

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

| | | |
|--|---|-------------------------------|
| ALLIE OZIER, Individually and on Behalf of All Others Similarly Situated, | } | Case No.: 18-cv-100 |
| | } | CLASS ACTION COMPLAINT |
| Plaintiff, | } | |
| vs. | } | |
| COLLECTION ASSOCIATES, LTD., | } | Jury Trial Demanded |
| Defendant. | } | |

INTRODUCTION

1. This class action seeks redress for collection practices that violate the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (the “FDCPA”).

JURISDICTION AND VENUE

2. The court has jurisdiction to grant the relief sought by the Plaintiff pursuant to 15 U.S.C. § 1692k and 28 U.S.C. §§ 1331 and 1337. Venue in this District is proper in that Defendant directed its collection efforts into the District.

PARTIES

3. Plaintiff Allie Ozier is an individual who resides in the Eastern District of Wisconsin (Milwaukee County).

4. Plaintiff is a “consumer” as defined in the FDCPA, 15 U.S.C. § 1692a(3), in that Defendant sought to collect from Plaintiff debts allegedly incurred for personal, family or household purposes, namely medical debts.

5. Defendant Collection Associates, LTD (“Collection Associates”) is a debt collection agency with its principal offices at 225 S. Executive Drive, Suite 250, Brookfield, Wisconsin 53005-4257.

6. Collection Associates is engaged in the business of a collection agency, using the mails and telephone to collect consumer debts originally owed to others.

7. Collection Associates is engaged in the business of collecting debts owed to others and incurred for personal, family or household purposes. Collection Associates is a debt collector as defined in 15 U.S.C. § 1692a.

FACTS

8. Plaintiff obtained medical services from “NRG, M.D., S.C.” (“NRG”) on several dates in 2012.

9. On or about January 19, 2017, Collection Associates mailed a debt collection letter to Plaintiff regarding several alleged debts, all allegedly owed to NRG. A copy of this letter is attached to this complaint as Exhibit A.

10. Upon information and belief, Exhibit A is a form letter, generated by computer, and with the information specific to Plaintiff inserted by computer.

11. Upon information and belief, Exhibit A is a form debt collection letter used by Collection Associates to attempt to collect alleged debts.

12. Exhibit A seeks to collect several “accounts” of \$13.19 each and one account at \$24.18, with the “Total” amount of the combined accounts at \$103.32.

13. The accounts in Exhibit A are accruing interest at the rate of 5% annually.

14. On or about January 28, 2013, NRG had mailed a statement to Plaintiff regarding the same alleged debts. A copy of this statement is attached to this complaint as Exhibit B.

15. Exhibit B sought to collect the same “accounts” as in Exhibit A, but the amounts in 2013 were \$11.08 at \$20.32, with the “Total” amount of the combined accounts at \$86.80.

16. Exhibits A and B refer to the same medical services. The different “Total Due” on each letter is due to the addition of interest, and not a consequence of any additional services that NRG supposedly provided.

17. Exhibit A does not include any explanation of why the “Total Due” is increasing.

18. When the amount of the debt varies day to day, the debt collector should avoid confusion by including explanatory language in the letter. *See Miller v. McCalla, Raymer, Padrick, Cobb, Nichols, & Clark, L.L.C.*, 214 F.3d 872, 876 (7th Cir. 2000) (“As of the date of this letter, you owe \$ [the exact amount due]. Because of interest, late charges, and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check, in which event we will inform you before depositing the check for collection. For further information, write the undersigned or call 1-800-[phone number].”); *see also Chuway v. Nat’l Action Fin. Servs.*, 362 F.3d 944, 949 (7th Cir. 2004); *Fields v. Wilber Law Firm, P.C.*, 383 F.3d 562, 565-66 (7th Cir. 2004).

19. No such safe harbor language was used in Exhibit A.

20. In *Chuway v. Nat’l Action Fin. Servs., Inc.*, 362 F.3d 944, 949 (7th Cir. 2004), the Seventh Circuit made clear that the debt collector must use the safe harbor language in *Miller* or equivalent language, in cases where the debt collector is attempting to collect the listed balance plus the interest running on it or other charges. *See also Avila v. Riexinger & Assocs., LLC*, 817 F.3d 72 (2d Cir. 2016) (a collection notice violated § 1692e by stating the “current balance” without providing notice that the amount is increasing due to accruing interest or other charges.); *Boucher v. Fin. Sys. of Green Bay*, No. 17-2308, 2018 U.S. App. LEXIS 1094 **12-14 (7th Cir.

Jan. 17, 2018) (*Miller*, including its “accuracy requirement,” applies to claims brought under 15 U.S.C. 1692e).

21. A court in this district recently held in a virtually identical scenario that when a debt collector is, in fact, collecting interest, the collector must use the *Miller* safe harbor or equivalent language, or risk confusing the unsophisticated consumer. *Spuhler v. State Collection Servs.*, No. 16-CV-1149, 2017 U.S. Dist. LEXIS 210895 at *17-20 (E.D. Wis. Dec. 22, 2017) (“State Collection’s letter undeniably does not contain any form of Miller’s safe harbor language. Because State Collection’s letter failed to inform the Spuhlers that interest was running on the amount owed, I find there is a triable issue of fact as to whether the collection letter is confusing or unclear on its face.”).

22. Collection Associates’ failure to include the *Miller* safe harbor language in Exhibit A is material because the unsophisticated consumer may pay the amount listed on Exhibit A, but the payment would not actually resolve the debt. The unsophisticated consumer would have no way of knowing if the debt was resolved because Exhibits A fails to explain what amount Collection Associates is actually collecting.

23. Further, the unsophisticated consumer is not expected to reference documents sent years prior to ameliorate the confusion. *Fields v. Wilber Law Firm, P.C.*, 383 F.3d 562, 566 (7th Cir. 2004) (“an unsophisticated consumer may have lost the bill and forgotten the amount of the debt completely”).

24. Plaintiff was confused by Exhibit A.

25. The unsophisticated consumer would be confused by Exhibit A.

26. The FDCPA creates substantive rights for consumers; violations cause injury to consumers, and such injuries are concrete and particularized. *Pogorzelski v. Patenaude & Felix*

APC, No. 16-C-1330, 2017 U.S. Dist. LEXIS 89678 *9 (E.D. Wis. June 12, 2017) (“A plaintiff who receives misinformation from a debt collector has suffered the type of injury the FDCPA was intended to protect against.”); *Spuhler v. State Collection Servs.*, No. 16-CV-1149, 2017 U.S. Dist. LEXIS 177631 (E.D. Wis. Oct. 26, 2017) (“As in Pogorzelski, the Spuhlers’ allegations that the debt collection letters sent by State Collection contained false representations of the character, amount, or legal status of a debt in violation of their rights under the FDCPA sufficiently pleads a concrete injury-in-fact for purposes of standing.”); *Bock v. Pressler & Pressler, LLP*, No. 11-7593, 2017 U.S. Dist. LEXIS 81058 *21 (D.N.J. May 25, 2017) (“through [s]ection 1692e of the FDCPA, Congress established ‘an enforceable right to truthful information concerning’ debt collection practices, a decision that ‘was undoubtedly influenced by congressional awareness that the intentional provision of misinformation’ related to such practices, ‘contribute[s] to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy,”); *Quinn v. Specialized Loan Servicing, LLC*, No. 16 C 2021, 2016 U.S. Dist. LEXIS 107299 *8-13 (N.D. Ill. Aug. 11, 2016) (rejecting challenge to Plaintiff’s standing based upon alleged FDCPA statutory violation); *Lane v. Bayview Loan Servicing, LLC*, No. 15 C 10446, 2016 U.S. Dist. LEXIS 89258 *9-10 (N.D. Ill. July 11, 2016) (“When a federal statute is violated, and especially when Congress has created a cause of action for its violation, by definition Congress has created a legally protected interest that it deems important enough for a lawsuit.”); *Church v. Accretive Health, Inc.*, No. 15-15708, 2016 U.S. App. LEXIS 12414 *7-11 (11th Cir. July 6, 2016) (same); *see also Mogg v. Jacobs*, No. 15-CV-1142-JPG-DGW, 2016 U.S. Dist. LEXIS 33229, 2016 WL 1029396, at *5 (S.D. Ill. Mar. 15, 2016) (“Congress does have the power to enact statutes creating legal rights, the invasion of which creates standing, even though no injury would exist without the statute,” (quoting *Sterk v.*

Redbox Automated Retail, LLC, 770 F.3d 618, 623 (7th Cir. 2014)). For this reason, and to encourage consumers to bring FDCPA actions, Congress authorized an award of statutory damages for violations. 15 U.S.C. § 1692k(a).

27. Moreover, Congress has explicitly described the FDCPA as regulating “abusive practices” in debt collection. 15 U.S.C. §§ 1692(a) – 1692(e). Any person who receives a debt collection letter containing a violation of the FDCPA is a victim of abusive practices. *See* 15 U.S.C. §§ 1692(e) (“It is the purpose of this subchapter to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses”).

28. 15 U.S.C. § 1692e generally prohibits “any false, deceptive, or misleading representation or means in connection with the collection of any debt.”

29. 15 U.S.C. § 1692e(2)(a) specifically prohibits “The false representation of— the character, amount, or legal status of any debt.

30. 15 U.S.C. § 1692e(10) specifically prohibits the “use of any false representation or deceptive means to collect or attempt to collect any debt.”

31. 15 U.S.C. § 1692f generally prohibits “unfair or unconscionable means to collect or attempt to collect any debt.”

COUNT I – FDCPA

32. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

33. The Total Due in Exhibit A is confusing. The amount of the debt varies day to day, and has increased over time, due to Collection Associates’ addition of interest, but no *Miller*

safe harbor language is provided to inform the unsophisticated consumer of that fact or how to pay the correct amount.

34. The unsophisticated consumer would be confused as what the amount of the debt actually is.

35. Defendant violated 15 U.S.C. §§ 1692e, 1692e(2)(a), 1692e(10) and 1692f.

CLASS ALLEGATIONS

36. Plaintiff defines the class as (a) all natural persons in the State of Wisconsin (b) who were sent collection letters by Defendant in the form of Exhibit A to the complaint in this action, (c) seeking to collect a debt for personal, family or household purposes, (d) in which the Balance increases over time due to the addition of interest but no explanatory language is provided in the letter, (e) between January 19, 2017 and January 19, 2018, inclusive, (f) that was not returned by the postal service.

37. The Class is so numerous that joinder is impracticable. On information and belief, there are more than 50 members of the Class.

38. There are questions of law and fact common to the members of the class, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether Exhibit A violates the FDCPA.

39. Plaintiff's claims are typical of the claims of the Class members. All are based on the same factual and legal theories.

40. Plaintiff will fairly and adequately represent the interests of the Class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases.

41. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible.

JURY DEMAND

42. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court enter judgment in favor of Plaintiff and the Class and against Defendant for:

- (a) actual damages;
- (b) statutory damages;
- (c) attorneys' fees, litigation expenses and costs of suit; and
- (d) such other or further relief as the Court deems proper.

Dated: January 19, 2018

ADEMI & O'REILLY, LLP

By: /s/ John Blythin
John D. Blythin (SBN 1046105)
Mark A. Eldridge (SBN 1089944)
Jesse Fruchter (SBN 1097673)
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jfruchter@ademilaw.com
bslatky@ademilaw.com

EXHIBIT A

COLLECTION ASSOCIATES, LTD.

PO Box 465 ♦ Brookfield, WI 53008-0465

Telephone: (262) 641-2500

PO Box 465
Brookfield WI 53008-0465
RETURN SERVICE REQUESTED

January 19, 2017

COLLECTION ASSOCIATES, LTD.

PO Box 465
Brookfield WI 53008-0465

324974687

Allie Ozier
7055 N 55th St
Milwaukee WI 53223-6338

Account # [REDACTED] 535F
Balance: \$103.32

Past Due Balance

Detach Upper Portion And Return With Payment

| <u>Creditor Name/ Original Creditor</u> | <u>Account Number</u> | <u>Balance</u> |
|---|-----------------------|----------------|
| NRG M.D., S.C. / | [REDACTED] 535F | \$24.18 |
| NRG M.D., S.C. / | [REDACTED] 535E | \$13.19 |
| NRG M.D., S.C. / | [REDACTED] 535D | \$13.19 |
| NRG M.D., S.C. / | [REDACTED] 535C | \$13.19 |
| NRG M.D., S.C. / | [REDACTED] 535B | \$13.19 |
| NRG M.D., S.C. / | [REDACTED] 535A | \$13.19 |
| NRG M.D., S.C. / | [REDACTED] 535 | \$13.19 |

TOTAL: \$103.32

Dear Allie Ozier,

With tax refund season upon us, it's a good time to think about clearing up some of your costly delinquent debt.

In an effort to assist you in doing so, our client has authorized us to extend a special "Income Tax Refund" settlement offer in the above matter, which currently has an outstanding balance of \$103.32.

Upon payment of \$72.32, received by our office no later than 03/31/2017, we will consider this matter settled in full.

We are not obligated to renew this offer.

If you wish to resolve this matter, but are unable to make the lump sum payment required to take advantage of this offer, please contact us at the number listed above to discuss an alternative compromised resolution.

We accept Visa, MasterCard, or check payments by phone.

Sincerely,

Collection Associates, LTD.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

43RDCOLL01W0FF

Collection Associates, LTD. ♦ PO Box 465 ♦ Brookfield WI 53008-0465 ♦ 262-641-2500

Exhibit B

Statement of Anesthesia Services or Pain Management Services

NRG MD SC
 225 S. EXECUTIVE DRIVE
 BROOKFIELD, WI 53005-4266

Account Number
 0535

| Amount Due | Amount Paid |
|------------|-------------|
| 86.80 | |

Address Correction Requested (Show changes on back.)

- Check if changes to Address
- Check if changes to Insurance

To make full payment with your credit card, complete below.

| | | |
|-------------------------------------|-------------------------------|-------------|
| <input type="checkbox"/> Mastercard | <input type="checkbox"/> Visa | Card Number |
| Name on Card | | Exp Date |
| Signature | | Amount |

Responsible Party

ALLIE OZIER
 3919 N 58TH ST
 MILWAUKEE, WI 53216

Please Make Check Payable To

(Please place account number on your check.)

NRG MD SC
 225 S. EXECUTIVE DRIVE
 BROOKFIELD, WI 53005-4266

Please cut along dotted line and enclose top portion with your payment.

Messages

Your account is now considered delinquent. You need to forward the balance due to us today or contact our office to make payment arrangements. It is important that you take immediate action to avoid further collection action.

Statement Date: 01/28/2013 Account Number: 0535

| Statements Details | | | | | | | | |
|--------------------|------------|-------------|--------|-------------------|--------------------|------------------|-------------|------------|
| Date | Patient | Description | Charge | Insurance Pending | Insurance Receipts | Patient Receipts | Adjustments | Amount Due |
| 09/07/2012 | ALLIE OZIE | | 500.00 | | 47.43 | | 432.25 | 20.32 |
| 09/08/2012 | ALLIE OZIE | | 335.00 | | 25.85 | | 298.07 | 11.08 |
| 09/09/2012 | ALLIE OZIE | | 335.00 | | 25.85 | | 298.07 | 11.08 |
| 09/10/2012 | ALLIE OZIE | | 335.00 | | 25.85 | | 298.07 | 11.08 |
| 09/11/2012 | ALLIE OZIE | | 335.00 | | 25.85 | | 298.07 | 11.08 |
| 09/12/2012 | ALLIE OZIE | | 335.00 | | 25.85 | | 298.07 | 11.08 |
| 09/13/2012 | ALLIE OZIE | | 335.00 | | 25.85 | | 298.07 | 11.08 |

| Aging | Current | Over 30 Days | Over 60 Days | Over 90 Days |
|-------|---------|--------------|--------------|--------------|
| | 0.00 | 0.00 | 33.24 | 53.56 |

| Amount You Owe | Due Date |
|----------------|------------|
| 86.80 | 02/12/2013 |

Note: Payments made within the past 20 business days may not be reflected on this statement.

Contact Information:

225 S. Executive Drive, Brookfield, WI 53005
 Phone 262-787-6700 Fax 262-782-6040 Toll Free 1-800-899-9700
 Customer Service 8:00 a.m - 4:00 p.m., CST, Monday - Friday

Change of Address Request/Insurance Company Information

Please provide updated address and/or insurance information below.

Street _____ City _____ State _____ Zip _____

Telephone Number _____

Work related? Yes No or Accident related? Yes No Date of accident _____

Policy Holder's Name _____ Claim/Policy Number _____

Insurance Company _____ Insurance Address _____

Release of Information and Assignment of Benefits

I hereby authorize _____ to disclose any medical information which might be needed in connection with payment for medical services rendered from _____ to _____. I request payment under my medical insurance plan to be made directly to _____ on any bills for services furnished to me or my dependents. I understand that I am financially responsible for all charges not covered by my insurance.

Signature of Insured _____ Relationship to Patient _____ Date _____

Insurance Procedures and Payment Policy

1. We received your insurance information from the Admitting Department of the facility where you received services. If you gave them further information after the date of your surgery, we do not have access to it. Please contact us to update our records.
2. There may be a claim form enclosed with this statement. Because we did not get your insurance information from you directly, we ask that you verify your information in boxes 1 through 11 on the claim form. Call us if you find any errors. If the information is accurate, please sign the claim form in Box 12 and 13 prior to submitting it to your insurance company or employer. If you prefer, you can sign the *Release of Information & Assignment of Benefits* authorization above and return it to us with a copy of both sides of your insurance card. We will submit the claim to your carrier for you.
3. If this expense should be submitted to a workman's comp carrier, please supply that information to us. We will need the insurance company's address and the number assigned to your claim. You may call us with this information or complete the *Insurance Company Information* section above.
4. If you did not receive a claim form with this statement, we have submitted the expense for you as a courtesy; however, you are ultimately responsible for payment of the charges you have incurred. You remain personally responsible for payment of any balance not paid by your insurer, including co-payments, deductibles and any amount in excess of your insurance company's usual and customary limitations.
5. If your insurance company does not respond to our claim in a timely manner, we will require payment from you.
6. If you have questions about how your claim was processed, please contact your insurance company and/or employer for further information.
7. Your purchase of health insurance creates a contract between you and the insurance company. We have no standing in that relationship and are unable to intervene on your behalf. We will be happy to provide you with any supporting documentation in our possession to assist you in your interactions with your insurance company.

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 THE REVERSE OF THE FORM.)

Place an X in the appropriate Box: Green Bay Division Milwaukee Division

I. (a) PLAINTIFFS
ALLIE OZIER

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
 Ademi & O'Reilly, LLP, 3620 E. Layton Ave., Cudahy, WI 53110
 (414) 482-8000-Telephone (414) 482-8001-Facsimile

DEFENDANTS
COLLECTION ASSOCIATES, LTD.

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

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

Attorneys (If Known)

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)

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 <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> 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 |

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 | PERSONAL INJURY <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 | PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <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"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions | |

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 7 Appeal to District Judge from Magistrate Judgment

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

Brief description of cause:
 Violation of Fair Debt Collection Practices Act

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: January 19, 2018 SIGNATURE OF ATTORNEY OF RECORD: s/ John D. Blythin

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.C.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; 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 clerks 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 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. (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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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 dollar amount (in thousands of dollars) 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.

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

ALLIE OZIER

Plaintiff

v.

COLLECTION ASSOCIATES, LTD.

Defendant

)
)
)
)
)
)
)

Civil Action No. 18-cv-100

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) COLLECTION ASSOCIATES, LTD.
c/o RICHARD R DOBBERSTEIN
225 S. EXECUTIVE DR., SUITE 250
BROOKFIELD, WI 53005

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:

John D. Blythin
Ademi & O'Reilly, LLP
3620 East Layton Avenue
Cudahy, WI 53110
(414) 482-8000-Telephone

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. 18-cv-100

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:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit: Collection Associates' Letter Missing Debt Information](#)
