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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHELBY KRUSE, individually and on behalf
of all others similarly situated,

Plaintiff(s),

v.

AUDIT & ADJUSTMENT COMPANY, INC.
d/b/a EVERGREEN BILLING
SPECIALISTS,

Defendant(s).

CASE NO. 2:17-cv-1199

COMPLAINT—CLASS ACTION

DEMAND FOR JURY TRIAL

Plaintiff SHELBY KRUSE (hereinafter, “Plaintiff”), a Washington resident, brings this class action complaint by and through her undersigned counsel, against Defendant AUDIT & ADJUSTMENT COMPANY, INC., and EVERGREEN BILLING SPECIALISTS (hereinafter “Defendant”), individually and on behalf of a class of all others similarly situated, pursuant to Rule 23 of the federal Rules of Civil Procedure, based upon information and belief of Plaintiff’s counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff’s personal knowledge.

JURISDICTION AND VENUE

- 1
- 2 1. The Court has jurisdiction over this action under 28 U.S.C. § 1331, 15 U.S.C. § 1692 *et*
- 3 *seq.* and 28 U.S.C. § 2201. If applicable, the Court also has pendent jurisdiction over the
- 4 state law claims in this action pursuant to 28 U.S.C. § 1367(a).
- 5
- 6 2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

NATURE OF THE ACTION

- 7
- 8
- 9 3. Plaintiff brings this class action on behalf of a class of Washington consumers seeking
- 10 redress for Defendant’s actions of using false, deceptive, and misleading representation or
- 11 means in connection with the collection of an alleged debt.
- 12
- 13 4. Defendant's actions violated § 1692 *et seq.* of Title 15 of the United States Code, commonly
- 14 referred to as the Fair Debt Collections Practices Act (“FDCPA”) which prohibits debt
- 15 collectors from engaging in abusive, deceptive and unfair practices.
- 16
- 17 5. Plaintiff is seeking damages, and declaratory and injunctive relief.

PARTIES

- 18
- 19 6. Plaintiff is a natural person and a resident of the State of Seattle, Washington, and is a
- 20 “Consumer” as defined by 15 U.S.C. §1692(a)(3).
- 21
- 22 7. Defendant, AUDIT & ADJUSTMENT COMPANY, INC. is a corporation incorporated in
- 23 the State of Washington, specializing in debt collection, with its principal place of business
- 24 located at 20700 44th Ave W # 100, Lynnwood, WA 98036.
- 25
- 26 8. Defendant, EVERGREEN BILLING SPECIALISTS is a collection agency with its
- 27 principal place of business located at 20700 44th Ave W # 100, Lynnwood, WA 98036.
- 28

1 9. Upon information and belief, EVERGREEN BILLING SPECIALISTS is merely one
2 department within AUDIT & ADJUSTMENT COMPANY, INC., and is a registered d/b/a
3 of that entity.

4 10. Upon information and belief, Defendants are companies that uses the mail, telephone, and
5 facsimile and regularly engages in business the principal purpose of which is to attempt to
6 collect debts alleged to be due another.

7 11. Defendants are “debt collectors,” as defined under the FDCPA under 15 U.S.C. § 1692a(6).
8

9
10 **CLASS ALLEGATIONS**

11 12. Plaintiff brings this claim on behalf of the following classes, pursuant to Fed. R. Civ. P.
12 23(a) and 23(b)(3).

- 13
- 14 • Class A: The Class consists of: (a) all individuals with addresses in the state of
15 Washington (b) to whom Defendant Evergreen Billing Specialists (c) sent a
16 collection letter in an attempt to collect a medical debt (d) which states that “This
17 Letter is to notify you that XXXXX has contracted Evergreen Billing Specialists to
18 send you a final notice on your account before sending it to an outside collection
19 agency” (e) which letter was sent on or after a date one year prior to the filing of
20 this action and on or before a date 21 days after the filing of this action.
 - 21 • Class B: The Class consists of: (a) all individuals with addresses in the state of
22 Washington (b) to whom Defendant Evergreen Billing Specialists (c) sent a
23 collection letter in an attempt to collect a medical debt (d) which falsely states that
24 “Your account has not been disputed with any credit reporting agency” (e) which
25 letter was sent on or after a date one year prior to the filing of this action and on or
26 before a date 21 days after the filing of this action.
27
28

1 13. The identities of all class members are readily ascertainable from the records of Defendants
2 and those companies and entities on whose behalf they attempt to collect and/or have
3 purchased debts.

4 14. Excluded from the Plaintiff Classes are the Defendants and all officers, members, partners,
5 managers, directors, and employees of the Defendants and their respective immediate
6 families, and legal counsel for all parties to this action and all members of their immediate
7 families,
8 families.

9 15. There are questions of law and fact common to the Plaintiff Classes, which common issues
10 predominate over any issues involving only individual class members. The principal issue
11 is whether the Defendants' written communications to consumers, in the form attached as
12 *Exhibit A*, violate 15 U.S.C. §§ 1692e.
13

14 16. The Plaintiffs' claims are typical of the class members, as all are based upon the same facts
15 and legal theories.

16 17. The Plaintiffs will fairly and adequately protect the interests of the Plaintiff Classes defined
17 in this complaint. The Plaintiffs have retained counsel with experience in handling
18 consumer lawsuits, complex legal issues, and class actions, and neither the Plaintiffs nor
19 their attorneys have any interests, which might cause them not to vigorously pursue this
20 action.
21

22 18. This action has been brought, and may properly be maintained, as a class action pursuant
23 to the provisions of Rule 23 of the Federal Rules of Civil Procedure because there is a well-
24 defined community interest in the litigation:
25
26
27
28

- 1 (a) **Numerosity:** The Plaintiffs are informed and believe, and on that basis allege, that
2 the Plaintiff Classes defined above are so numerous that joinder of all members
3 would be impractical.
- 4 (b) **Common Questions Predominate:** Common questions of law and fact exist as to
5 all members of the Plaintiff Classes and those questions predominate over any
6 questions or issues involving only individual class members. The principal issue is
7 whether the Defendants' written communications to consumers, in the form
8 attached as *Exhibit A*, violate 15 U.S.C. §§ 1692e.
- 9 (c) **Typicality:** The Plaintiffs' claims are typical of the claims of the class members.
10 The Plaintiffs and all members of the Plaintiff Classes have claims arising out of
11 the Defendants' common uniform course of conduct complained of herein.
- 12 (d) **Adequacy:** The Plaintiffs will fairly and adequately protect the interests of the class
13 members insofar as Plaintiffs have no interests that are averse to the absent class
14 members. The Plaintiffs are committed to vigorously litigating this matter.
15 Plaintiffs have also retained counsel experienced in handling consumer lawsuits,
16 complex legal issues, and class actions. Neither the Plaintiffs nor their counsel have
17 any interests which might cause them not to vigorously pursue the instant class
18 action lawsuit.
- 19 (e) **Superiority:** A class action is superior to the other available means for the fair and
20 efficient adjudication of this controversy because individual joinder of all members
21 would be impracticable. Class action treatment will permit a large number of
22 similarly situated persons to prosecute their common claims in a single forum
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1 25. The alleged CellNetix obligation arose out of a transaction in which money, property,
2 insurance or services, which are the subject of the transaction, are primarily for personal,
3 family or household purposes.

4 26. The alleged CellNetix obligation is a “debt” as defined by 15 U.S.C. § 1692a(5).

5 27. CellNetix is a “creditor” as defined by 15 U.S.C. § 1692a(4).

6 28. CellNetix or the subsequent owner of the CellNetix debt contracted the Defendant to collect
7 the alleged debt.
8

9 29. On or about June 1, 2016, the Defendant Audit & Adjustment Company, Inc. reported this
10 alleged debt on the Plaintiff’s credit report.
11

12 30. On or about April 18, 2017, the Plaintiff received a collection letter from Defendant
13 Evergreen Billing Specialists, which was dated April 14, 2017. *See, Exhibit A.*

14 31. The letter was sent or caused to be sent by persons employed by Defendant as a “debt
15 collector” as defined by 15 U.S.C. §1692a(6).
16

17 32. The letter is a “communication” as defined by 15 U.S.C. §1692a(2).

18 33. The April 14, 2017 Letter to the Plaintiff stated in part:

19 “This Letter is to notify you that CellNetix Pathology has contracted Evergreen
20 Billing Specialists to send you a final notice on your account before sending it to
21 an outside collection agency. Your account has not been reported to any credit
reporting agency. The balance of this account is due.”

22 34. The April 14, 2017 Letter further threatened:

23
24 “If Evergreen Billing Specialists has not received your payment within 25 days
25 from the date of this letter, your account will be assigned to AUDIT &
ADJUSTMENT COMPANY for collection.”

26 35. In the context of this Collection Letter, Defendant’s statement - that a) it has been
27 contracted to send a final notice before an outside collection agency would get involved;
28

1 and b) if Plaintiff did not make payment within twenty-five days, Plaintiff's account would
2 be assigned to Audit & Adjustment Company - can be read in two or more ways (either
3 an outside collection agency was not already involved, that Audit & Adjustment Company
4 was an outside collection agency but that Evergreen Billing Specialists was not, or that
5 there would be any change to the status of Plaintiff's account after the expiration of the
6 arbitrary 25 day deadline), one of which is inaccurate.

7
8 36. Upon information and belief, Plaintiff's account was already with an outside collection
9 agency as of April 14, 2017.

10 37. Defendant's collection letter was further abjectly false because the Plaintiff's debt had
11 already been reported to the credit reporting agencies as of June of 2016, nearly a year
12 before this April 2017 letter was mailed by Defendant.

13
14 38. Defendant's collection letter thus contained a thinly veiled threat that the Plaintiff's debt
15 was not yet reported to a credit reporting agency, but would be once an outside collection
16 agency was involved, all in an attempt to pressure the Plaintiff into paying this debt.

17
18 39. Nowhere in the Defendants' Letter did the Defendants disclose that Evergreen Billing
19 Specialists was in any way affiliated with Audit & Adjustment Company, creating the false
20 impression that Audit & Adjustment Company was a (thus-far-uninvolved) outside
21 collection agency, while Evergreen Billing Specialists was not.

22
23 40. The least sophisticated consumer in receipt of this Letter would reasonably conclude that
24 (1) Evergreen Billing Specialists was not an outside collection agency, (2) that Audit &
25 Adjustment Company was an 'outside' collection agency not yet involved in the collection
26 of Plaintiff's debt, (3) that her debt has not yet been reported to a credit reporting agency,
27 and that (4) the status of her account would somehow change upon the expiration of the
28

1 25-day deadline set forth in the collection letter. However, all these assumptions would be
2 false.

3 41. As stated on Defendant’s website “Audit & Adjustment Company is a Washington based
4 debt collection agency founded in 1996.”¹

5 42. As further reflected on Defendant’s website,

6
7 Evergreen Billing Specialists (EBS) was designed to reduce billing costs and
8 administrative overhead by outsourcing outstanding receivables prior to bad debt
9 placement.....

10 EBS Representatives will act as an extension of your billing office, field all
11 incoming calls, establish and monitor payments plans, process payments, mail the
12 billing notices and respond to account inquires.

13 The accounts will be placed in a separate database and their credit will not be
14 affected should payment be made within a pre determined time frame. Accounts
15 that have not established payment arrangements will be automatically transferred
16 to our collection database for further collection action.²

17 43. As Defendant’s website makes clear, Defendant Evergreen Billing Specialist is merely one
18 arm of Audit & Adjustment Company, an admitted debt collector. In trying to collect from
19 consumers, Defendants try one arm of their collection practice, and then threaten to switch
20 to a collection agency, which is merely another, undisclosed, arm of the exact same
21 practice.

22 44. Thus, as of April 14, 2017, there was already an outside collection agency involved in the
23 collection of Plaintiff’s debt. Furthermore, Audit & Adjustment Company was clearly
24 previously involved in the collection of Plaintiff’s debt, having reported the Plaintiff’s debt
25 in June of 2016.

26 45. Finally, the Plaintiff’s debt was already being reported – by the Defendants themselves –
27 well before the April 2017 Letter, which explicitly stated the debt had not been reported.

28 ¹ See, <http://www.audit-adjustment.com/>, last visited on June 27, 2017.

² See, <http://www.audit-adjustment.com/evergreen-billing-specialists>, last visited on June 27, 2017

1 46. As such, the above statements in the Collection Letter are false, deceptive and misleading.

2 47. Pursuant to the FDCPA, a debt collector may not use any false, deceptive, or misleading
3 representation or means in connection with the collection of any debt.

4 48. By making a series of false, deceptive and misleading statements, the Defendant violated
5 various provisions of the FDCPA and harmed the Plaintiff.

6
7 49. Defendants could have taken the steps necessary to bring its actions within compliance
8 with the FDCPA, but neglected to do so and failed to adequately review its actions to ensure
9 compliance with the law.

10
11 **CLAIMS FOR RELIEF**

12 **COUNT I**

13 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**
14 **15 U.S.C. §1692e et seq.**

15 50. Plaintiff repeats, reiterates and incorporates the allegations contained in the paragraphs
16 numbered above with the same force and effect as if the same were set forth at length
17 herein.

18 51. Defendants' debt collection efforts attempted and/or directed towards the Plaintiff violated
19 various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e.

20 52. Pursuant to 15 U.S.C. § 1692e, a debt collector may not use any false, misleading and/or
21 deceptive means to collect or attempt to collect any debt or to obtain information
22 concerning a consumer.

23 53. The Defendants violated said section in its letter to the Plaintiff by:

- 24
- 25 • falsely representing the legal status of the alleged debt in violation of 1692e(2)(A);
 - 26 • making a false representation or using deceptive means to collect a debt in violation
27 of 1692e(10).
 - 28

1 54. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct
2 violated Section 1692e *et seq.* of the FDCPA, actual damages, statutory damages, costs and
3 attorneys' fees.
4

5 **PRAYER FOR RELIEF**

6 **WHEREFORE**, Plaintiff demands judgment against Defendant as follows:

- 7 (a) Declaring that this action is properly maintainable as a Class Action and
8 certifying Plaintiff as Class representative and Plaintiff's counsel, as Class
9 Counsel;
10
11 (b) Awarding Plaintiff and the Class statutory damages;
12
13 (c) Awarding Plaintiff and the Class actual damages;
14
15 (d) Awarding Plaintiff costs of this Action, including reasonable attorneys'
16 fees and expenses;
17
18 (e) Awarding pre-judgment interest and post-judgment interest; and
19
20 (f) Awarding Plaintiff and the Class such other and further relief as this Court
21 may deem just and proper.

22 Dated: August 8, 2017

By: s/Ryan Pesicka

Ryan Pesicka, WSBA 48182
CONCORD LAW, PC.
144 Railroad Avenue, Suite 236
Edmonds, Washington 98020
(206) 512-8029 telephone
(206) 512-8914 facsimile
ryan@condordlawseattle.com
Attorney for Plaintiff Shelby Kruse

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a trial by jury on all issues so trial.

Dated: August 8, 2017

By: s/Ryan Pesicka

Ryan Pesicka, WSBA 48182

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PO Box 505
Linden MI 48451-0505
RETURN SERVICE REQUESTED

EBS
EVERGREEN
BILLING SPECIALISTS
20700 44th Ave W, Ste 100
PO Box 897
Lynnwood, WA 98046
(425) 608-4880
(800) 979-8981

April 14, 2017

Total Due: \$165.00
Account: 512.1



0008120024002824651198177460537-1YR1-Y1DAE7B447 1416

SHELBY KRUSE



Evergreen Billing Specialists
PO Box 897
Lynnwood WA 98046-0897

*** Please Detach Upper Portion and Return in the Envelope Provided ***

*** Please DO NOT send Correspondence to PO Box 505 Linden MI 48151 ***

Provider: CELLNETIX PATHOLOGY
Total Due: \$165.00
Account #: 512.1
Date of Service: 10-13-09

FINAL NOTICE

This letter is to notify you that CellNetix has contracted Evergreen Billing Specialists to send you a final notice on your account before sending it to an outside collection agency. Your account has not been reported to any credit reporting agency. The balance of this account is due.

CellNetix Pathology and Laboratories is a lab that processes and provides diagnosis for cytology, biopsies and surgical specimen testing and other tests deemed necessary by your medical provider. You can find out more about CellNetix Pathology and Laboratories by visiting www.cellnetix.com.

The above charge has been billed to your insurance company (if applicable) and they have indicated the balance is your responsibility. If you have any questions regarding the process of these charges please contact your insurance company.

The balance of this account is due. Please remit payment in the enclosed envelope or contact an EBS representative at (425) 608-4880 or (800) 979-8981 to make arrangements via check by phone, Visa or MasterCard.

If Evergreen Billing Specialists has not received your payment within 25 days from the date of this letter, your account will be assigned to AUDIT & ADJUSTMENT COMPANY for collection.

This is an attempt to collect a debt. Any information obtained will be used for this purpose. The communication is from a debt collector.

12745678-00141640-1-AA



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

SHELBY KRUSE, individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) CONCORD LAW, P.C. (206) 512-8029 144 RAILROAD AVE STE 236 EDMONDS WA 98020

DEFENDANTS

AUDIT & ADJUSTMENT COMPANY, INC. d/b/a EVERGREEN BILLING SPECIALISTS,

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, 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, 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)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, 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 U.S.C. § 1692 et seq. (FDCPA)

Brief description of cause: Violations of the FDCPA

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

08/08/2017 s/Ryan M. Pesicka

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Print

Save As...

Reset

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

UNITED STATES DISTRICT COURT

for the

Western District of Washington

SHELBY KRUSE, individually and on behalf of all others similarly situated,

Plaintiff(s)

v.

AUDIT & ADJUSTMENT COMPANY, INC. d/b/a EVERGREEN BILLING SPECIALISTS,

Defendant(s)

Civil Action No. 2:17-cv-1199

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

AUDIT & ADJUSTMENT COMPANY, INC. d/b/a EVERGREEN BILLING SPECIALISTS 20700 44th Ave W # 100 Lynnwood, WA 98036

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:

Ryan M. Pesicka Concord Law, P.C. Waterfront Park Building 144 Railroad Ave., Ste. 236 Edmonds, WA 98020

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. 2:17-cv-1199

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: [Evergreen Billing Specialists Illegally Threatens Alleged Debtors, Suit Says](#)
