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10 Attorney for Plaintiff

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
13 **Southern Division**

14 Ashley Porter, individually and on
15 behalf of all others similarly situated,

16 Plaintiff,

17 -against-

18 AWA Collections and John Does 1-
19 25,

20 Defendant.

Case No.:

CLASS ACTION COMPLAINT for
violations of the Fair Debt Collection
Practices Act, 15 U.S.C. § 1692 *et seq.*

DEMAND FOR JURY TRIAL

21 Plaintiff Ashley Porter ("Plaintiff" or "Porter"), a California resident, brings
22 this Class Action Complaint by and through her attorneys, The Law Offices of
23 Jonathan A. Stieglitz, against Defendant AWA Collections ("Defendant"),
24 individually and on behalf of a class of all others similarly situated, pursuant to
25 Rule 23 of the Federal Rules of Civil Procedure, based upon information and belief
26 of Plaintiff's counsel, except for allegations specifically pertaining to Plaintiff,
27 which are based upon Plaintiff's personal knowledge.
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3. The Court has jurisdiction over this class action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692 *et seq.* The Court has pendent jurisdiction over the State law claims in this action pursuant to 28 U.S.C. § 1367(a).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2), as this is where a substantial part of the events or omissions giving rise to the claim occurred and Defendant's primary place of business is located here.

5. **NATURE OF THE ACTION**

6. Plaintiff brings this class action on behalf of a class of California consumers under 15 U.S.C. § 1692 *et seq.*, commonly known as the Fair Debt Collections Practices Act ("FDCPA"); and

7. Plaintiff is seeking damages and declaratory relief.

PARTIES

8. Plaintiff is a resident of the State of California, County of Los Angeles, residing at 2431 Merrywood Street, Pomona, CA 91767.

9. Defendant AWA Collections is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA, with an address at 1576 N Batavia Street Apt NO, Orange, CA 92867.

10. Upon information and belief, Defendant is a company that uses the mail, telephone, and facsimile and regularly engages in business the principal purpose of which is to attempt to collect debts alleged to be due another.

1 11. John Does 1-25, are fictitious names of individuals and businesses alleged
2 for the purpose of substituting names of Defendants whose identities will be
3 disclosed in discovery and should be made parties to this action.
4

5 **CLASS ALLEGATIONS**

6 12. Plaintiffs bring this claim on behalf of the following case, pursuant to Fed.
7 R. Civ. P. 23(a) and 23(b)(3).
8

9 13. The class consists of:

- 10 a. all individuals with addresses in the State of California;
11 b. to whom AWA Collections sent a collection letter
12 attempting to collect a debt;
13 c. regarding collection of an Automobile Club debt;
14 d. that failed to properly identify and correctly name the current
15 creditor to whom the debt was allegedly owed;
16 e. which letter was sent on or after a date one (1) year prior to the
17 filing of this action and on or before a date twenty-one (21) days after
18 the filing of this action.
19

20 14. The identities of all class members are readily ascertainable from the
21 records of Defendants and those companies and entities on whose behalf
22 they attempt to collect and/or have purchased debts.
23

24 15. Excluded from the Plaintiff Class are the Defendants and all officer,
25 members, partners, managers, directors and employees of the Defendants
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1 and their respective immediate families, and legal counsel for all parties to
2 this action, and all members of their immediate families.

3
4 16. There are questions of law and fact common to the Plaintiff Class, which
5 common issues predominate over any issues involving only individual class
6 members. The principal issue is whether the Defendants' written
7 communications to consumers, in the forms attached as Exhibit "A",
8 violates 15 U.S.C. §§ 1692e, 1692f and 1692g.

9
10 17. The Plaintiff's claims are typical of the class members, as all are based
11 upon the same facts and legal theories. The Plaintiff will fairly and
12 adequately protect the interests of the Plaintiff Class defined in this
13 Complaint. The Plaintiff has retained counsel with experience in handling
14 consumer lawsuits, complex legal issues and class actions, and neither the
15 Plaintiff nor her attorneys have any interests, which might cause them not
16 to vigorously pursue this action.

17
18 18. This action has been brought, and may properly be maintained, as a class
19 action pursuant to the provisions of Rule 23 of the Federal Rules of Civil
20 Procedure because there is a well-defined community interest in the
21 litigation:
22

23
24 a. **Numerosity**: The Plaintiff is informed and believes, and on that
25 basis alleges, that the Plaintiff Class defined above is so numerous that
26 joinder of all members would be impractical.
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1 b. **Common Questions Predominate:** Common questions of law and
2 fact exist as to all members of the Plaintiff Class and those questions
3 predominate over any questions or issues involving only individual class
4 members. The principal issue is whether the Defendants’ written
5 communications to consumers, in the forms attached as Exhibit “A” violate
6 15 U.S.C. §1692e, §1692f and §1692g.
7

8 c. **Typicality:** The Plaintiff’s claims are typical of the claims of the
9 class members. The Plaintiff and all members of the Plaintiff class have
10 claims arising out of the Defendants’ common uniform course of conduct
11 complained of herein.
12

13 d. **Adequacy:** The Plaintiff will fairly and adequately protect the
14 interests of the class members insofar as Plaintiff has no interests that are
15 adverse to the absent class members. The Plaintiff is committed to
16 vigorously litigating this matter. Plaintiff has also retained counsel
17 experienced in handling consumer lawsuits, complex legal issues and class
18 actions. Neither the Plaintiff nor her counsel have any interests which might
19 cause them not to vigorously pursue the instant class action lawsuit.
20

21 e. **Superiority:** A class action is superior to the other available means
22 for the fair and efficient adjudication of this controversy because individual
23 joinder of all members would be impracticable. Class action treatment will
24 permit a large number of similarly situated persons to prosecute their
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1 common claims in a single forum efficiently and without unnecessary
2 duplication of effort and expense that individual actions would engender.

3
4 19. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil

5 Procedure is also appropriate in that the questions of law and fact common
6 to members of the Plaintiff Class predominate over any questions affecting
7 an individual member, and a class action is superior to other available
8 methods for the fair and efficient adjudication of the controversy.

9
10 20. Depending on the outcome of further investigation and discovery, Plaintiff
11 may, at the time of class certification motion, seek to certify a class(es) only
12 as to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).

13
14 **FACTUAL ALLEGATIONS**

15
16 21. Plaintiff incorporates by reference all of the above paragraphs of this

17 Complaint as though fully stated herein with the same force and effect as if
18 the same were set forth at length herein.

19
20 22. Some time prior to August 8, 2017, an obligation was allegedly incurred to
21 an entity called Automobile Club.

22
23 23. The Automobile Club obligation arose out of a transaction involving
24 money, property, insurance or services, which are the subject of the
25 transaction and were primarily for personal, family or household purposes.

26
27 24. The alleged Automobile Club obligation is a “debt” as defined by 15
28 U.S.C. 1692a(5).

1 25. Automobile Club is a “creditor” as defined by 15 U.S.C. § 1692a(4).

2 26. Automobile Club contracted the Defendant to collect the alleged debt.

3
4 27. Defendant collects and attempts to collect debts incurred or alleged to have
5 been incurred for personal, family or household purposes on behalf of
6 creditors using the United States Postal Services, telephone and internet.
7

8 *Violation – August 8 2017 Collection Letter*

9 28. On or about August 8, 2017, Defendant sent Plaintiff an initial collection
10 letter (the “Letter”) regarding the alleged debt owed to Automobile Club.
11

12 **See August 8, 2017 Collection Letter attached hereto as Exhibit A.**

13 29. This letter did not contain all the requirements of §1692g (the “G-Notice”).
14 Specifically, this letter deceptively fails to properly identify who the current
15 creditor is to whom the debt is owed.
16

17 30. The letter lists Automobile Club as “Client Name” however there is no
18 entity whose name is simply “Automobile Club.”
19

20 31. A simple internet search of the term “automobile club” turns up hundreds
21 of names of companies including the term “Automobile Club.”
22

23 32. Additionally the letter uses the term “Client Name” rather than properly
24 identifying “Automobile Club” as the current creditor as is strictly required
25 under §1692g.
26

27 33. It is deceptive to not clearly state who the creditor is in any collection letter
28 sent to a consumer.

1 34. Mere illusions are not enough, but the letter must specifically and clearly
2 state the identity of the creditor.

3
4 35. Plaintiff was confused by this letter as she could not identify the entity
5 “Automobile Club” and therefore could not ascertain whether she owed the
6 alleged debt.

7
8 36. Defendant has failed to provide the consumer with a proper initial
9 communication letter by failing to clearly identify the current creditor of the
10 debt.

11
12 37. Plaintiff sustained an informational injury in that she was provided with
13 false and incomplete information about the alleged debt which prevented
14 her from making reasonable decisions about whether to pay the debt.

15
16 38. As a result of Defendant's deceptive, misleading and unfair debt collection
17 practices, Plaintiff has been damaged.

18
19 **COUNT I**
20 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**
21 **15 U.S.C. § 1692e et seq.**

22 39. Plaintiffs incorporate by reference all of the above paragraphs of this
23 Complaint as though fully state herein with the same force and effect as if
24 the same were set forth at length herein.
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1 40. Defendant's debt collection efforts attempted and/or directed towards the
2 Plaintiff violated various provisions of the FDCPA, including but not
3 limited to 15 U.S.C. § 1692e.
4

5 41. Pursuant to 15 U.S.C. § 1692e, a debt collector may not use any false,
6 deceptive or misleading representation or means in connection with the
7 collection of any debt.
8

9 42. Defendant violated said section by:

10 a. Making a false and misleading representation in violation of
11 §1692e(10).
12

13 43. By reason thereof, Defendant is liable to Plaintiff for judgment that
14 Defendant's conduct violated Section 1692e *et seq.* of the FDCPA, actual
15 damages, statutory damages, costs and attorneys' fees.
16

17 **COUNT II**
18 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES**
19 **ACT**
20 **15 U.S.C. § 1692f *et seq.***

21 44. Plaintiffs incorporate by reference all of the above paragraphs of this
22 Complaint as though fully stated herein with the same force and effect as if
23 the same were set forth at length herein.
24

25 45. Defendant's debt collection efforts attempted and/or directed towards the
26 Plaintiff violated various provisions of the FDCPA, including but not
27 limited to 15 U.S.C. § 1692f.
28

1 46.Pursuant to 15 U.S.C. §1692f, a debt collector may not use any unfair or
2 unconscionable means in connection with the collection of any debt.

3
4 47.Defendant violated this section by unfairly and failing to advise Plaintiff as
5 to the identity of the current creditor who was attempting to collect the debt
6 from her.

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8 48. By reason thereof, Defendant is liable to Plaintiff for judgment that
9 Defendant’s conduct violated Section 1692f *et seq.* of the FDCP, actual
10 damages, statutory damages, costs and attorneys’ fees.

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

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

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20 50.Defendant’s debt collection efforts attempted and/or directed towards the
21 plaintiff violated various provisions of the FDCPA, including but not
22 limited to 15 U.S.C. §1692g.

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24 51.Pursuant to 15 U.S.C §1692g, a debt collector must notify the consumer of
25 the correct name of the creditor to whom the debt is owed.

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1 52. Defendant violated this section by unfairly failing to advise Plaintiff as to
2 the true identity of the current creditor who was attempting to collect a debt
3 from her.
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5 53. By reason thereof, Defendant is liable to Plaintiff for judgment that
6 Defendant's conduct violated Section 1692g *et seq.* of the FDCP, actual
7 damages, statutory damages, costs and attorneys' fees.
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10 **DEMAND FOR TRIAL BY JURY**

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12 54. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff
13 hereby requests a trial by jury on all issues so triable.
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16 **PRAYER FOR RELIEF**

17 **WHEREFORE**, Plaintiff Ashley Porter, individually and on behalf of all others
18 similarly situated demands judgment from Defendant AWA Collections as follows:
19

- 20 1. Declaring that this action is properly maintainable as a Class Action
21 and certifying Plaintiff as Class representative, and Jonathan A. Stieglitz, Esq. as
22 Class Counsel;
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24 2. Awarding Plaintiff and the Class statutory damages;
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26 3. Awarding Plaintiff and the Class actual damages;
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28 4. Awarding Plaintiff costs of this Action, including reasonable
attorneys' fees and expenses;

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5. Awarding pre-judgment interest and post-judgment interest; and

6. Awarding Plaintiff and the Class such other and further relief as this

Court may deem just and proper.

Dated: June 8, 2018

Respectfully Submitted,

THE LAW OFFICES OF
JONATHAN A. STIEGLITZ

By: /s/ Jonathan A Stieglitz
Jonathan A Stieglitz

EXHIBIT A

AWTSSCOM-0608-2009-00000-00001-0001

DEPT 411 6344882917080
 PO BOX 4115
 CONCORD CA 94524



RETURN SERVICE REQUESTED



ASHLEY PORTER



I authorize AWA Collections to charge the amount indicated, to my card number listed below.



Cardholder Name: _____ Date: _____

Exp Date: _____ Acct #: _____ CCV: _____

Amount \$: _____ Signature: _____

Date: August 8, 2017 GA2344

PLEASE SEND PAYMENTS AND CORRESPONDENCE TO:

AWA COLLECTIONS
 PO BOX 6605
 ORANGE, CA 92863-6605

*** Detach upper portion and return with payment ***

Client Name AUTOMOBILE CLUB	Client Reference Number ██████████0641	AWA Account Number ██████████2344
Original Balance \$91.32	Interest & Fees \$3.28	Total Balance Due \$94.60

Dear Ashley Porter,

Your account has been assigned to this agency for collection.

"As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations. But we will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the time period described below."

Please contact our office for a correct pay off balance. NOTICE: The balance due above may include accrued prejudgment interest allowed by law and is the total amount due as of the date of this letter. Future prejudgment interest may be added as permitted by law if the Balance Due is not paid.

Pay online at www.payawa.com

Sincerely,

AWA Collections
 Recovery Division

Se Habla Español.

Checks returned unpaid by your bank will be assessed a fee in accordance to state law.

Your creditor has placed your account for collection. Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any other portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this in writing within 30 days after receiving this notice, our office will provide you with the name and address of the original creditor, if different from the current creditor.

This 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 SEE REVERSE SIDE FOR IMPORTANT INFORMATION



AWA Collections • PO Box 6605 • Orange, CA 92863-6605
 Toll Free Telephone: (888) 771-3690 • Fax: (714) 771-5999
 Hours: Monday - Friday 8am - 5pm PST



ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [AWA Collection Accused of Failing to Identify Woman's Alleged Creditor](#)
