston, individually
and on behalf of all others similarly situated,

Plaintiffs,

vs.

Progressive Financial Services, Inc.,

Defendant.

Docket No:

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

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

Gary G. Huntley and Nicole Charleston, 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 Progressive Financial Services, Inc. (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.

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

PARTIES

5. Plaintiff Gary G. Huntley is an individual who is a citizen of the State of New York residing in Suffolk County, New York.

6. Plaintiff Nicole Charleston 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’s principal place of business is located in Nashville, Tennessee.

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 debt”).

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. Plaintiff Huntley’s debt was incurred on a credit card issued by Kohl’s Department Stores.

14. At all relevant times herein, Plaintiff Huntley’s debt accrued, and was subject to, interest.

15. At all relevant times herein, Plaintiff Huntley’s debt accrued, and was subject to, late fees.

16. Plaintiff Charleston’s debt was incurred on a credit card issued by Kohl’s Department Stores.

17. At all relevant times herein, Plaintiff Charleston’s debt accrued, and was subject to, interest.

18. At all relevant times herein, Plaintiff Charleston’s debt accrued, and was subject to, late fees.

19. Sometime after the incurrence of the debts, Plaintiffs fell behind on payments

owed.

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

21. In its efforts to collect the debt, Defendant contacted Plaintiff Huntley by letter dated May 31, 2016. (“**Exhibit 1.**”)

22. In its efforts to collect the debt, Defendant contacted Plaintiff Charleston by letter dated April 5, 2016. (“**Exhibit 1.**”)

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

24. 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.

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

26. While § 1692e specifically prohibits certain practices, the list is non-exhaustive, and does not preclude a claim of falsity or deception based on any non-enumerated practice.

27. A collection letter is deceptive under 15 U.S.C. § 1692e if it can reasonably be read by the least sophisticated consumer to have two or more meanings, one of which is inaccurate.

28. A collection letter is also deceptive under 15 U.S.C. § 1692e if it is reasonably susceptible to an inaccurate reading by the least sophisticated consumer.

29. 15 U.S.C. § 1692e requires debt collectors, when they notify consumers of their account balance, to disclose whether the balance may increase due to interest and fees. *Avila v. Riexinger & Associates, LLC*, 817 F.3d 72, 76 (2d Cir. 2016).

30. A debt collector has the obligation not just to convey the amount of the debt, but to convey such clearly.

31. The letters set forth an “Amount Due.”

32. The letters also offer a settlement.

33. The letters fail to disclose whether the “Amount Due” may increase due to additional interest.

34. The letters fail to disclose whether the “Amount Due” may increase due to additional late fees.

35. The letters fail to disclose whether the “Amount Due” may increase due to

additional interest if the settlement is not accepted.

36. The letters fail to disclose whether the “Amount Due” may increase due to additional late fees if the settlement is not accepted.

37. The letters fail to include any “safe harbor” language concerning the accrual of interest and/or fees. *Avila v. Riexinger & Associates, LLC*, 817 F.3d 72, 76 (2d Cir. 2016).

38. The letters, because of the aforementioned failures, would render the least sophisticated consumer unable to determine the amount of his or her debt.

39. The letters, because of the aforementioned failures, would render the least sophisticated consumer unable to determine the amount of his or her debt because the consumer would not know whether interest and fees would continue to accrue, or whether the amount of the debt was static.

40. The letters, because of the aforementioned failures, would render the least sophisticated consumer unable to determine the value of Defendant’s settlement offer because the consumer would not know whether interest and fees would continue to accrue, or whether the amount of the debt was static, if the settlement was not accepted.

41. The letters, because of the aforementioned failures, could be read by the least sophisticated consumer to mean that the “Amount Due” was static.

42. The letters, because of the aforementioned failures, could also reasonably read the letter to mean that the “Amount Due” was dynamic due to the continued accumulation of interest and/or late fees.

43. Because the letters are susceptible to an inaccurate reading by the least sophisticated consumer, as described, they are deceptive under 15 U.S.C. § 1692e.

44. Because the letters can reasonably be read by the least sophisticated consumer to have two or more meanings, one of which is inaccurate, they are deceptive under 15 U.S.C. § 1692e.

45. Defendant violated 15 U.S.C. § 1692e by using a false, deceptive and misleading representation in its attempt to collect a debt.

CLASS ALLEGATIONS

46. 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 the same unlawful forms letter herein, from one year before the date of this

Complaint to the present.

47. This action seeks a finding that Defendant's conduct violates the FDCPA, and asks that the Court award damages as authorized by § 1692k(a)(2) of the FDCPA.

48. Defendant regularly engages in debt collection, using the same unlawful letter described herein, in its attempts to collect delinquent consumer debts from other persons.

49. The Class consists of more than 35 persons from whom Defendant attempted to collect delinquent consumer debts using the same unlawful letter described herein.

50. 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.

51. 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.

52. 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 the FDCPA.

JURY DEMAND

53. 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 their 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: April 2, 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.: 111609

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

Progressive Financial Services, Inc.

05/31/16

1919 West Fairmont Drive, Building 8 • Tempe, AZ 85282
Phone: 800-761-6097 • www.progressivefinancial.com

DEBTOR NAME: GARY G HUNTLEY
ACCOUNT NUMBER: *****7210
REFERENCE NUMBER: [REDACTED] 7123

ORIGINAL CREDITOR: CAPITAL ONE N.A.
CREDITOR: CAPITAL ONE, N.A.
RE: KOHL'S DEPARTMENT STORES, INC.
AMOUNT DUE: \$542.39

SETTLEMENT OFFER: \$325.43 (INSTANT SAVINGS OF \$216.96)

Dear GARY G HUNTLEY,

As you know from our previous letter, your above-referenced account has been placed with Progressive Financial Services, Inc. for collection activities.

KOHL'S DEPARTMENT STORE will currently accept \$325.43 (60% of the amount currently due on this account) **to settle your account.**

To take advantage of this offer contact our offices prior to 06/30/2016 to make arrangements or forward payment of \$325.43 with the coupon below so that it is received in our office on or before 06/30/2016. Note that after 06/30/2016 neither Progressive Financial Services, Inc. nor KOHL'S DEPARTMENT STORE is under any obligation to renew this offer. If payment is not received in our office on or before 06/30/2016, we will continue to pursue collection of the full balance due.

Other payment arrangements may also be available on your account. Contact our office for details.

We need your cooperation to help you satisfy this long overdue account.

Sincerely,

Frederick Smith
Debt Collector
Progressive Financial Services, Inc.
800-761-6097
Hours of Operation: MON-THURS 8AM-6PM ,FRI 8AM-3PM ,SAT 8AM-11AM Pacific Time

If you have an attorney to represent you with respect to this debt or if this debt has been included in a bankruptcy, please furnish us with the appropriate information so we may mark our files accordingly.

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector. PFS/KCH40

Settlement Offer

**60% of the amount
currently due**

INSTANT SAVINGS OF

\$216.96

Subject to conditions described below.

Please detach the lower portion of this letter and return with your payment.

603-KCH40

Y1B498CCC0



PO Box 505
Linden MI 48451-0505
FORWARDING SERVICE REQUESTED

Not intended for correspondence or payments

ACCOUNT NAME: GARY G HUNTLEY
REFERENCE NUMBER: [REDACTED] 7123
CREDITOR: KOHL'S DEPARTMENT STORE
AMOUNT DUE: \$542.39
SETTLEMENT AMOUNT: \$325.43

AMOUNT ENCLOSED: \$ _____



0026020024020502227711967330109---Y1B498CCC0 603

GARY G HUNTLEY
9 Adobe Dr
Shirley NY 11967-3301




Progressive Financial Services, Inc.
PO Box 22083
Tempe AZ 85285-2083

12345678-000603-01-1-AA



Required State Notices: We are required to provide the following information under state law. This is not a complete list of rights by state. If you do not reside in one of these states, you still may have the same or similar rights under state or federal law.

California Residents: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov. Nonprofit credit counseling services may be available in the area. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Colorado Residents: FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COAG.GOV/CAR. A CONSUMER HAS THE RIGHT TO REQUEST IN WRITING THAT A DEBT COLLECTOR OR COLLECTION AGENCY CEASE FURTHER COMMUNICATION WITH THE CONSUMER. A WRITTEN REQUEST TO CEASE COMMUNICATION WILL NOT PROHIBIT THE DEBT COLLECTOR OR COLLECTION AGENCY FROM TAKING ANY OTHER ACTION AUTHORIZED BY LAW TO COLLECT THE DEBT. LOCAL ADDRESS: PROGRESSIVE FINANCIAL SERVICES, INC., C/O COLORADO MANAGER, INC., BUILDING B, 80 GARDEN CENTER, SUITE 3, BROOMFIELD, CO 80020. LOCAL TELEPHONE: 303-920-4763.

Massachusetts Residents: NOTICE OF IMPORTANT RIGHTS
You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the debt collector. If you wish to discuss this matter, please call us direct between the hours of Monday- Thursday 6am- 9pm, Friday 6am -10am and Saturday 6am - 10am Mountain Time at the telephone number listed on this notice. Local address, 15 Union Street, Lawrence, Massachusetts, 01840.

Minnesota Residents: This collection agency is licensed by the Minnesota Department of Commerce.

New York City Residents: Progressive Financial Services, Inc., DBA PFS of Arizona is licensed by the City of New York, Department of Consumer Affairs; Arizona Branch, License #1250549; Pennsylvania Branch, License #1109138; South Dakota Branch, License #1250510.

New York State: Debt collectors, in accordance with the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to: a) the use or threat of violence; b) the use of obscene or profane language; and c) repeated phone calls made with the intent to annoy, abuse, or harass.

If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt: 1. Supplemental security income, (SSI); 2. Social security; 3. Public assistance (welfare); 4. Spousal support, maintenance (alimony) or child support; 5. Unemployment benefits; 6. Disability benefits; 7. Workers' compensation benefits; 8. Public or private pensions; 9. Veterans' benefits; 10. Federal student loans, federal student grants, and federal work study funds; and 11. Ninety percent of your wages or salary earned in the last sixty days.

North Carolina Residents: Progressive Financial Services, Inc. is licensed by the State of North Carolina; Arizona Branch, Permit Number 101824; Pennsylvania Branch, Permit Number 4484; South Dakota Branch, Permit Number 4482.

Tennessee Residents: This collection agency is licensed by the Collection Service Board, State Department of Commerce and Insurance, 500 James Robertson Parkway, Nashville, Tennessee 37243.

Utah Residents: As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Wisconsin Residents: This collection agency is licensed by the Division of Banking in the Wisconsin Department of Financial Institutions, www.wdfi.org.

Please let us know of any important changes in your information:

Name:

Address:

City/State/Zip:

Phone Number:

When you provide a check as payment, you authorize us to use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day you make your payment, and you will not receive your check back from your financial institution.

**Progressive
Financial
Services, Inc.**

PO Box 22083
Tempe, AZ 85285
Phone: 800-761-6097
www.progressivefinancial.com

Settlement Offer
**50% of the amount
currently due**
INSTANT SAVINGS OF
\$965.19
Subject to conditions described below.

04/05/16

SETTLEMENT OFFER: \$965.19 (INSTANT SAVINGS OF \$965.19)

Dear NICHOLE CHARLESTON,

As you know from our previous letter, your above-referenced account has been placed with Progressive Financial Services, Inc. for collection activities.

KOHL'S DEPARTMENT STORE will currently accept \$965.19 (50% of the amount currently due on this account) **to settle your account in full.**

To take advantage of this offer contact our offices prior to 05/05/2016 to make arrangements or forward payment of \$965.19 with the coupon below which must be received in our office on or before 05/05/2016. Note that after 05/05/2016 neither Progressive Financial Services, Inc. nor KOHL'S DEPARTMENT STORE is under any obligation to renew this offer. If payment is not received in our office on or before 05/05/2016, we will continue to pursue collection of the full balance due.

KOHL'S DEPARTMENT STORE may report the forgiven amount to the IRS. If KOHL'S DEPARTMENT STORE reports this information to the IRS, you will receive a form 1099c to report the forgiven amount as "miscellaneous income." You should seek tax advice regarding settlement of this account.

Other payment arrangements may also be available on your account. Contact our office for details.

We need your cooperation to help you satisfy this long overdue account.

Sincerely,

Frederick Smith
Debt Collector
Progressive Financial Services, Inc.
800-761-6097

Hours of Operation: MON-THURS 5:00-6:00, FRI 5:00-2:00, SAT 5:00-10:00 PST

If you have an attorney to represent you with respect to this debt or if this debt has been included in a bankruptcy, please furnish us with the appropriate information so we may mark our files accordingly.

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector. PFS/KCTX50

New York State: Debt collectors, in accordance with the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to: a) the use or threat of violence; b) the use of obscene or profane language; and c) repeated phone calls made with the intent to annoy, abuse, or harass.

If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt: 1. Supplemental security income, (SSI); 2. Social security; 3. Public assistance (welfare); 4. Spousal support, maintenance (alimony) or child support; 5. Unemployment benefits; 6. Disability benefits; 7. Workers' compensation benefits; 8. Public or private pensions; 9. Veterans' benefits; 10. Federal student loans, federal student grants, and federal work study funds; and 11. Ninety percent of your wages or salary earned in the last sixty days.

New York City Residents: Progressive Financial Services, Inc., DBA PFS of Arizona is licensed by the City of New York, Department of Consumer Affairs; Arizona Branch, License #1250549; Pennsylvania Branch, License #1109138; South Dakota Branch, License #1250510.

ORIGINAL CREDITOR: CHASE BANK USA N.A. ACCOUNT NAME: NICHOLE CHARLESTON
CREDITOR: CAPITAL ONE, N.A. ACCOUNT NUMBER: *****1004
RE: KOHL'S DEPARTMENT STORES, INC. REFERENCE NUMBER: [REDACTED] 1769
AMOUNT DUE: \$1,930.38

When you provide a check as payment, you authorize us to use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day you make your payment, and you will not receive your check back from your financial institution.

Please detach the lower portion of this letter and return with your payment. ✂

IF YOU WISH TO PAY BY CREDIT CARD, CIRCLE ONE AND FILL IN THE INFORMATION BELOW.	
<input type="checkbox"/> MasterCard	<input type="checkbox"/> VISA
CARD NUMBER	EXP. DATE
CARD HOLDER NAME	CVV
SIGNATURE	AMOUNT PAID

ACCOUNT NAME: NICHOLE CHARLES
REFERENCE NUMBER: [REDACTED] 1769
RE: KOHL'S DEPARTME
STORES, INC.
AMOUNT DUE: \$1,930.38
SETTLEMENT AMOUNT: \$965.19
AMOUNT ENCLOSED: \$ _____

Remit Payment To:
Progressive Financial Services, Inc.
PO Box 22083
Tempe AZ 85285-2083

Please make checks payable to:
Progressive Financial Services, Inc.

Y1AE8A89B5



PO Box 505
Linden MI 48451-0505
FORWARDING SERVICE REQUESTED

Not intended for correspondence or payments



PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE
PAID
HATTERAS



0026020024019909425611951493242—Y1AE8A89B5 24

NICHOLE CHARLESTON
142 Cedar Rd E
Mastic Beach NY 11951-4932

24



-Y1AE8A89B5

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: GARY G. HUNTLEY
(b) County of Residence of First Listed Plaintiff: SUFFOLK
(c) Attorneys: BARSHAY SANDERS, PLLC
DEFENDANTS: PROGRESSIVE FINANCIAL SERVICES, INC.
County of Residence of First Listed Defendant: DAVIDSON
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

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)
Grid with categories: U.S. Government Plaintiff/Defendant, Federal Question, Diversity, Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF, DEF, 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)
Grid with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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

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

DATE: April 3, 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

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

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Gary G. Huntley and Nicole Charleston, individually
and on behalf of all others similarly situated

Plaintiff(s)

v.

Progressive Financial Services, Inc.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Progressive Financial Services, Inc.
C/O CORPORATION SERVICE COMPANY
80 STATE STREET
ALBANY, NEW YORK, 12207-2543

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: Craig B. Sanders, Esq.
100 Garden City Suite 500
Garden City, New York 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 Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Debt Collector Sued Over 'Misleading' Collection Letters](#)
