

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 27 2017 ★

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

LONG ISLAND OFFICE

---

**Tracey Marino individually and on behalf of  
all others similarly situated,**

No.

**Plaintiff,**

**CLASS ACTION**

v.

**C. Tech Collection, Inc.**

**CV-17 7538**

**Jury Demanded**

**BIANCO, J.**

**Defendant.**

**LOCKE, M. J.**

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**Class Action Complaint for  
Violations of the Fair Debt Collection Practices Act**

1. Plaintiff Tracey Marino ("Plaintiff" or "Marino") files this Complaint seeking redress for the illegal practices of Defendant, C.Tech Collection, Inc. ("Defendant" or "C.Tech"), in connection with the collection of a debt allegedly owed by Plaintiff in violation of the Fair Debt Collection Practices Act, ("FDCPA"), 15 U.S.C. § 1692, *et seq.*

2. Among other violations, C.Tech has violated the Plaintiff and the putative class members' rights under the FDCPA by failing to provide them with the notices to which they are entitled by statute; by depriving them of their ability to fully resolve their alleged debts.

**Parties**

3. Plaintiff Tracey Marino is a citizen of New York State who resides within this District.

4. Plaintiff is a “consumer” as that term is defined by FDCPA § 1692a(3).

5. The alleged debt of Plaintiff is a “debt” as defined by 15 U.S.C. § 1692a in that it is a debt alleged to be owed for personal, family, or household services. The alleged debt was incurred for medical services.

6. Defendant is regularly engaged in the collection of debts allegedly due to others.

7. Defendant is a “debt collector,” as defined by FDCPA § 1692a(6).

#### **Jurisdiction and Venue**

8. This Court has federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

9. Declaratory relief is available under 28 U.S.C. §§ 2201 and 2202.

10. Venue is proper in this district under 28 U.S.C. § 1391(b), as the acts and transactions that give rise to this action occurred, in substantial part, in this district.

11. Venue is also proper in this district since Defendant transact business in this district.

#### **Factual Allegations**

12. C.Tech alleges that Plaintiff owes a debt to Mather Hospital for medical services.

13. In an attempt to collect the alleged debt, on or about December 7, 2017 Defendant sent Plaintiff a debt collection letter. **(Exhibit A)**

14. Exhibit A seeks to collect a total debt of \$1,010.79.

15. Exhibit A fails to indicate to Plaintiff that amount of the debt was going to continue to increase.

16. Exhibit A violates 15 USC 1692e, and various subdivisions thereto, in that it fails to inform the Plaintiff that interest was continuing to accrue on the account.

*Avila v. Riexinger & Assocs., LLC*, 817 F.3d 72 (2d Cir. N.Y. 2016); *Carlin v. Davidson Fink LLP*, 852 F.3d 207, 215-17 (2d Cir. 2017).

17. Mather Hospital sues patients for outstanding medical debts. In such lawsuits, Mather Hospital seeks to collect interest dating back from the date of service. (See Exhibit B)

18. Exhibit A violates the FDCPA, *Avila*, and *Carlin* in that the Plaintiff is misled as to the proper amount, character, and status of the debt.

19. Exhibit A does not disclose that if the Plaintiff did not pay the alleged debt, the Plaintiff would be liable for accruing interest.

20. Neither Mather Hospital, the Defendant, nor anyone on their behalf has informed the Plaintiff that Mather Hospital has permanently waived their right to charge interest on the account.

21. Exhibit A is deceptive, unfair and unconscionable and violates 15 USC 1692e, 15 USC 1692e(2), 15 USC 1692e(10), 15 USC 1692f, and 15 USC 1692f(1), in that it fails to inform the Plaintiff that interest may continue to accrue on the account.

22. Additionally, the initial letter the Defendant sent to the Plaintiff also did not include any reference to interest continuing to accrue. As such, it also violates 15 USC 1692e and its relevant subdivision. Additionally, the initial letter Defendant sent to the Plaintiff violates 15 USC 1692g(a) in that it fails to properly and effectively convey to Plaintiff the amount of the debt that is allegedly owed as specifically required by the FDCPA. Additionally, on information and belief, the initial letter did not properly convey the language required by 15 USC 1692g.

23. The Defendant also violated 15 USC 1692c(b) in that Defendant communicated with third parties in connection with the alleged debt by leaving messages on Plaintiff's answering machine which disclosed that the Defendant was a debt collector collecting a medical debt. At least one such message was overheard by a person in Plaintiff's residence while the message was being left. This caused the Plaintiff embarrassment and humiliation. This violated Plaintiff's right to privacy in the exact way the FDCPA was intended to prevent.

### ***Class Action Allegations***

24. Under Federal Rule of Civil Procedure 23, a class action is appropriate and preferable in this case because:

- a. Based on the fact that the collection letter at the heart of this litigation is a mass-mailed form letters, the class is so numerous that joinder of all members is impractical.
- b. There are questions of law and fact common to the class that predominate over any questions affecting only individual class members. These common questions include whether Exhibit A and the initial letter Defendant sent Plaintiff violate the FDCPA.

- c. **The claims of Plaintiff are typical of the class members' claims. All are based on the same facts and legal theories. The only individual issue is the identification of the consumers who received the letter, (i.e., the class members), which is a matter capable of ministerial determination from the Defendants' records.**
- d. **Plaintiff will fairly and adequately represent the class members' interests. All claims are based on the same facts and legal theories and Plaintiff's interests are consistent with the interests of the class.**
- e. **Plaintiff has retained counsel experienced in bringing class actions and collection abuse claims.**

**25. A class action is superior for the fair and efficient adjudication of the class members' claims.**

**26. Congress specifically envisions class actions as a principal means of enforcing the FDCPA. See 15 U.S.C. § 1692k.**

**27. The class members are generally unsophisticated individuals unaware of the protections afforded them by the FDCPA, which rights will not be vindicated in the absence of a class action.**

**28. Prosecution of separate actions by individual members of the classes would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties and would not be in the interest of judicial economy.**

**29. If the facts are discovered to be appropriate, Defendant will seek to certify a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure.**

**30. This Count is brought by Plaintiff, individually, and on behalf of a class that, according to Defendant's records, consists of: (a) all individuals who have mailing addresses within the United States; and (b) within one year before the**

filing of this action; (c) were sent a collection letter in a form materially identical or substantially similar to Exhibit A attached to Plaintiff's Second Amended Complaint and/or the initial letter sent by Defendant; (d) which was not returned by the postal service as undeliverable.

31. Collection letters, such as those sent by Defendant, are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."

**Violations of the Fair Debt Collection Practices Act**

32. Plaintiff restates, realleges, and incorporates herein by reference all foregoing paragraphs as if set forth fully in this Count.

**Class Allegations Related to Exhibit A and/or the Initial Letter**

33. By sending Exhibit A and/or the initial letter sent to Plaintiff, the Defendant violated 15 USC 1692g(a), 15 USC 1692e, 15 USC 1692e(2), 15 USC 1692e(10) and 15 USC 1692f, in that the Defendant did not properly and effectively convey the amount of the debt, and/or did not properly convey the language required by 15 USC 1692g.

34. By sending Exhibit A and/or the initial letter, the Defendant violated 15 USC 1692g(a), 15 USC 1692e, 15 USC 1692e(2), 15 USC 1692e(10) and 15 USC 1692f, in that the Defendant did not properly indicate to the Plaintiff that the alleged debt may continuing to accrue interest.

35. By sending Exhibit A and/or the initial letter, the Defendant also violated 15 U.S.C. §§ 1692 e, e(2), e(5), e(10), and f by falsely indicating that the Plaintiff owed a static amount not subject to interest.

36. Defendant's violations of 15 U.S.C. §1692, *et seq.*, render Defendant liable to Plaintiff and the Class.

37. As a result of Defendant's deceptive, insidious, and unfair debt collection practices, Defendant is liable to Plaintiff and the Class.

**Communicating with Third Parties**

42. The Defendant is also liable to Plaintiff for violating 15 USC 1692c(b) for informing a third party that Plaintiff owed a medical debt.

**WHEREFORE**, Plaintiff asks that this Court enter judgment in her favor and in favor of the members of the Class, against Defendant, awarding damages as follows:

- (A) Statutory damages as provided by § 1692k of the FDCPA;
- (B) Attorneys' fees, litigation expenses and costs incurred in bringing this action;
- (C) Declaratory relief declaring that Exhibit A and/or the initial letter Defendant sent Plaintiff violates the FDCPA; and
- (D) Any other relief this Court deems appropriate and just.

**Jury Demand**

Plaintiff demands trial by jury.

**Dated: West Islip , New York  
December 22, 2017**

**RESPECTFULLY SUBMITTED,**



**S/ JOSEPH MAURO**

**Joseph Mauro  
The Law Offices of Joseph Mauro, LLC  
306 McCall Ave.  
West Islip, NY 11795  
Tel: (631) 669-0921**



# **EXHIBIT A**

ADCTEC01  
PO Box 1280  
Oaks, PA 19458-1280  
ADDRESS SERVICE REQUESTED



COLLECTIONS, INC.  
Post Office Box 402 ♦ Mt. Sinai, NY 11766

December 8, 2017

Date: 12/07/2017  
Creditor Name: JOHN T MATHER MEMORIAL HOSPITAL  
Account #: 2488111-08/08/2017  
Balance: \$1,010.79

Tracey Marino  
4 Savanna Cir  
Mount Sinai NY 11766-1616

Dear Tracey Marino:

As per our previous correspondence, an outstanding balance of \$1,010.79 is due our client, John T Mather Memorial Hospital. To date, this balance remains unpaid.

In order to resolve this matter, please pay your balance in full, or call our office to arrange a suitable payment plan.

Please see payment options below. Should you choose to remit payment by mail, an envelope is enclosed for your convenience.

IMPORTANT CONSUMER NOTICE

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.  
New York City Department of Consumer Affairs License Number 0980854.

S. Thosar  
Collection Division Manager  
(631) 828-3160  
(800) 571-0570

\*\*\* DETACH HERE AND RETURN WITH REMITTANCE \*\*\*

725ADCTEC0176  
891196687

Date: 12/07/2017  
Creditor Name: JOHN T MATHER MEMORIAL HOSPITAL  
Account #: 2488111-08/08/2017  
Balance: \$1,010.79

If you wish to pay by credit card, please enter the requested information in the spaces provided.		
CHECK ONE: <input type="checkbox"/>	<input type="checkbox"/>	3 DIGIT SECURITY CODE (on back of card) _____
CARD NUMBER		EXP. DATE
CARDHOLDER SIGNATURE		AMOUNT AUTHORIZED \$

**PAYMENT OPTIONS:**  
Check, Money Order, Credit/Debit Card

**By Mail:** PO Box 402  
Mt. Sinai NY 11766-0402

**By Phone:** Call (800) 571-0570

**Online:** [www.ctech-collects.com](http://www.ctech-collects.com)

MAIL ALL CORRESPONDENCE & PAYMENTS TO:  
C.TECH COLLECTIONS, INC.  
PO Box 402  
Mt. Sinai NY 11766-0402



# **EXHIBIT B**

# CV- 006266-17/CE

DISTRICT COURT OF THE COUNTY OF SUFFOLK  
FIRST DISTRICT, RONKONKOMA, CIVIL PART

INDEX #

SUMMONS

-----  
JOHN T. MATHER HOSPITAL

PLAINTIFF(S),

PLAINTIFF'S ADDRESS:

75 N. COUNTRY ROAD  
PORT JEFFERSON, NY 11777

-AGAINST-

PATRICK FRENCH

DEFENDANT(S)

DEFENDANT'S RESIDENCE:

283 RADIO AVE  
MILLER PLACE, NY. 11764

*W*

-----  
THE BASIS OF THE VENUE IS:

A DEFENDANT RESIDES IN THE COUNTY OF: SUFFOLK

TO THE ABOVE NAMED DEFENDANT: PATRICK FRENCH

YOU ARE HEREBY SUMMONED AND REQUIRED TO APPEAR IN THE DISTRICT COURT OF THE COUNTY OF, SUFFOLK, FIRST DISTRICT, AT THE OFFICE OF THE CLERK OF THE SAID COURT AT 3105 VETS MEMORIAL HWY RONKONKOMA, NY. 11779 IN THE COUNTY OF SUFFOLK, STATE OF NEW YORK, BY SERVING AN ANSWER TO THE ANNEXED COMPLAINT UPON PLAINTIFFS ATTORNEY, AT THE ADDRESS STATED BELOW, OR IF THERE IS NO ATTORNEY, UPON THE PLAINTIFF, AT THE ADDRESS STATED ABOVE WITHIN THE TIME PROVIDED BY LAW AS NOTED BELOW;

UPON YOUR FAILURE TO ANSWER, JUDGMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT, TOGETHER WITH THE COSTS OF THIS ACTION.

DATED: August 16, 2017

Richard Sokoloff  
Attorney at Law  
990 S. SECOND STREET-SUITE 1  
RONKONKOMA, NY 11779

PH: (631) 237-5780--FAX: 1 (888) 322-9957

FILE NUMBER: 99K6TF/139

NOTE: THE LAW PROVIDES THAT:

(A) IF THIS SUMMONS IS SERVED BY ITS DELIVERY TO YOU, OR (FOR A CORPORATION) AN AGENT AUTHORIZED TO RECEIVE SERVICE, PERSONALLY WITHIN THE COUNTY OF SUFFOLK YOU MUST ANSWER WITHIN 20 DAYS AFTER SUCH SERVICE; OR

(B) IF THIS SUMMONS IS SERVED OTHERWISE THAN AS DESIGNATED IN SUBDIVISION (A) ABOVE YOU ARE ALLOWED 30 DAYS TO ANSWER AFTER THE PROOF OF SERVICE IS FILED WITH THE CLERK OF THIS COURT.

(C) YOU ARE REQUIRED TO FILE A COPY OF YOUR ANSWER TOGETHER WITH PROOF OF SERVICE WITH THE CLERK OF THE DISTRICT IN WHICH THE ACTION IS BROUGHT WITHIN TEN (10) DAYS OF THE SERVICE OF THE ANSWER.

SEP 20 PM 2:05  
SUFFOLK COUNTY  
DISTRICT COURT



DISTRICT COURT OF THE COUNTY OF SUFFOLK  
FIRST DISTRICT, RONKONKOMA, CIVIL PART

VERIFIED COMPLAINT

-----  
JOHN T. MATHER HOSPITAL  
PLAINTIFF(S),

-AGAINST-

PATRICK FRENCH  
DEFENDANT(S)  
-----

PLAINTIFF(S), BY ITS ATTORNEY, COMPLAINING OF THE DEFENDANT(S), UPON  
INFORMATION AND BELIEF, ALLEGES:

- 1) THAT DURING THE TIME HEREIN STATED AND HEREINAFTER MENTIONED, THE PLAINTIFF WAS AND STILL IS A LICENSED HOSPITAL AUTHORIZED TO DO BUSINESS IN THE STATE OF NEW YORK.
- 2) UPON INFORMATION AND BELIEF THAT DURING THE TIME HERETOFORE AND AT ALL TIMES HEREINAFTER MENTIONED, THE DEFENDANT HEREIN WAS AND STILL IS AN INDIVIDUAL RESIDING IN THE COUNTY OF SUFFOLK, NEW YORK.
- 3) THAT THE CAUSE OF ACTION AROSE IN THE COUNTY OF SUFFOLK WHEN PROFESSIONAL SERVICES WERE RENDERED.
- 4) THAT HERETOFORE PLAINTIFF(S) RENDERED PROFESSIONAL SERVICES AT AN AGREED PRICE AND REASONABLE VALUE TO THE DEFENDANT IN THE AMOUNT OF: \$1,075.30
- 5) THAT NO PART THEREOF HAS BEEN PAID ALTHOUGH DULY DEMANDED EXCEPT THE SUM OF OF \$577.77 AND THERE NOW REMAINS DUE AND OWING TO PLAINTIFF(S) FROM DEFENDANT(S) \$497.53 WITH INTEREST THEREON FROM 07/06/14

WHEREFORE, PLAINTIFF(S) DEMAND JUDGMENT AGAINST DEFENDANT(S) FOR THE SUM OF \$497.53 WITH INTEREST FROM 07/06/14 TOGETHER WITH COSTS AND DISBURSEMENTS.

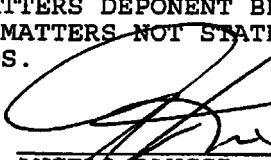
Richard Sokoloff  
Attorney at Law  
990 S. SECOND STREET-SUITE 1  
RONKONKOMA, NY 11779  
PH: (631) 237-5780--FAX: 1 (888) 322-9957

VERIFICATION, BY CORPORATION

STATE OF NEW YORK, COUNTY OF SUFFOLK ss:THE UNDERSIGNED, ANGELO RAUCCI

BEING DULY SWORN, DEPOSES AND SAYS: DEPONENT IS THE COLLECTION AGENT OF JOHN T. MATHER HOSPITAL, CONDUCTING BUSINESS IN THE STATE OF NEW YORK, AND DEPONENT MAKES THIS VERIFICATION BECAUSE DEPONENT HAS READ THE FOREGOING COMPLAINT AND KNOWS THE CONTENTS THEREOF: THE SAME IS TRUE TO DEPONENTS OWN KNOWLEDGE EXCEPT TO MATTERS THEREIN STATED TO BE ALLEGED ON INFORMATION AND BELIEF, AND AS TO THOSE MATTERS DEPONENT BELIEVES IT TO BE THE GROUNDS OF DEPONENTS BELIEF AS TO ALL MATTERS NOT STATED UPON DEPONENT'S KNOWLEDGE ARE AS FOLLOWS: BOOKS AND RECORDS.

DATED: August 16, 2017

  
\_\_\_\_\_  
PRINTED NAME: ANGELO RAUCCI,  
TITLE: COLLECTION AGENT

SWORN TO BEFORE ME ON 8/16/17

PAUL ZUCKER  
Notary Public, State of New York  
No. 01ZU4802687  
Qualified in Nassau County  
Comm. Expires May 31, 2018



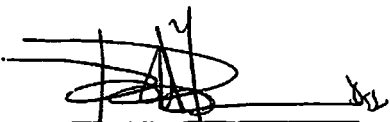
PH: (631) 615-1316--FAX: 1 (888) 322-9957

VERIFICATION BY CORPORATION  
STATE OF NEW YORK, COUNTY OF SUFFOLK:

THE UNDERSIGNED, BEING DULY SWORN, DEPOSES AND SAYS:

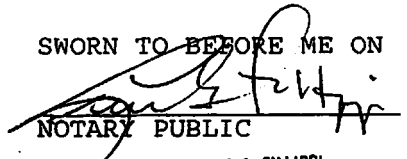
DEPONENT IS THE OF PLAINTIFF IN THE WITHIN  
ACTION. DEPONENT HAS READ THE FOREGOING COMPLAINT AND KNOWS  
THE CONTENTS THEREOF. THE SAME IS TRUE TO DEPONENT'S OWN  
KNOWLEDGE EXCEPT TO MATTERS THEREIN STATED TO BE ALLEGED ON  
INFORMATION AND BELIEF, AND AS TO THOSE MATTERS DEPONENT  
BELIEVES IT TO BE TRUE. THE GROUNDS OF DEPONENT'S BELIEF AS  
TO ALL MATTERS NOT STATED UPON DEPONENT'S KNOWLEDGE ARE AS  
FOLLOWS: BOOKS AND RECORDS.

DATED: August 04, 2017



PRINTED NAME: PETER H. PRUDEN, DDS  
TITLE: OWNER

SWORN TO BEFORE ME ON

  
NOTARY PUBLIC

LUIS G. FILLIPPI  
NOTARY PUBLIC, State of New York  
No. 01F16002876 Suffolk County  
Term Expires February 17, 2018

CV- 007073 INDEX # -17/CE SUMMONS

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DISTRICT COURT OF THE COUNTY OF SUFFOLK  
FIRST DISTRICT, RONKONKOMA, CIVIL PART

JOHN T. MATHER HOSPITAL  
PLAINTIFF(S),

PLAINTIFF'S ADDRESS:  
75 N. COUNTRY ROAD  
PORT JEFFERSON, NY 11777

-AGAINST-

TRAVIS ENRIGHT  
DEFENDANT(S)

DEFENDANT'S RESIDENCE:  
7 CODMAN ST  
BRENTWOOD, NY. 11717

THE BASIS OF THE VENUE IS:  
A DEFENDANT RESIDES IN THE COUNTY OF: SUFFOLK

TO THE ABOVE NAMED DEFENDANT: TRAVIS ENRIGHT

YOU ARE HEREBY SUMMONED AND REQUIRED TO APPEAR IN THE DISTRICT COURT OF THE COUNTY OF, SUFFOLK, FIRST DISTRICT, AT THE OFFICE OF THE CLERK OF THE SAID COURT AT 3105 VETS MEMORIAL HWY RONKONKOMA, NY. 11779 IN THE COUNTY OF SUFFOLK, STATE OF NEW YORK, BY SERVING AN ANSWER TO THE ANNEXED COMPLAINT UPON PLAINTIFFS ATTORNEY, AT THE ADDRESS STATED BELOW, OR IF THERE IS NO ATTORNEY, UPON THE PLAINTIFF, AT THE ADDRESS STATED ABOVE WITHIN THE TIME PROVIDED BY LAW AS NOTED BELOW;

UPON YOUR FAILURE TO ANSWER, JUDGMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT, TOGETHER WITH THE COSTS OF THIS ACTION.

DATED: September 12, 2017

Richard Sokoloff  
Attorney at Law  
990 S. SECOND STREET-SUITE 1  
RONKONKOMA, NY 11779  
PH: (631) 615-1316--FAX: 1 (888) 322-9957

FILE NUMBER: 99LCGZ/139

NOTE: THE LAW PROVIDES THAT:

(A) IF THIS SUMMONS IS SERVED BY ITS DELIVERY TO YOU, OR (FOR A CORPORATION) AN AGENT AUTHORIZED TO RECEIVE SERVICE, PERSONALLY WITHIN THE COUNTY OF SUFFOLK YOU MUST ANSWER WITHIN 20 DAYS AFTER SUCH SERVICE; OR

(B) IF THIS SUMMONS IS SERVED OTHERWISE THAN AS DESIGNATED IN SUBDIVISION (A) ABOVE YOU ARE ALLOWED 30 DAYS TO ANSWER AFTER THE PROOF OF SERVICE IS FILED WITH THE CLERK OF THIS COURT.

(C) YOU ARE REQUIRED TO FILE A COPY OF YOUR ANSWER TOGETHER WITH PROOF OF SERVICE WITH THE CLERK OF THE DISTRICT IN WHICH THE ACTION IS BROUGHT WITHIN TEN (10) DAYS OF THE SERVICE OF THE ANSWER.

2017 OCT 17 PM 3:50  
SUFFOLK COUNTY  
DISTRICT COURT



DISTRICT COURT OF THE COUNTY OF SUFFOLK  
FIRST DISTRICT, RONKONKOMA, CIVIL PART

VERIFIED COMPLAINT

-----  
JOHN T. MATHER HOSPITAL

PLAINTIFF(S),

-AGAINST-

TRAVIS ENRIGHT

DEFENDANT(S)  
-----

PLAINTIFF(S), BY ITS ATTORNEY, COMPLAINING OF THE DEFENDANT(S), UPON INFORMATION AND BELIEF, ALLEGES:

- 1) THAT DURING THE TIME HEREIN STATED AND HERINAFTER MENTIONED, THE PLAINTIFF WAS AND STILL IS A LICENSED HOSPITAL AUTHORIZED TO DO BUSINESS IN THE STATE OF NEW YORK.
- 2) UPON INFORMATION AND BELIEF THAT DURING THE TIME HERETOFORE AND AT ALL TIMES HERINAFTER MENTIONED, THE DEFENDANT HEREIN WAS AND STILL IS AN INDIVIDUAL RESIDING IN THE COUNTY OF SUFFOLK, NEW YORK.
- 3) THAT THE CAUSE OF ACTION AROSE IN THE COUNTY OF SUFFOLK WHEN PROFESSIONAL SERVICES WERE RENDERED.
- 4) THAT HERETOFORE PLAINTIFF(S) RENDERED PROFESSIONAL SERVICES AT AN AGREED PRICE AND REASONABLE VALUE TO THE DEFENDANT IN THE AMOUNT OF: \$1,598.91
- 5) THAT NO PART THEREOF HAS BEEN PAID ALTHOUGH DULY DEMANDED EXCEPT THE SUM OF \$.00 AND THERE NOW REMAINS DUE AND OWING TO PLAINTIFF(S) FROM DEFENDANT(S) \$1,598.91 WITH INTEREST THEREON FROM 11/13/15

WHEREFORE, PLAINTIFF(S) DEMAND JUDGMENT AGAINST DEFENDANT(S) FOR THE SUM OF \$1,598.91 WITH INTEREST FROM 11/13/15 TOGETHER WITH COSTS AND DISBURSEMENTS.

Richard Sokoloff  
Attorney at Law  
990 S. SECOND STREET-SUITE 1  
RONKONKOMA, NY 11779  
PH: (631) 615-1316--FAX: 1 (888) 322-9957

VERIFICATION, BY CORPORATION

STATE OF NEW YORK, COUNTY OF SUFFOLK ss:THE UNDERSIGNED, ANGELO RAUCCI

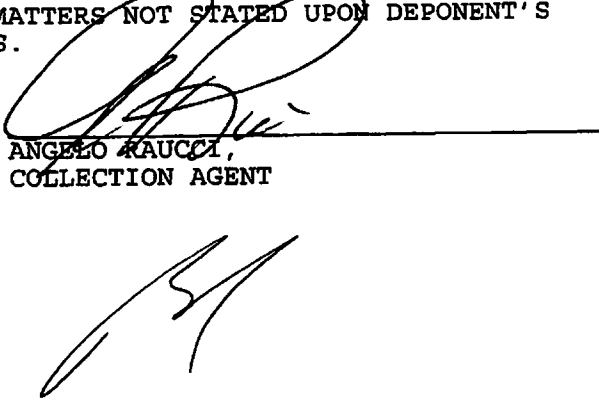
BEING DULY SWORN, DEPOSES AND SAYS: DEPONENT IS THE COLLECTION AGENT OF JOHN T. MATHER HOSPITAL, CONDUCTING BUSINESS IN THE STATE OF NEW YORK, AND DEPONENT MAKES THIS VERIFICATION BECAUSE DEPONENT HAS READ THE FOREGOING COMPLAINT AND KNOWS THE CONTENTS THEREOF: THE SAME IS TRUE TO DEPONENTS OWN KNOWLEDGE EXCEPT TO MATTERS THEREIN STATED TO BE ALLEGED ON INFORMATION AND BELIEF, AND AS TO THOSE MATTERS DEPONENT BELIEVES IT TO BE THE GROUNDS OF DEPONENTS BELIEF AS TO ALL MATTERS NOT STATED UPON DEPONENT'S KNOWLEDGE ARE AS FOLLOWS: BOOKS AND RECORDS.

DATED: September 12, 2017

PRINTED NAME: ANGELO RAUCCI,  
TITLE: COLLECTION AGENT

SWORN TO BEFORE ME ON 9/12/17

PAUL ZUCKER  
Notary Public, State of New York  
No. 01ZU4802687  
Qualified in Nassau County  
Comm. Expires May 31, 2018





CV- 004430 -16/CE

INDEX #

SUMMONS

DISTRICT COURT OF THE COUNTY OF SUFFOLK  
FIRST DISTRICT, RONKONKOMA, CIVIL PART

JOHN T. MATHER HOSPITAL  
PLAINTIFF(S),

-AGAINST-

ERIC CARR  
DEFENDANT(S)

PLAINTIFF'S ADDRESS:  
75 N. COUNTRY ROAD  
PORT JEFFERSON, NY 11777

DEFENDANT'S RESIDENCE:  
115 SOUTH ST  
MANORVILLE, NY. 11949

THE BASIS OF THE VENUE IS:  
A DEFENDANT RESIDES IN THE COUNTY OF: SUFFOLK

TO THE ABOVE NAMED DEFENDANT: ERIC CARR

YOU ARE HEREBY SUMMONED AND REQUIRED TO APPEAR IN THE DISTRICT COURT OF THE COUNTY OF, SUFFOLK, FIRST DISTRICT, AT THE OFFICE OF THE CLERK OF THE SAID COURT AT 3105 VETS MEMORIAL HWY RONKONKOMA, NY. 11779 IN THE COUNTY OF SUFFOLK, STATE OF NEW YORK, BY SERVING AN ANSWER TO THE ANNEXED COMPLAINT UPON PLAINTIFFS ATTORNEY, AT THE ADDRESS STATED BELOW, OR IF THERE IS NO ATTORNEY, UPON THE PLAINTIFF, AT THE ADDRESS STATED ABOVE WITHIN THE TIME PROVIDED BY LAW AS NOTED BELOW;

UPON YOUR FAILURE TO ANSWER, JUDGMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT, TOGETHER WITH THE COSTS OF THIS ACTION.

DATED: June 04, 2016

Richard Sokoloff  
Attorney at Law  
990 S. SECOND STREET-SUITE 1  
RONKONKOMA, NY 11779  
PH: (631) 237-5607--FAX: 1 (888) 322-9957

FILE NUMBER: 99K6N9/139

NOTE: THE LAW PROVIDES THAT:

(A) IF THIS SUMMONS IS SERVED BY ITS DELIVERY TO YOU, OR (FOR A CORPORATION) AN AGENT AUTHORIZED TO RECEIVE SERVICE, PERSONALLY WITHIN THE COUNTY OF SUFFOLK YOU MUST ANSWER WITHIN 20 DAYS AFTER SUCH SERVICE; OR

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(C) YOU ARE REQUIRED TO FILE A COPY OF YOUR ANSWER TOGETHER WITH PROOF OF SERVICE WITH THE CLERK OF THE DISTRICT IN WHICH THE ACTION IS BROUGHT WITHIN TEN (10) DAYS OF THE SERVICE OF THE ANSWER.



2017 JUN 04 10:01

DISTRICT COURT OF THE COUNTY OF SUFFOLK  
FIRST DISTRICT, RONKONKOMA, CIVIL PART

VERIFIED COMPLAINT

-----  
JOHN T. MATHER HOSPITAL  
PLAINTIFF(S),

-AGAINST-

ERIC CARR  
DEFENDANT(S)  
-----

PLAINTIFF(S), BY ITS ATTORNEY, COMPLAINING OF THE DEFENDANT(S), UPON  
INFORMATION AND BELIEF, ALLEGES:

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- 2) UPON INFORMATION AND BELIEF THAT DURING THE TIME HERETOFORE AND AT ALL TIMES HEREINAFTER MENTIONED, THE DEFENDANT HEREIN WAS AND STILL IS AN INDIVIDUAL RESIDING IN THE COUNTY OF SUFFOLK, NEW YORK.
- 3) THAT THE CAUSE OF ACTION AROSE IN THE COUNTY OF SUFFOLK WHEN PROFESSIONAL SERVICES WERE RENDERED.
- 4) THAT HERETOFORE PLAINTIFF(S) RENDERED PROFESSIONAL SERVICES AT AN AGREED PRICE AND REASONABLE VALUE TO THE DEFENDANT IN THE AMOUNT OF: \$5,470.95
- 5) THAT NO PART THEREOF HAS BEEN PAID ALTHOUGH DULY DEMANDED EXCEPT THE SUM OF OF \$.00 AND THERE NOW REMAINS DUE AND OWING TO PLAINTIFF(S) FROM DEFENDANT(S) \$5,470.95 WITH INTEREST THEREON FROM 09/02/14

WHEREFORE, PLAINTIFF(S) DEMAND JUDGMENT AGAINST DEFENDANT(S) FOR THE SUM OF \$5,470.95 WITH INTEREST FROM 09/02/14 TOGETHER WITH COSTS AND DISBURSEMENTS.

Richard Sokoloff  
Attorney at Law  
990 S. SECOND STREET-SUITE 1  
RONKONKOMA, NY 11779  
PH: (631) 237-5607--FAX: 1 (888) 322-9957

VERIFICATION, BY CORPORATION

STATE OF NEW YORK, COUNTY OF SUFFOLK ss:THE UNDERSIGNED, ANGELO RAUCCI

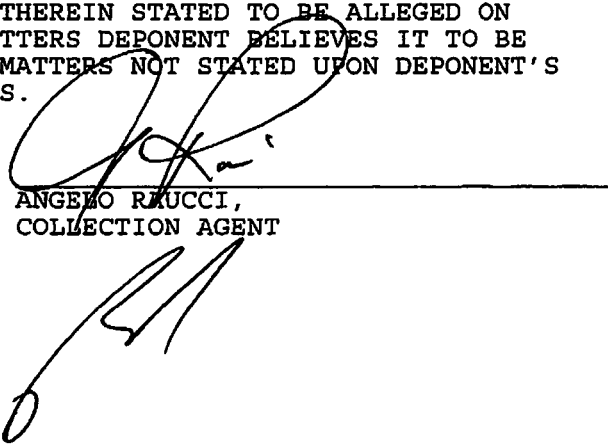
BEING DULY SWORN, DEPOSES AND SAYS: DEPONENT IS THE COLLECTION AGENT OF JOHN T. MATHER HOSPITAL, CONDUCTING BUSINESS IN THE STATE OF NEW YORK, AND DEPONENT MAKES THIS VERIFICATION BECAUSE DEPONENT HAS READ THE FOREGOING COMPLAINT AND KNOWS THE CONTENTS THEREOF: THE SAME IS TRUE TO DEPONENTS OWN KNOWLEDGE EXCEPT TO MATTERS THEREIN STATED TO BE ALLEGED ON INFORMATION AND BELIEF, AND AS TO THOSE MATTERS DEPONENT BELIEVES IT TO BE THE GROUNDS OF DEPONENTS BELIEF AS TO ALL MATTERS NOT STATED UPON DEPONENT'S KNOWLEDGE ARE AS FOLLOWS: BOOKS AND RECORDS.

DATED: June 04, 2016

PRINTED NAME: ANGELO RAUCCI,  
TITLE: COLLECTION AGENT

SWORN TO BEFORE ME ON 6/4/16

PAUL ZUCKER  
Notary Public, State of New York  
No. 01ZU4802687  
Qualified in Nassau County  
Comm. Expires May 31, 2018



JS 44 (Rev. 09/11)

**CIVIL COVER SHEET**

**FILED**  
IN CLERK'S OFFICE  
U.S. COURT OF SOUTHERN DISTRICT OF N.Y.

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. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court in the Southern District of New York. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
Tracey Marino individually and on behalf of all others similarly situated

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

**(c) Attorneys (Firm Name, Address, and Telephone Number)**  
Joseph Mauro, Esq.  
306 McCall Ave.  
West Islip, NY 11795

**DEFENDANTS**  
C. Tech Collection, Inc.

★ **DEC 27 2017** ★

**LONG ISLAND OFFICE**

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.

**CV-17 7538**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**SUMMONS ISSUED**

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**BIANCO, J.**

**LOCKE, M. J.**

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 USC 1692 et seq.

Brief description of cause:  
Debt Collection Abuse

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 12/27/2017

SIGNATURE OF ATTORNEY OF RECORD: /s/ Joseph Mauro

FOR OFFICE USE ONLY

RECEIPT # 24 287 AMOUNT \$400.00 APPLYING IFP \_\_\_\_\_ 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, Joseph mauro, 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 **Case is a class action. An Arbitrator can't certify a class. Damages may exceed \$150,000 depending on Defendant's net worth.**  
**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:

None

**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 of 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**

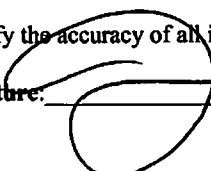
I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

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:  \_\_\_\_\_

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [C.Tech Collection Tripped Up with FDCPA Class Action Over Medical Debt](#)

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