

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

VINCENT THALMAN, and GAIL PIRKLE,
Individually and on Behalf of All Others Similarly
Situated,

Plaintiff,

vs.

STONELEIGH RECOVERY ASSOCIATES,
LLC, and BUREAUS INVESTMENT GROUP
PORTFOLIO NO 15, LLC,

Defendants.

Case No.: 16-cv-1400

CLASS ACTION COMPLAINT

Jury Trial Demanded

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 Defendants directed their collection efforts into the District.

PARTIES

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

4. Plaintiff Gail Pirkle is an individual who resides in the Eastern District of Wisconsin (Milwaukee County).

5. Each Plaintiff is a “consumer” as defined in the FDCPA, 15 U.S.C. § 1692a(3), in that Defendants sought to collect from each Plaintiff a debt allegedly incurred for personal, family or household purposes.

6. Defendant Stoneleigh Recovery Associates, LLC (“SLRA”) is a foreign limited liability company with its principal place of business located at 810 Springer Drive, Lombard, IL 60148.

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

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

9. Defendant Bureaus Investment Group Portfolio No 15, LLC (“BIG15”) is a foreign limited liability company with its principal place of business located at 650 Dundee Rd, Ste 370, Northbrook, IL 60062.

10. BIG15 is engaged in the business of a collection agency, in that it purchases and receives assignment of consumer debts that are in default at the time BIG15 acquires them.

11. The FDCPA treats assignees as debt collectors if the debt sought to be collected was in default when acquired by the assignee, and as creditors if it was not. 15 U.S.C. § 1692a(6)(F)(iii); *Schlosser v. Fairbanks Capital Corp.*, 323 F.3d 534, 536 (7th Cir. 2003), *citing* *Bailey v. Sec. Nat'l Serving Corp.*, 154 F.3d 384, 387 (7th Cir. 1998); *Whitaker v. Ameritech Corp.*, 129 F.3d 952, 958 (7th Cir. 1998); *Pollice v. Nat'l Tax Funding, L.P.*, 225 F.3d 379, 403-04 (3d Cir. 2000); *Wadlington v. Credit Acceptance Corp.*, 76 F.3d 103, 106-07 (6th Cir. 1996); *Perry v. Stewart Title Co.*, 756 F.2d 1197, 1208 (5th Cir. 1985).

12. BIG15 uses third party debt collectors, including SLRA, to collect allegedly defaulted debts that have been assigned.

13. A company meeting the definition of a “debt collector” under the FDCPA (here, BIG15) is vicariously liable for the actions of a second company collecting debts on its behalf. *Janetos v. Fulton Friedman & Gullace, LLP*, 825 F.3d 317, 325-26 (7th Cir. 2016) (assignees who are “debt collectors” are responsible for the actions of those collecting on their behalf); *citing Pollice*, 225 F.3d at 404-05.

14. BIG15, directly or indirectly, is a debt collector under the above arrangement and is jointly responsible for SLRA's actions. 15 U.S.C. § 1692a(6).

FACTS

Thalman Letter

15. Plaintiff Thalman entered into a consumer transaction with “CAPITAL ONE, N.A.” ("Capital One") for a personal credit card.

16. Prior to February 3, 2016, Thalman's account with Capital One went into default.

17. Prior to February 3, 2016, and after Thalman’s account with Capital One was in default, Capital One sold or otherwise assigned the ownership rights to Thalman’s account to BIG15.

18. On or about March 3, 2016, SLRA mailed a debt collection letter to Thalman regarding an alleged debt, allegedly owed to BIG15. A copy of this letter is attached to this complaint as Exhibit A.

19. The alleged debt identified in Exhibit A was originally a Capital One credit card account, opened and used only for personal, family or household purposes.

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

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

22. Exhibit A is dated February 3, 2016, but the postmark on the envelope in which it was mailed is dated March 3, 2016. A copy of the envelope in which SLRA sent Exhibit A to Thalman is attached as Exhibit B.

23. Thalman's counsel has the original documents available for inspection.

24. Exhibit A contains the following text:

We have previously notified you of your past due balance of \$2,189.47 that BUREAUS INVESTMENT GROUP PORTFOLIO NO 15 LLC placed with our office. At Stoneleigh Recovery Associates, LLC we understand that times are tough. Tax season has finally arrived and we want to give you a special opportunity to utilize your tax return and save you money! **In an effort to close your account out, we have been authorized to accept \$1,620.21 as a one-time payment to settle the account in full, until 02/29/2016.**
This offer is only open for a limited time and will end after 02/29/2016. We are not obligated to extend or renew this offer, so take advantage of the savings now!

Exhibit A, emphasis in original.

25. The above language is false, misleading and confusing to the unsophisticated consumer.

26. Exhibit A states that SLRA has "previously notified you of your past due balance," when Exhibit A was the first letter SLRA sent to Thalman.

27. Exhibit A states that the settlement offer "will end after 02/29/2016."

28. However, Exhibit A was mailed on or around March 3, 2016, three days after the settlement offer ended or expired. *See* Exhibit B.

29. The contradiction between requiring action by a certain date in order to take advantage of a "settlement offer" and mailing the letter after the settlement offer expiration date is confusing to the unsophisticated consumer.

Pirkle Letter

30. Pirkle does not bring any claims against BIG15 in this action.

31. On or about June 6, 2016, SRA mailed a debt collection letter to Plaintiff Pirkle regarding an alleged debt owed to “CAPITAL ONE, N.A.” A copy of this letter is attached as Exhibit C.

32. Upon information and belief, Exhibit C was the first letter SRA sent Pirkle regarding the alleged debt to which the letter refers.

33. Upon information and belief, Exhibit C is a form letter, generated by computer, and with the information specific to Pirkle inserted by computer.

34. Exhibit C does not include the 15 U.S.C. § 1692g(a) notice, which requires:

(a) Notice of debt; contents

Within five days after the initial communication with a 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 a 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 receipt of 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 that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a 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.

35. Pirkle did not receive any other written communications from SRA containing the 15 U.S.C. § 1692g(a) notice, either before or after Exhibit C.

The FDCPA

36. 15 U.S.C. § 1692e generally prohibits “any false, deceptive, or misleading representation or means in connection with the collection of any debt.”

37. 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.”

38. 15 U.S.C. § 1692f generally prohibits “unfair or unconscionable means to collect or attempt to collect any debt.”

39. BIG15, who purchased the Plaintiffs’ and class members’ alleged debts after those debts were in default, is vicariously liable for SLRA’s actions in collecting debts on its behalf. *Janetos*, 825 F.3d at 325-26.

40. Plaintiffs were confused by Exhibit A and Exhibit C.

41. The unsophisticated consumer would be confused by Exhibit A and Exhibit C.

42. Plaintiffs had to spend time and money investigating Exhibit A and Exhibit C.

43. Plaintiffs had to take time to obtain and meet with counsel, including traveling to counsel’s office by car and its related expenses, including but not limited to the cost of gasoline and mileage, to advise Plaintiffs on the consequences of Exhibit A and Exhibit C.

44. The FDCPA creates substantive rights for consumers; violations cause injury to consumers, and such injuries are concrete and particularized. *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).

45. 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”).

COUNT I – FDCPA

46. Plaintiffs incorporate by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

47. Count I is brought by Plaintiff Thalman against both Defendants.

48. Exhibit A states that the “settlement offer” “will end after 02/29/2016.”

49. Exhibit B, the envelope in which Exhibit A was mailed, is postmarked March 3, 2016.

50. Exhibit A was mailed three days after the settlement offer expired.

51. Exhibit A is contradictory and confusing to the unsophisticated consumer.

52. SLRA violated 15 U.S.C. §§ 1692e, 1692e(10) and 1692f.

COUNT II – FDCPA

53. Plaintiffs incorporate by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

54. Count II is brought by Plaintiff Pirkle against Defendant SLRA.

55. Exhibit C was the first letter that SLRA sent to Pirkle regarding the alleged debt referenced therein.

56. Exhibit C did not include the FDCPA debt validation notice. 15 U.S.C. § 1692g(a).

57. Exhibit C is contradictory and confusing to the unsophisticated consumer.

58. Exhibit C tells Pirkle that SLRA has previously contacted Pirkle, when SLRA had not previously contacted Pirkle regarding the debt identified in Exhibit C.

59. Defendant SLRA violated 15 U.S.C. §§ 1692e, 1692e(10), 1692f and 1692g.

CLASS ALLEGATIONS

60. Plaintiffs bring this action on behalf of two Classes.

61. Class 1 consists of (a) all natural persons in the State of Wisconsin (b) who were sent a collection letter in the form represented by Exhibit A to the complaint in this action, (c) which was sent to the person on a date after the date that the letter states the settlement offer “will end after,” (d) seeking to collect a debt for personal, family or household purposes, (e)

between October 18, 2015 and October 18, 2016, inclusive, (f) that was not returned by the postal service. Plaintiff Thalman is the designated representative for Class 1.

62. Class 2 consists of (a) all natural persons in the State of Wisconsin (b) who were sent a collection letter in the form represented by Exhibit A or C to the complaint in this action, (c) and the letter was the first written communication that SLRA sent to the person regarding the alleged debt(s) specified in the letter, (d) seeking to collect a debt for personal, family or household purposes, (e) between October 18, 2015 and October 18, 2016, inclusive, (f) that was not returned by the postal service. Plaintiff Pirkle is the designated representative for Class 2.

63. Each Class is so numerous that joinder is impracticable. On information and belief, there are more than 50 members of each Class.

64. There are questions of law and fact common to the members of each class, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether the Defendants complied with 15 U.S.C. §§ 1692e, 1692f and 1692g.

65. Plaintiffs' claims are typical of the claims of the Class members. All are based on the same factual and legal theories.

66. Plaintiffs will fairly and adequately represent the interests of the Class members. Plaintiffs have retained counsel experienced in consumer credit and debt collection abuse cases.

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

JURY DEMAND

68. 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: October 18, 2016

ADEMI & O'REILLY, LLP

By: s/ John D. Blythin
Shpetim Ademi (SBN 1026973)
John D. Blythin (SBN 1046105)
Mark A. Eldridge (SBN 1089944)
Denise L. Morris (SBN 1097911)
3620 East Layton Avenue
Cudahy, WI 53110
(414) 482-8000
(414) 482-8001 (fax)
sademi@ademilaw.com
jblythin@ademilaw.com
meldridge@ademilaw.com
dmorris@ademilaw.com

EXHIBIT A

PO BOX 1118
Charlotte, NC 28201-1118
Personal & Confidential

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Stoneleigh Recovery Associates, LLC

PO Box 1479
Lombard, IL 60148-8479

Toll Free: 866-724-2330
Monday-Thursday 8AM-8PM (CST)
Friday 8AM-5PM (CST)



February 3, 2016



VINCENT THALMAN
3653 E HAMMOND AVE
CUDAHY WI 53110-1914

Original Creditor:	CAPITAL ONE, N.A.
Orig. Acct. Last Four Digits:	7183
Current Creditor:	BUREAUS INVESTMENT GROUP PORTFOLIO NO 15 LLC
SRA File No.:	5689
Current Balance Due:	\$2,189.47
Settlement Offer:	\$1,620.21
Due Date:	02/29/2016

****IMPORTANT TAX SEASON SETTLEMENT OFFER****

Dear Vincent Thalman,

We have previously notified you of your past due balance of \$2,189.47 that BUREAUS INVESTMENT GROUP PORTFOLIO NO 15 LLC placed with our office. At Stoneleigh Recovery Associates, LLC we understand that times are tough. Tax season has finally arrived and we want to give you a special opportunity to utilize your tax return and save you money! **In an effort to close your account out, we have been authorized to accept \$1,620.21 as a one-time payment to settle the account in full, until 02/29/2016.**

This offer is only open for a limited time and will end after 02/29/2016. We are not obligated to extend or renew this offer, so take advantage of the savings now!

If you would like to take advantage of this opportunity to pay a considerably lower amount please contact us today. You can pay now by calling toll free 866-724-2330; Monday through Thursday between 8:00 AM and 8:00 PM (CST) or Friday between 8:00 AM and 5:00 PM (CST).

You can pay online by credit card at <http://www.stoneleighselfpay.com>. It's fast and secure!

You can send a check or money order before 02/29/2016 to: Stoneleigh Recovery Associates, LLC, PO Box 1479, Lombard, IL 60148-8479.

Please call with any questions or to verify your settlement amount: 866-724-2330.

Sincerely,
Francis Goldstein
Francis Goldstein
Stoneleigh Recovery Associates, LLC

**This is an attempt to collect a debt; any information obtained will be used for that purpose.
This letter has been sent by a debt collector.**

▲ Please Detach And Return in The Enclosed Envelope With Your Payment ▲

VINCENT THALMAN
3653 E HAMMOND AVE
CUDAHY WI 53110-1914

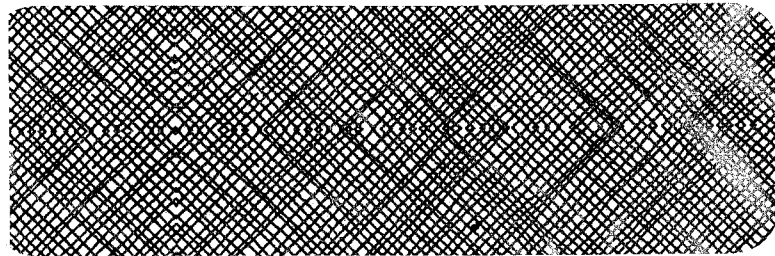
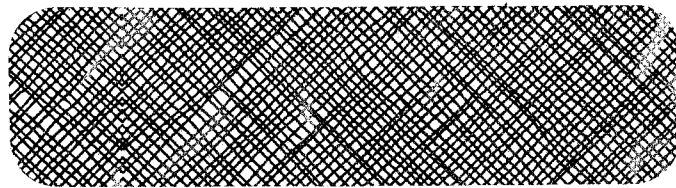
Original Creditor:	CAPITAL ONE, N.A.
Orig. Acct. Last Four Digits:	7183
Current Creditor:	BUREAUS INVESTMENT GROUP PORTFOLIO NO 15 LLC
SRA File No.:	5689
Current Balance Due:	\$2,189.47
Settlement Offer:	\$1,620.21
Due Date:	02/29/2016
Enclosed Amount:	

Change of Address Notification		
Address	Apt#	
City	State	Zip
Home Phone () -	Business Phone () -	



Stoneleigh Recovery Associates, LLC
PO Box 1479
Lombard, IL 60148-8479

Exhibit B



MILWAUKEE WI 530

23 MAR 2015 PM 3



FIRST CLASS
PRESORT
U.S. POSTAGE
PAID
F01

FIRST CLASS MAIL

Exhibit C

PO BOX 1118
Charlotte, NC 28201-1118
Personal & Confidential

17



PO Box 1479 Lombard, IL 60148-8479 • Toll Free: 866-724-2330
Monday-Thursday 8AM-8PM (CST) • Friday 8AM-5PM (CST)



June 6, 2016



GAIL PIRKLE
4420 S 14TH ST APT 1
APT 1
MILWAUKEE WI 53221-2317

Original Creditor:	CAPITAL ONE, N.A.
Orig. Acct. Last Four Digits:	9245
Current Creditor:	BUREAUS INVESTMENT GROUP PORTFOLIO NO 15 LLC
SRA File No.:	3789
Current Balance Due:	\$4,276.61
Settlement Offer:	\$2,223.84
Due Date:	06/30/2016

IMPORTANT SETTLEMENT OFFER

Dear Gail Pirkle,

We have previously notified you of your past due balance of \$4,276.61 that BUREAUS INVESTMENT GROUP PORTFOLIO NO 15 LLC placed with our office.

We have been authorized to accept a \$2,223.84 settlement on the total balance as settlement in full, until 06/30/2016. If you accept this offer it means you will only have to pay \$2,223.84 to settle your account in full. This offer is only open for a limited time and will end after 06/30/2016. We are not obligated to extend or renew this offer.

If you would like to take advantage of this opportunity to pay a considerably lower amount please contact us today. You can pay now by calling toll free 866-724-2330; Monday through Thursday between 8:00 AM and 8:00 PM (CST) or Friday between 8:00 AM and 5:00 PM (CST).

Or you can send a check or money order BEFORE 06/30/2016 to:

Stoneleigh Recovery Associates, LLC
PO Box 1479
Lombard, IL 60148-8479

Please call with any questions or to verify your settlement amount: 866-724-2330.

Sincerely,
Francis Goldstein
Francis Goldstein
Stoneleigh Recovery Associates, LLC

**This is an attempt to collect a debt; any information obtained will be used for that purpose.
This letter has been sent by a debt collector.**

▲ Please Detach And Return in The Enclosed Envelope With Your Payment ▲

GAIL PIRKLE
4420 S 14TH ST APT 1
APT 1
MILWAUKEE WI 53221-2317

Original Creditor:	CAPITAL ONE, N.A.
Orig. Acct. Last Four Digits:	9245
Current Creditor:	BUREAUS INVESTMENT GROUP PORTFOLIO NO 15 LLC
SRA File No.:	3789
Current Balance Due:	\$4,276.61
Settlement Offer:	\$2,223.84
Due Date:	06/30/2016
Enclosed Amount:	

Change of Address Notification		
Address	Apt#	
City	State	Zip
Home Phone () -	Business Phone () -	

Stoneleigh Recovery Associates, LLC
PO Box 1479
Lombard, IL 60148-8479

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

Vincent Thalman and Gail Pirkle

(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

Stoneleigh Recovery Associates, LLC, et al.

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	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input checked="" type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 495 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability	PRISONER PETITIONS	<input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	IMMIGRATION		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 465 Other Immigration Actions		<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
- 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

October 18, 2016

SIGNATURE OF ATTORNEY OF RECORD

s/ John D. Blythin

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.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

VINCENT THALMAN, and GAIL PIRKLE

Plaintiff

v.

STONELEIGH RECOVERY ASSOCIATES, LLC, et al.

Defendant

Civil Action No. 16-cv-1400

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) STONELEIGH RECOVERY ASSOCIATES, LLC
c/o CORPORATION SERVICE COMPANY
8040 EXCELSIOR DR., SUITE 400
MADISON, WI 53717

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 E. LAYTON AVE.
CUDAHY, WI 53110

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. 16-cv-1400

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: [Stoneleigh Recovery Associates Hit with Class Action](#)
