

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.:

SHARON D. PEPPER, an individual,
on behalf of herself and all others
similarly situated,

Plaintiff,

COMPLAINT - CLASS ACTION

vs.

GARCIA PAEZ, P.A., a Florida professional
association, and JOSEPH A. GARCIA,
an individual,

Defendants.

COMPLAINT FOR DAMAGES AND INCIDENTAL RELIEF

Plaintiff, Sharon D. Pepper, an individual, on behalf of herself and all others similarly situated, sues Defendants, Garcia Paez, P.A., a Florida professional association, and Joseph A. Garcia, an individual, and alleges:

I. PRELIMINARY STATEMENT

1. This is an action brought pursuant to 15 U.S.C. §1692, *et sequi*, known more commonly as the “Fair Debt Collection Practices Act” (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. The jurisdiction of this Court arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

III. ALLEGATIONS AS TO PARTIES

3. At all times material hereto, Plaintiff, Sharon D. Pepper (“Ms. Pepper”), was *sui juris* and a resident of Miami-Dade County, Florida.

4. At all times material hereto, Defendant Garcia Paez, P.A., was a Florida professional association, doing business in Miami-Dade County, Florida.

5. At all times material hereto, Defendant, Joseph A. Garcia, was *sui juris* and a resident of Miami-Dade County, Florida.

6. At all times material hereto, Defendants are or were engaged in the collection of debts from consumers using the mail and telephone.

7. Defendants regularly attempted to collect consumer debts alleged to be due to another in Miami-Dade County, Florida.

8. For an extended period of time, Defendants have acted as the attorney for various financial institution creditors throughout the State of Florida.

9. In the course of their representation of the creditors, Defendants regularly collected or attempted to collect monies from consumers for delinquent consumer debts.

IV. FACTUAL ALLEGATIONS

10. Several years prior to the filing of the instant action, Ms. Pepper obtained a consumer loan from Dade County Federal Credit Union (“Dade County FCU”) for the purpose of financing the purchase of a 2010 Nissan Altima (“Pepper Loan”).

11. At some unknown time in the past, Dade County FCU retained Defendants for the purpose of collecting monies purportedly owed on the Pepper Loan.

12. On or about March 23, 2016, Defendants sent or caused to be sent to Ms. Pepper

written correspondence, known more commonly in the collection industry as a “dunning letter,” for the purpose of collecting monies purportedly owed by Ms. Pepper on the Pepper Loan (“Collection Communication”).

13. A true and correct copy of the Collection Communication is attached hereto and incorporated by reference as Exhibit “A.”

V. DEFENDANTS’ PRACTICES

14. It is or was the policy and practice of Defendants to send collection letters in the form or substantially similar form of Exhibit “A” to consumers in a manner which was reasonably calculated to confuse or frustrate consumers with respect to advising consumers as to the right of consumers with respect to the validation of consumer debts under 15 U.S.C. §1692g.

VI. CLASS ACTION ALLEGATIONS

15. This action is brought on behalf of a class consisting of (i) all persons with addresses in the state of Florida (ii) to whom letters in the same or substantially similar form as Exhibit “A” were sent (iii) in an attempt to collect a debt which, according to the nature of the creditor or the debt, or the records of the creditor or defendant, was incurred for personal, family, or household purposes (iv) which were not returned undelivered by the U.S. Post Office (v) during the one year period prior to the filing of the complaint in this action.

16. Plaintiff alleges on information and belief based on Defendants’ use of letters in the form of Exhibit “A,” that the class is so numerous that joinder of all members is impractical. Based on Defendants’ use of letters in the form of Exhibit “A,” Plaintiff estimates that the class includes hundreds of class members.

17. There are questions of law or fact common to the class, which common issues

predominate over any issues involving only individual class members.

18. The common factual issue common to each class member is that each was sent a letter in the form of Exhibit "A." The principal legal issues are whether Defendants' letters in the form of Exhibit "A" violate the FDCPA by failing to properly inform the consumer with respect to the consumer's rights for debt verification in a manner which was not reasonably calculated to confuse or frustrate the least sophisticated consumer.

19. Ms. Pepper's claim is typical of those of the class members. All are based on the same facts and legal theories.

20. Ms. Pepper will fairly and adequately protect the interests of the class. She has retained counsel experienced in handling actions involving unlawful practices under the FDCPA and class actions. Neither Plaintiff nor her counsel have any interests which might cause them not to vigorously pursue this action.

21. Certification of the class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is also appropriate in that:

(1) The questions of law or fact common to the members of the class predominate over any questions affecting an individual member.

(2) A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

22. Certification of a class under Rule 23(b)(2) of the Federal Rules of Civil Procedure is also appropriate in that Defendants have acted on grounds generally applicable to the class thereby making appropriate declaratory relief with respect to the class as a whole.

23. Ms. Pepper requests certification of a hybrid class of Rule 23(b)(3) for monetary

damages and Rule 23(b)(2) for equitable relief.

VII. ALLEGATIONS OF LAW

24. At all times material hereto, Ms. Pepper was a “consumer” as said term is defined under 15 U.S.C. §1692a(3).

25. At all times material hereto, the Pepper Loan was a “debt” as said term is defined under 15 U.S.C. §1692a(5).

26. At all times material hereto, Defendants were “debt collector(s)” as said term is defined under 15 U.S.C. §1692a(6).

27. 15 U.S.C. §1692g(a) provides, in pertinent part, the following:

Notice of Debts; Contents

Within five days after the initial communication from the consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer written notice containing:

- (1) The amount of the debt;
- (2) The name of the creditor to whom the debt is owed;
- (3) A statement that unless the consumer, within thirty days after receiving the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;
- (4) A statement that if the consumer notifies the debt collector in writing within the thirty day period, the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of the judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and
- (5) A statement that upon the consumer’s written request within

the thirty day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

28. The Collection Communication violates the Fair Debt Collection Practices Act, by:
- a. the failure to properly inform the consumer of the consumer's right to obtain debt validation pursuant to 15 U.S.C. §1692g(a)(4);
 - b. the failure to inform the consumer that upon the consumer's written request within the thirty-day period from receipt of the Collection Communication that the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor, in contravention of 15 U.S.C. §1692g(a)(5); and
 - c. the failure of Defendants to communicate with consumers through the Collection Communication in a manner which did overshadow or which was inconsistent with the disclosure of the consumer's right to dispute the debt or request the name and address of the original creditor, in contravention of 15 U.S.C. §1692g(b).

29. Plaintiff and each member of the class have suffered an invasion of a legally protected interest that is concrete and particularized. In particular, the Collection Communication creates a substantial risk that the Plaintiff and the class would not exercise their rights under the FDCPA and deprived the Plaintiff and the class of their right to have the statutorily mandated disclosures provided to them.

30. As a result of Defendants' conduct, Plaintiff and the class are entitled to an award

of statutory damages pursuant to 15 U.S.C. §1692k.

31. Plaintiff and the class are entitled to an award of costs and attorney's fees pursuant to 15 U.S.C. §1692k.

WHEREFORE, Plaintiff, Sharon D. Pepper, an individual, requests judgment be entered in her favor and in favor of the class against Defendants, Garcia Paez, P.A., a Florida professional association, and Joseph A. Garcia, an individual for:

- A. Declaratory judgment that Defendants' Exhibit "A" violates the Fair Debt Collection Practices Act;
- B. Statutory damages pursuant to 15 U.S.C. §1692k;
- C. An award of costs and attorney's fees pursuant to 15 U.S.C. §1692k; and
- D. Such other and further relief as the Court may deem just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff, Sharon D. Pepper, an individual, pursuant to Rule 38(b), Federal Rules of Civil Procedure, demands a trial by jury of all issues so triable.

ROBERT W. MURPHY
Florida Bar No. 717223
1212 S.E. 2nd Avenue
Ft. Lauderdale, FL 33316
(954) 763-8660 Telephone
(954) 763-8607 Fax
E-mail: rwmurphy@lawfirmmurphy.com
and rphyu@aol.com

COUNSEL FOR PLAINTIFF

JS 44 (Rev. 11/15) Revised 03/16

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.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS SHARON D. PEPPER, an individual, on behalf of herself and all others similarly situated. **DEFENDANTS** GARCIA PAEZ, P.A., a Florida professional association, and JOSEPH A. GARCIA, an

(b) County of Residence of First Listed Plaintiff **Miami-Dade** (EXCEPT IN U.S. PLAINTIFF CASES) County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number) Law Office of Robert W. Murphy, 1212 SE 2nd Avenue, Fort Lauderdale, FL 33316; (954) 763-8660 Attorneys (If Known)

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

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

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)

Citizen of This State 1 PTF 1 DEF Citizen of Another State 2 PTF 2 DEF Citizen or Subject of a Foreign Country 3 PTF 3 DEF Foreign Nation 4 PTF 4 DEF 5 PTF 5 DEF 6 PTF 6 DEF

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 <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <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 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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<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"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <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 Re-filed (See VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment 8 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S) (See instructions): a) Re-filed Case YES NO b) Related Cases YES NO

VII. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): Violation of 15 U.S.C. §1692 et sequi - Fair Debt Collection Practices Act
LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. 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

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
 DATE: 2/27/17 SIGNATURE OF ATTORNEY OF RECORD: [Signature]

FOR OFFICE USE ONLY
 RECEIPT # AMOUNT 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.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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. 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

VIII. 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.

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

EXHIBIT “A”



Joseph A. Garcia, Esq.
Edward A. Paez, Esq.
Victor R. Garcia, Esq.
Cosima Ortiz, Esq.
Amanda M. Rodriguez, Esq.

March 23, 2016

Sharon D. Pepper
[REDACTED]
[REDACTED]

Re: DADE COUNTY FEDERAL CREDIT UNION
Borrower's Name: Sharon D. Pepper and Ronnie Pepper
Account Numbers: 185456L3
Vehicle: 2010 Nissan Altima 4 Cyl. Sedan 4D S
VIN: 1N4AL2AP0AN540347

Dear Ms. Pepper:

The undersigned represents DADE COUNTY FEDERAL CREDIT UNION concerning your past due balance. This letter constitutes notice that our client hereby demands immediate payment of \$1,797.07, which represents the total balance due on your account.

Please be aware that if the amount of \$1,797.07 is not paid to GARCIA PAEZ, PA TRUST ACCOUNT and mailed within 30 days of this letter to the address below, or *if you fail to enter into a reasonable payment arrangement with us by that time*, this office may be instructed to commence formal legal proceedings against you to recover that sum. In context of this case, and pursuant to Florida law, we will also seek recovery of interest, court costs and possible attorney's fees expended by our client. Please be advised that Florida courts may award attorney's fees and costs in excess of the amount in controversy.

Unless you notify us within 30 days after receipt of this letter that the validity of this debt, or any portion of it, is disputed, we will assume the debt is valid. We may proceed with suit against you immediately after the 30 days, if so requested by our client. This letter is an attempt to collect a debt, and any information obtained will be used for that purpose. This communication is from a debt collector.

Please govern yourself accordingly.

Sincerely yours,

/s/ Joseph A. Garcia

Joseph A. Garcia, Esq.

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida [dropdown icon]

SHARON D. PEPPER, an individual o/b/o herself and all others similarly situated,)

Plaintiff(s)

v.

GARCIA PAEZ, P.A., a Florida professional association, and JOSEPH A. GARCIA, an individual,)

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

GARCIA PAEZ, P.A.
c/o Edward A. Paez, as Registered Agent
5979 NW 151st Street #111
Miami Lakes, Florida 33014

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:

ROBERT W. MURPHY, ESQ.
1212 SE 2nd Avenue
Fort Lauderdale, Florida 33316

Telephone: (954) 763-8660

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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

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

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

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

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

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

UNITED STATES DISTRICT COURT

for the

Southern District of Florida



SHARON D. PEPPER, an individual o/b/o herself and all others similarly situated,

Plaintiff(s)

v.

GARCIA PAEZ, P.A., a Florida professional association, and JOSEPH A. GARCIA, an individual,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

JOSEPH A. GARCIA
Garcia Paez, P.A.
5979 NW 151st Street #111
Miami Lakes, Florida 33014

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:

ROBERT W. MURPHY, ESQ.
1212 SE 2nd Avenue
Fort Lauderdale, Florida 33316

Telephone: (954) 763-8660

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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

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

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

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

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

I returned the summons unexecuted because _____; or

Other *(specify):* _____

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Florida Woman Files Debt Collection Suit Against Garcia Paez, P.A.](#)
