



1 Plaintiff FELIPE MAGALLON alleges as follows:

2 **INTRODUCTION**

3 1. Plaintiff FELIPE MAGALLON (hereinafter referred to as “Plaintiff”),  
4 brings this lawsuit against VITAL RECOVERY SERVICES, LLC. (hereinafter  
5 “Defendant”) for violations of the Federal Fair Debt Collection Practices Act  
6 (“FDCPA”), and Rosenthal Fair Debt Collections Practice Act (“Rosenthal FDCPA”).

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

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

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

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

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

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

25 **PARTIES**

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

28 9. Plaintiff is a “consumer” as the term is defined by 15 U.S.C. section

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A PROFESSIONAL CORPORATION  
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FAX: (858) 858-348-4939

1 1692a(3) and a “debtor” as the term is defined by California Civil Code section  
2 1788.2(h).

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

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

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

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

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

### 22 JURISDICTION AND VENUE

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

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

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

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**RELEVANT FACTS**

1  
2 18. Sometime after April 4, 2016, Plaintiff received his first collection notice  
3 dated April 4, 2016 (hereinafter referred to as “Validation Notice”) from Defendant,  
4 attempting to collect a debt in the amount of \$23,450.21. The debt was allegedly  
5 owed to LendingClub. A copy of the Validation Notice is attached hereto as **Exhibit**  
6 **1**, and is incorporated herein by reference.

7 19. Defendant’s Validation Notice does not state that the \$23,450.21 debt is  
8 accruing interest, the interest rate interest at which the interest is accruing, or the  
9 portion of the debt that is principal and the portion of the Debt that is accrued interest  
10 or other fees. In fact, Defendant’s Validation Notice is completely devoid of any  
11 language that would either confirm or deny the existence of acquiring interest.

12 20. Upon information and belief, Defendant was charging daily accruing  
13 interest on the debt.

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

**CLASS ALLEGATIONS**

16  
17 22. Plaintiff brings this action on his own behalf, and on behalf of all others  
18 similarly situated.

**FDCPA CLASS**

**CLASS A**

19  
20  
21 23. Plaintiff defines the FDCPA “CLASS A” as follows:

22 All persons located in the State of California to whom  
23 Defendant sent, within one year before the date of this  
24 complaint and in connection with the collection of a consumer  
25 debt, an initial written communication that is substantially  
26 similar or materially identical to Defendant’s April 4, 2016  
27 Validation Notice which was not returned undelivered by the  
28 United States Postal Service, in which Defendant failed to  
clearly state the amount of the debt in violation of 15 U.S.C.  
section 1692g(a)(1).

**CLASS B**

24. Plaintiff defines the FDCPA “CLASS B” as follows:

All persons located in the State of California to whom Defendant sent, within one year before the date of this complaint and in connection with the collection of a consumer debt, an initial written communication that is substantially similar or materially identical to Defendant’s April 4, 2016 Validation Notice which was not returned undelivered by the United States Postal Service, in which Defendant failed to disclose that the debt was subject to daily accruing interest rendering the Validation Notice deceptive, confusing, and misleading in violation of 15 U.S.C. sections 1692e, 1692e(2)(A), and 1692e(10).

**ROSENTHAL FDCPA CLASS**

**CLASS A**

25. Plaintiff defines the Rosenthal FDCPA “CLASS A” as follows:

All persons located in the State of California to whom Defendant sent, within one year before the date of this complaint and in connection with the collection of a consumer debt, an initial written communication that is substantially similar or materially identical to Defendant’s April 4, 2016 Validation Notice which was not returned undelivered by the United States Postal Service, in which Defendant failed to clearly state the amount of the debt in violation of 15 U.S.C. section 1692g(a)(1).

**CLASS B**

26. Plaintiff defines the Rosenthal FDCPA “CLASS B” as follows:

All persons located in the State of California to whom Defendant sent, within one year before the date of this complaint and in connection with the collection of a consumer debt, an initial written communication that is substantially similar or materially identical to Defendant’s April 4, 2016 Validation Notice which was not returned undelivered by the

**MASHIRI LAW FIRM**  
A PROFESSIONAL CORPORATION  
11251 RANCHO CARMEL DR. # 500604  
SAN DIEGO, CA 92150  
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FAX: (858) 858-348-4939

1 United States Postal Service, in which Defendant failed to  
2 disclose that the debt was subject to daily accruing interest  
3 rendering the Validation Notice deceptive, confusing, and  
4 misleading in violation of 15 U.S.C. sections 1692e,  
1692e(2)(A), and 1692e(10).

5 27. The FDCPA Class and the Rosenthal FDCPA Class shall be referred to  
6 jointly as “The Classes.”

7 28. Defendant and its employees or agents are excluded from the Classes.

8 29. Plaintiff does not know the exact number of persons in the Classes, but  
9 believes them to be in the several hundreds, if not thousands, making joinder of all  
10 these actions impracticable.

11 30. The identity of the individual members is ascertainable through  
12 Defendant’s and/or Defendant’s agents’ records or by public notice.

13 31. There is a well-defined community of interest in the questions of law and  
14 fact involved affecting the members of the Classes. The questions of law and fact  
15 common to the Classes predominate over questions affecting only individual class  
16 members, and include, but are not limited to, the following:

- 17 a) Whether Defendant violated the FDCPA by sending a written  
18 communication substantially in the form of Exhibit 1 to the members of  
19 the Classes;
- 20 b) Whether Defendant violated the Rosenthal FDCPA by sending using a  
21 written communication substantially in the form of Exhibit 1 to the  
22 members of the Classes;
- 23 c) Whether members of the Classes are entitled to the remedies under the  
24 FDCPA;
- 25 d) Whether members of the Classes are entitled to the remedies under the  
26 Rosenthal FDCPA;
- 27 e) Whether members of the Classes are entitled to declaratory relief;
- 28 f) Whether members of the Classes are entitled to an award of reasonable  
attorneys’ fees and costs of suit pursuant to the FDCPA;

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A PROFESSIONAL CORPORATION  
11251 RANCHO CARMEL DR., # 500694  
SAN DIEGO, CA 92150  
TEL: (858) 348-4938  
FAX: (858) 858-348-4939

**MASHIRI LAW FIRM**  
A PROFESSIONAL CORPORATION  
11251 RANCHO CARMEL DR. # 500604  
SAN DIEGO, CA 92150  
TEL: (858) 348-4938  
FAX: (858) 858-348-4939

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

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

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

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

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

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

37. The interests of class members in individually controlling the prosecution of separate claims against Defendant is small because the maximum statutory damages in an individual action under the FDCPA or Rosenthal FDCPA is \$1,000. Management of these claims is likely to present significantly fewer difficulties than those presented in many class claims, *e.g.* securities fraud.

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

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

40. Plaintiff requests certification of a hybrid class combining the elements of Fed. R. Civ. P. 23(b)(3) for monetary damages and Fed. R. Civ. P. 23(b)(2) for equitable relief.

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

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

**COUNT 1**

1  
2 42. Defendant violated 15 U.S.C. section 1692g(a)(1) because its Validation  
3 Notice failed to clearly state the amount of the debt. Defendant failed to clearly state  
4 the amount of the debt because it failed to disclose that the debt was subject to daily  
5 accruing interest. It is well established that a debt collector, who attempts to collect  
6 accruing interest on a debt, must use some type of safe harbor language informing the  
7 debtor that the debt increases due to daily accruing interest. *See Akram v. California*  
8 *Business Bureau Inc.*, 2016 WL 7029262 (S.D. Cal. Oct. 3, 2016); *Chuway v.*  
9 *National Action Financial Services, Inc.*, 362 F.3d 944, 949 (7th Cir. 2004); *Miller v.*  
10 *McCalla, Raymer, Padrick, Cobb, Nichols, & Clark, L.L.C.*, 214 F.3d 872, 876 (7th  
11 Cir. 2000); *Dragon v. I.C. System, Inc.*, 483 F.Supp.3d 198, 203 (D. Conn. 2007).

**COUNT 2**

12  
13 43. Defendant violated 15 U.S.C. sections 1692e, 1692e(2)(A), and  
14 1692e(10) because its Validation Notice failed to disclose that the debt is subject to  
15 daily accrual of interest, which makes the Validation Notice deceptive, confusing, and  
16 misleading. *See Avila v. Riexinger & Assocs., LLC*, 817 F.3d 72 (2d Cir. 2016). In  
17 *Avila*, the Second Circuit stated the following:

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

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



1 See *Avila*, 817 F.3d at p. 76; also see the reasoning of *Dragon*, 483 F.Supp.3d 198,  
2 201-203; *Marucci v. Cawley & Bergmann LLP.*, 2014 WL 7140496 (D. N.J 2014);  
3 *Michalek v. ARS Nat. Sys., Inc.* 2011 WL 6180498 at \*3-5 (M.D. Pa. 2011); *Smith v.*  
4 *Lyons, Doughty & Veldhuius, P.C.* 2008 WL2885887 at \*7 (D. N.J. 2008), which  
5 Plaintiff incorporates in this complaint.

6 **SECOND CAUSE OF ACTION**  
7 **(Violation of the Rosenthal FDCPA)**

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

9 45. Any violation of the FDCPA is a violation of California Civil Code  
10 section 1788.17, also known as the Rosenthal FDCPA, because section 1788.17  
11 incorporates the FDCPA.

12 46. Defendant violated Civil Code section 1788.17 because it violated 15  
13 U.S.C. sections 1692e, 1692e(2)(A) and 1692e(10), and 1692g(a)(1), as discussed  
14 above.

15 47. The Ninth Circuit in *Gonzales v. Arrow Fin. Servs., LLC*, 660 F.3d 1055,  
16 1066 (9th Cir. 2011) has ruled that the Rosenthal FDCPA incorporates the FDCPA's  
17 class action damages provision in 15 U.S.C. section 1692k(a)(2)(B) via California  
18 Civil Code section 1788.17.

19 48. As a result of each and every violation of the Rosenthal FDCPA,  
20 Plaintiff has suffered actual damages and harm resulting from Defendant's actions as  
21 heretofore alleged, including but not limited to worry, emotional distress, anxiety, and  
22 humiliation, the exact amount of which is to be proven at trial.

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

27 50. As a result of each and every violation of the Rosenthal FDCPA,  
28 Plaintiff is entitled to actual damages pursuant to California Civil Code section

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A PROFESSIONAL CORPORATION  
11251 RANCHO CARMEL DR. # 500694  
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1 1788.30(a); statutory damages under 1692k(a)(2)(A) which is incorporated by  
2 California Civil Code section 1788.17; statutory damages for a knowing or willful  
3 violation in the amount of up to \$1,000.00 pursuant to California Civil Code section  
4 1788.30(b); and reasonable attorney's fees and costs pursuant to California Civil  
5 Code section 1788.30(c).

6 **REQUEST FOR PRESERVATION OF EVIDENCE**

- 7 1. Preserve all forms of electronic data, regardless of where the data exists,  
8 without modification to or deletion of any potentially discoverable data;
- 9 2. Suspend all procedures that may alter or delete computer data;
- 10 3. Prevent deleting, overwriting, defragmenting, or compressing the data;
- 11 4. Preserve all archived back-up tapes and ensure that (a) if archive tapes  
12 are rotated, the relevant tapes are removed from the rotation; (b) if backups are made  
13 to hard drives, preserve the hard drive as well;
- 14 5. Preserve the contents of all hard drives, network drives, tape drives,  
15 optical drives, floppy disks, CD and DVD drives, and all other types of drives or  
16 storage media that are within the possession, custody or control of all people who  
17 have knowledge of relevant facts and those who work with them, such as assistants;
- 18 6. Preserve the contents of all information on portable computers—such as  
19 laptops and palmtops—used by those people as well as home computers, if these are  
20 used for work purposed;
- 21 7. Preserve the contents of all data on computers that were used since the  
22 limitations period on the lawsuit began (for example; one year prior to filing) but that  
23 are no longer in use.

24 **REQUEST FOR JURY TRIAL**

25 As declared by the seventh amendment to the Constitution of the United States  
26 of America, Plaintiff is entitled to, and demands, a trial by jury.  
27  
28

**PRAYER FOR DAMAGES AND OTHER REMEDIES**

1. An order certifying the Class as requested herein;
2. An order appointing the Plaintiff as the representative of the Class;
3. An order certifying Plaintiff's counsel as Class Counsel;
4. An order requiring Defendant, at its own cost, to notify all members of the Classes of the unlawful acts discussed herein;
5. Injunctive relief requiring Defendant to clearly state the accurate amount of the debt in its Validation Notice in compliance with 15 U.S.C. section 1692g(a)(1);
6. Injunctive relief requiring Defendant to disclose, in its Validation Notice, that the debt is subject to daily accrual of interest;
7. An award of statutory damages in the amount of \$1,000.00, pursuant to 15 U.S.C. section 1692k(a)(2)(A), for each plaintiff and putative class member;
8. An award of statutory damages in the amount of \$1,000.00, pursuant to California Civil Code section 1788.17, for each plaintiff and putative class member;
9. An award of statutory damages in the amount of \$1,000.00, pursuant to California Civil Code section 1788.30(b), for each plaintiff and putative class member;
10. An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. section 1692k(a)(3);
11. An award of costs of litigation and reasonable attorney's fees, pursuant to California Civil Code section 1788.30(c); and
12. Any and all other relief that this Court deems just and proper.

Respectfully Submitted,

DATED: December 7, 2016

**MASHIRI LAW FIRM**  
A Professional Corporation

By: /s/ Alex Asil Mashiri  
Alex Asil Mashiri  
Attorney for Plaintiff  
Felipe Magallon

**MASHIRI LAW FIRM**  
A PROFESSIONAL CORPORATION  
11251 RANCHO CARMEL DR. # 500694  
SAN DIEGO, CA 92150  
TEL: (858) 348-4938  
FAX: (858) 858-348-4939

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
FELIPE MAGALLON

DEFENDANTS
VITAL RECOVERY SERVICES, LLC.

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

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

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

Attorneys (If Known)

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, 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
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. section 1692 et. seq.,
Brief description of cause:
Violation of the Federal and State Debt Collection Laws

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 08/07/2016 SIGNATURE OF ATTORNEY OF RECORD s/ Alex Asil Mashiri

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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.

# **EXHIBIT 1**

PO Box 923748  
Peachtree Corners, GA 30010-3748

RETURN SERVICE REQUESTED

April 4, 2016

Case 3:16-cv-02971-JAH-BLM Document 1-2 Filed 12/07/16 Page 2 of 3  
VITAL RECOVERY SERVICES, LLC  
PO Box 923748  
Peachtree Corners, GA 30010-3748  
(888)297-4067

Original Creditor: WebBank

Current Creditor: LendingClub Corporation

New Account #: 017408031  
Original Account #: 34464049  
Last Payment Date: February 4, 2016  
Total Balance Due: \$23450.21



323

FELIPE MAGALLON  
1065 ERICA ST  
ESCONDIDO CA 92027-1510

0071

017408031



**IMPORTANT NOTICE:  
PLEASE RESPOND**

**YOUR LENDING CLUB ACCOUNT HAS BEEN PLACED WITH US FOR COLLECTION**

Dear FELIPE MAGALLON:

VITAL RECOVERY SERVICES, LLC is now servicing the LOAN account noted above that is held by LendingClub Corporation & LC Trust I. This account was serviced by Lending Club and they have placed it with us for collections.

Send your full payment with the coupon below or call us. We would like to discuss the matter with you.

Unless you notify VITAL RECOVERY SERVICES, LLC within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, VITAL RECOVERY SERVICES, LLC will assume this debt is valid. If you notify VITAL RECOVERY SERVICES, LLC in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, VITAL RECOVERY SERVICES, LLC will obtain verification of the debt or obtain a copy of a judgment and will mail you a copy of such judgment or verification. If you request of VITAL RECOVERY SERVICES, LLC in writing within 30 days after receiving this notice VITAL RECOVERY SERVICES, LLC will provide you with the name and address of the original creditor, if different from the current creditor.

For further information or to pay by phone, please call VITAL RECOVERY SERVICES, LLC at (888)297-4067.

**NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.**

**This letter is an attempt to collect a debt by a debt collector. Any information obtained will be used for that purpose. This communication is from a debt collector**

To make a payment online: <https://pay.vitalrecovery.com/>  
Sign on using payment id: 01740803124

↓ Detach Here And Remit Lower Portion With Payment In The Enclosed Reply Envelope ↓

Make check payable to:  
**VITAL RECOVERY SERVICES, LLC**

0452016

NEW ACCT #: 017408031  
TOTAL BALANCE DUE: \$23450.21

Amount Paid:

Home Phone: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

0071 V01 017408031

VITAL RECOVERY SERVICES, LLC  
PO BOX 923747  
PEACHTREE CORS., GA 30010-3747

FELIPE MAGALLON  
1065 ERICA ST  
ESCONDIDO CA 92027-1510



Check here if address has changed.  
Please note changes on reverse side.

**We are required under state law to notify consumers of the following rights. This list does not contain a complete list of rights consumers have under state and federal law.**

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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](http://www.ftc.gov).



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Vital Recovery Services Knocked with Class Action Over Nondisclosures](#)

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