

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NW, a minor child by parent and natural guardian BARBARA WARDELL; and, BARBARA WARDELL, individually; on behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

SIMON'S AGENCY, INC., and JOHN DOES 1-25,

Defendants.

Civil Case Number: _____

CIVIL ACTION

**CLASS ACTION COMPLAINT
AND
DEMAND FOR JURY TRIAL**

Plaintiff NW, a minor child by parent and natural guardian BARBARA WARDELL; and, BARBARA WARDELL, individually, on behalf of themselves and all others similarly situated (hereinafter "Plaintiffs") by and through their undersigned attorney, alleges against the above-named Defendants, SIMON'S AGENCY, INC., ("SIMON'S") and JOHN DOES 1-25, collectively ("Defendants") their employees, agents, and successors the following:

PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages arising from the Defendants' violation of 15 U.S.C. § 1692 *et seq.*, the Fair Debt Collection Practices Act (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331. This is an action for violations of 15 U.S.C. § 1692 *et seq.*

3. Venue is proper in this district under 28 U.S.C. §1391(b)(2) because the acts and transactions that give rise to this action occurred, in substantial part, in this district.

DEFINITIONS

4. As used in reference to the FDCPA, the terms “creditor,” “communication” “consumer,” “debt,” and “debt collector” are defined in § 803 of the FDCPA and 15 U.S.C. § 1692a.

PARTIES

5. The FDCPA, 15 U.S.C. § 1692 *et seq.*, which prohibits certain debt collection practices provides for the initiation of court proceedings to enjoin violations of the FDCPA and to secure such equitable relief as may be appropriate in each case.

6. Plaintiff, NW, is a natural person and a resident of the State of New Jersey, and is a “Consumer” as defined by 15 U.S.C. § 1692a(3).

7. Plaintiff, BARBARA WARDELL, is the parent and natural guardian of infant plaintiff, LOGAN LOREAUX, a resident of the State of New Jersey, and is a “Consumer” as defined by 15 U.S.C. § 1692a(3).

8. SIMON IS AGENCY, INC., is a foreign corporation with its principal place of business located at 4963 Wintersweet Drive, Liverpool, New York 13088.

9. Upon information and belief, SIMON'S 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.

10. SIMON'S is a “Debt Collector” as that term is defined by 15 U.S.C. §1692(a)(6). John Does 1-25, are fictitious names of individuals and businesses alleged for the purpose of substituting names of defendants whose identities will be disclosed in discovery and should be made parties to this action.

CLASS ACTION ALLEGATIONS

11. Plaintiff brings this action as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure (hereinafter “FRCP”), on behalf of herself and all consumers and their successors in interest (the “Class”), who have received debt collection letters and/or notices from the Defendants which are in violation of the FDCPA, as described in this Complaint.

12. This Action is properly maintained as a statewide class action. The Class consists of:

- All New Jersey consumers who were sent initial collection letters and/or notices from the SIMON'S concerning a debt owed to SUMMIT MEDICAL GROUP, which states an Amount, which is different than the amount stated as the Total Balance.
- The class definition may be subsequently modified or refined.
- The Class period begins one year to the filing of this Action.

13. The Class satisfies all the requirements of Rule 23 of the FRCP for maintaining a class action:

- Upon information and belief, the Class is so numerous that joinder of all members is impracticable because there are hundreds and/or thousands of persons who have received debt collection letters and/or notices from the Defendant that violate specific provisions of the FDCPA. Plaintiff is complaining of a standard form letter and/or notice that is sent to hundreds of persons (*See Exhibit A*, except that the undersigned attorney has, in accordance with Fed. R. Civ. P. 5.2 partially redacted the financial account numbers in an effort to protect Plaintiff’s privacy);

- There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:
 - a. Whether Defendant violated various provisions of the FDCPA;
 - b. Whether Plaintiff and the Class have been injured by Defendants' conduct;
 - c. Whether Plaintiff and the Class have sustained damages and are entitled to restitution as a result of Defendants' wrongdoing and if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and
 - d. Whether Plaintiff and the Class are entitled to declaratory and/or injunctive relief.
- Plaintiff's claims are typical of the Class, which all arise from the same operative facts and are based on the same legal theories.
- Plaintiff has no interest adverse or antagonistic to the interest of the other members of the Class.
- Plaintiff will fairly and adequately protect the interest of the Class and has retained experienced and competent attorneys to represent the Class.
- A Class Action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.
- A Class Action will permit large numbers of similarly situated persons to prosecute their common claims in a single forum simultaneously and without

the duplication of effort and expense that numerous individual actions would engender. Class treatment will also permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a Class Action, class members will continue to suffer losses of statutory protected rights as well as monetary damages. If Defendants' conduct is allowed to proceed without remedy they will continue to reap and retain the proceeds of their ill-gotten gains.

- Defendants have acted on grounds generally applicable to the entire Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

STATEMENT OF FACTS

14. Plaintiff is at all times relevant to this lawsuit, a "consumer" as that term is defined by 15 U.S.C. §1692a(3).

15. Sometime prior to October 7, 2016 Plaintiff allegedly incurred a financial obligation to SUMMIT MEDICAL GROUP ("SUMMIT").

16. The SUMMIT obligation arose out of a transaction in which money, property, insurance or services, which are the subject of the transaction, are primarily for personal, family or household purposes.

17. At some time prior to October 7, 2016, Plaintiff became past due on the SUMMIT obligation.

18. At some time prior to October 7, 2016, the SUMMIT obligation was transferred to SIMON'S for the purpose of collections.

19. At the time the October 7, 2016 obligation was transferred to SIMON'S, such obligation was past due.

20. On or before October 7, 2016, SIMON'S caused to be delivered to Plaintiff a letter in an attempt to collect the alleged SUMMIT debt. A copy of said letter is annexed hereto as **Exhibit A**, except that the undersigned attorney has, in accordance with Fed. R. Civ. P. 5.2 partially redacted the financial account numbers in an effort to protect Plaintiff's privacy.

21. The October 7, 2016 letter stated at the top:

Account Summary		
Original Creditor SUMMIT MEDICAL GROUP		
File # Xxx820	Amount \$839.60	Various Other Accts Total Balance \$1114.60

22. The October 7, 2016 letter also stated at the bottom, "Total Balance \$1114.60.

23. SIMON'S is a "debt collector" as defined by 15 U.S.C. §1692a(6).

24. SUMMIT is a "creditor" as defined by 15 U.S.C. §1692a(4).

25. The October 7, 2016 letter was sent or caused to be sent by persons employed by SIMON'S as a "debt collector" as defined by 15 U.S.C. §1692a(6).

26. The October 7, 2016 letter is a "communication" as defined by 15 U.S.C. §1692a(2).

27. Upon receipt of the SIMON'S letter dated October 7, 2016, Plaintiff read said letter.

28. SIMON'S contends that the alleged SUMMIT obligation is in default.

29. The October 7, 2016 letter falsely represented the amount of the debt.

30. The October 7, 2016 letter used false representations or deceptive means to collect or attempt to collect the alleged debt.

31. The October 7, 2016 letter failed to accurately state the amount of Plaintiff's alleged debt.

32. The October 7, 2016 letter, causes the least sophisticated to be confused and unsure of the amount of debt.

33. The October 7, 2016 letter, causes the least sophisticated to be confused and unsure of the amount she must pay to satisfy the debt.

34. The October 7, 2016 letter, causes the least sophisticated to be confused and unsure of which amount will be assumed valid by the SIMON'S should she fail to dispute the debt within thirty days of receipt of the letter.

35. On October 21, 2016, Plaintiffs through the undersigned wrote to SIMON'S and disputed the alleged debt, and requested verification. A copy of said letter is annexed hereto as Exhibit B.

36. On October 27, 2016, SIMON'S sent a letter and account printout addressed to "GUARANTOR OF NOAH WAR[DELL]." A copy of said letter and account printout are annexed hereto as Exhibit C.

37. The October 27, 2016 letter stated at the top "**Principle Amount Due \$275.00**" and at the bottom also stated, "As of the date of this letter, the amount due on the account is: \$275."

38. However, the account printout included with the October 27, 2016 letter, stated in part, "TOTAL \$1,114.60."

POLICIES AND PRACTICES COMPLAINED OF

39. It is Defendants' policy and practice to send written collection communications, in the form annexed hereto as **Exhibit A**, and **EXHIBIT C**, which violate the FDCPA, by inter alia:

- (a) Using false, deceptive or misleading representations as to the amount of the debt;
- (b) Using false representations or deceptive means to collect or attempt to the debt;
- (c) Failing to properly state the amount of the debt;

40. On information and belief, Defendants sent a written communication, in the form annexed hereto as **Exhibit A** to at least 50 natural persons in the State of New Jersey.

COUNT I

**FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692
VIOLATION OF 15 U.S.C. §1692e et seq.**

41. Plaintiff repeats the allegations contained in paragraphs 1 through 40 as if the same were set forth at length.

42. Collection letters and/or notices such as those sent by SIMON'S, are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."

43. Section 1692e(2)(A) of the FDCPA makes it a violation for a debt collector to falsely represent: "...the...amount....of any debt."

44. SIMON'S falsely represented the amount of the debt by failing to accurately state the amount of the debt.

45. SIMON'S failed to accurately state the amount of the debt in their October 7, 2016 letter as it stated both that the "Amount 839.60" but also contrarily that the "Various Other Accts. Total Balance \$1,114.60".

46. However, only twenty (20) days later in the October 27, 2016, SIMON'S stated the "**Principle Amount Due \$275.00.**" and "As of the date of this letter, the amount due on the account is: \$275."

47. In addition, the account printout included with the October 27, 2016, stated: "TOTAL \$1,14.60".

48. Plaintiffs are left wondering and confused as to the amount SIMON'S alleges is the amount of the debt; \$275.00, \$839.60 or \$1,114.60.

49. Section 1692e(10) prohibits the use of any false representation or deceptive means to collect or attempt to collect any debt.

50. SIMON'S violated Section 1692e(10) by falsely stating the amount of the alleged debt by failing to accurately state the amount of the debt.

58. Plaintiffs and others similarly situated have a right to free from abusive debt collection practices by debt collectors.

51. Plaintiffs and others similarly situated have a right to receive proper notices mandated by the FDCPA.

52. Plaintiff and others similarly situated were sent letters, which would have affected their decision-making with regard to the debt.

53. Plaintiff and others similarly situated have suffered harm as a direct result of the abusive, deceptive and unfair collection practices described herein.

54. Plaintiff has suffered damages and other harm as a direct result of the SIMON'S actions, conduct, omissions and violations of the FDCPA described herein.

COUNT II

FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692 VIOLATION OF 15 U.S.C. §1692g et seq.

55. Plaintiff repeats the allegations contained in paragraphs 1 through 54 as if the same were set forth at length.

56. Section 1692g(a) of the FDCPA requires the debt collector to give what is commonly referred to as a thirty-day (30) notice within five (5) days of its initial communication with the consumer and send the consumer a written notice containing

(1) the amount of the debt.

57. SIMON'S failed to accurately state the amount of the debt in the October 7, 2016 letter as it stated both that the "Amount" is \$839.60 but contrarily that the "Various Other Accts. Total Balance" is \$1,114.60.

58. However, only twenty (20) days later in the October 27, 2016, SIMON'S stated the "**Principle Amount Due \$275.00.**" and "As of the date of this letter, the amount due on the account is: \$275."

59. SIMON'S failed to effectively state the amount of the alleged debt.

60. Plaintiffs are left wondering and confused as to the amount SIMON'S alleges is the amount of the debt; \$275.00, \$839.60 or \$1,114.60.

61. Congress enacted the FDCPA in part to eliminate abusive debt collection practices by debt collectors.

62. Plaintiffs and others similarly situated have a right to free from abusive debt collection practices by debt collectors.

63. Plaintiffs and others similarly situated have a right to receive proper notices mandated by the FDCPA.

64. Plaintiff and others similarly situated were sent letters, which would have affected their decision-making with regard to the debt.

65. Plaintiff and others similarly situated have suffered harm as a direct result of the abusive, deceptive and unfair collection practices described herein.

66. Plaintiff has suffered damages and other harm as a direct result of the SIMON'S actions, conduct, omissions and violations of the FDCPA described herein.

COUNT III

As to NW, INDIVIDUALLY

FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692

67. Plaintiff repeats the allegations contained in paragraphs 1 through 66 as if the same were set forth at length.

68. Plaintiff, NW is a minor child of Barbara Wardell.

69. On October 7, 2016, SIMON'S caused to be mailed a letter addressed to NW, *See, Exhibit A.*

70. The October 7, 2016, addressed to the minor, NW, was an attempt to collect a debt.

71. As a minor child, NW is not legally liable for the alleged debt, which SIMON'S attempted to collect in the October 7, 2016 letter.

72. SIMON'S violated Section §1692e et seq., of the FDCPA, by falsely representing that the minor child, NW was responsible for the alleged debt.

73. SIMON'S violated Section §1692f et seq., of the FDCPA, by an attempting to collect the alleged debt from the minor child, NW.

74. As a result of SIMON'S actions, NW suffered actual and statutory damages.

75. NW has a right to free from abusive debt collection practices by debt collectors.

76. NW has a right to receive proper notices mandated by the FDCPA.

77. NW was a sent letter, which affected his decision-making with regard to the debt.

78. NW suffered harm as a direct result of the abusive, deceptive and unfair collection practices described herein.

79. NW suffered damages and other harm as a direct result of the SIMON'S actions, conduct, omissions and violations of the FDCPA described herein.

WHEREFORE, Plaintiff demands judgment against the Defendants on each count as follows:

(a) Declaring that this action is properly maintainable as a Class Action and certifying Plaintiff as Class representative and the attorney, Joseph K. Jones, Esq., and Benjamin J. Wolf, Esq., as Class Counsel;

(b) Awarding Plaintiff and the Class statutory damages;

(c) Awarding Plaintiff and the Class actual damages;

(d) Awarding Plaintiff costs of this Action, including reasonable attorneys' fees and expenses;

(e) Pre-judgment interest;

(f) Post judgment interest; and

(g) Awarding Plaintiff and the Class such other and further relief as the Court may deem just and proper.

Dated: Fairfield, New Jersey
November 12, 2016

/s/ Joseph K. Jones
Joseph K. Jones, Esq.
JONES, WOLF & KAPASI, LLC
375 Passaic Avenue, Suite 100
Fairfield, New Jersey 07004
(973) 227-5900 telephone
(973) 244-0019 facsimile
jkj@legaljones.com

/s/ Benjamin J. Wolf
Benjamin J. Wolf, Esq.
JONES, WOLF & KAPASI, LLC
375 Passaic Avenue, Suite 100
Fairfield, New Jersey 07004
(973) 227-5900 telephone
(973) 244-0019 facsimile
bwolf@legaljones.com

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a trial by jury on all issues so triable.

/s/ Joseph K. Jones
Joseph K. Jones, Esq.

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

I, Joseph K. Jones, the undersigned attorney of record for Plaintiff do hereby certify to my own knowledge and based upon information available to me at my office, that the matter in controversy is not the subject of any other action now pending in any court or in any arbitration or administrative proceeding.

Dated: November 12, 2016

/s/ Joseph K. Jones
Joseph K. Jones, Esq.

Exhibit

A



SIMON'S AGENCY INC.
 4963 WINTERSWEET DRIVE
 LIVERPOOL, NY 13088
info@simonsagency.com



October 7, 2016

N [REDACTED] W [REDACTED]
 [REDACTED]

Account Summary		
Original Creditor SUMMIT MEDICAL GROUP		
File # [REDACTED] 820	Amount \$839.60	Various Other Accts Total Balance \$1114.60

SUMMIT MEDICAL GROUP has referred your past due account to our office for collections.

You may not have intentionally neglected this obligation, but it is seriously past due. If you would like our cooperation then:

1. Remit payment in full to this office, or,
2. www.paysimons.com
3. Contact (315) 454-8833 in person or by telephone to arrange a payment plan.

Thank you for your cooperation in this matter.

Sincerely,

SIMON'S AGENCY INC.

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. UNLESS YOU DISPUTE THE VALIDITY OF THIS DEBT, OR ANY PORTION THEREOF, WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS LETTER, WE WILL ASSUME THAT THIS DEBT IS VALID. IF YOU NOTIFY US IN WRITING WITHIN THE THIRTY (30) DAY PERIOD THAT THE DEBT, OR ANY PORTION THEREOF, IS DISPUTED, WE WILL OBTAIN VERIFICATION OF THE DEBT AND MAIL YOU A COPY. WE WILL ALSO PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR, UPON YOUR WRITTEN REQUEST WITHIN THE THIRTY (30) DAY PERIOD.

PAYMENT OPTIONS

Payments By Internet

www.paysimons.com
 Visa, MasterCard, Discover, & American Express
 Check (ACH) also available

Payments By Phone

Please Call
(315) 454-8833 or (844) 588-8833
 Visa, MasterCard, American Express & Discover, Debit Card
 Check-By-Phone

Payments By Mail

Visa, MasterCard, Discover, & American Express
 Check
(You can use the return envelope provided and the bottom portion of this notice for your convenience.)

WE REPORT DELINQUENT ACCOUNTS TO THE CREDIT BUREAU

***** Detach Lower Portion And Return With Payment *****

PO Box 5026
 Syracuse, NY 13220-5026

October 7, 2016

N [REDACTED] W [REDACTED]
 [REDACTED]

IF YOU WISH TO PAY BY CREDIT CARD, CIRCLE ONE AND FILL IN THE INFORMATION BELOW.			
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
CARD NUMBER			EXP. DATE
CARD HOLDER NAME			CVV
SIGNATURE		AMOUNT PAID	

Original Creditor: SUMMIT MEDICAL GROUP
 File No: [REDACTED]
 Total Balance: \$1114.60

REMIT PAYMENT TO:

Simon's Agency Inc.
 PO Box 5026
 Syracuse, NY 13220-5026

SIMONS161007110.000255.01.01.000000

Exhibit

B

New York
555 Fifth Ave., Ste. 1700
New York, NY 10017
p. (646) 459-7971
f. (646) 459-7973

New Jersey
375 Passaic Ave., Ste. 100
Fairfield, NJ 07004
p. (973) 227-5900
f. (973) 244-0019

**Jones, Wolf
& Kapasi**
LLC
ATTORNEYS AT LAW

Joseph K. Jones, Esq.^{††}
Benjamin J. Wolf, Esq.^{††}
Anand A. Kapasi, Esq.[†]

††Admitted NY, NJ, CT
†Admitted NY, NJ

www.legaljones.com

Reply to: New York

October 21, 2016

Via Facsimile (888) 336-8030 and First Class Mail

Simon's Agency Inc.
4963 Wintersweet Drive
Liverpool, NY 13088

Re: N████ W████
Original Creditor: Summit Medical Group
File No.: █████820

To Whom It May Concern:

This firm has been retained to represent the interest of N████ W████ relative to the above-referenced matter.

Pursuant to 15 U.S.C. §1692c(c), you are hereby instructed to immediately *Cease and Desist* all collection efforts and communications with N████ W████. Furthermore, N████ W████ hereby revokes any and all prior authorization or permission, whether given in writing, orally or otherwise, that may have been granted to contact him on his mobile telephone, whether by calling, texting or emailing or to any facsimile device.

As provided for under 15 U.S.C. §1692g(b), my client disputes the validity of the alleged debt and demands a verification, a full accounting, and the name and address of the original creditor. Kindly forward all such information to our New York office. Additionally, pursuant to 15 U.S.C. §1692e(8), if Simon's Agency Inc., is reporting credit information concerning this alleged debt, then it is obligated to report it as disputed.

Your anticipated cooperation in this matter is appreciated.

Very truly yours,
Jones, Wolf & Kapasi, LLC

/s/ Joseph K. Jones
Joseph K. Jones
Attorney at Law

JKJ: dp

cc: ██████████

Exhibit

C



SIMON'S
— AGENCY, INC. —

GUARANTOR OF NOTE NO. [REDACTED] W/ [REDACTED]
[REDACTED]

Thursday, October 27, 2016

Simon's File Number: [REDACTED] 820
Principle Amount Due: \$275.00
Interest Amount Due: \$0.00
Last Payment Date:
Last Payment Amount: \$0.00

We are in receipt of your letter dated 10/21/2016 regarding your dispute of account 1249820 under the Fair Debt Collection Practices Act (FDCPA) and your request for verification.

In that regard, the original creditor and owner of the account, along with their contact information is:

Name: SUMMIT MEDICAL GROUP
Address: 1 DIAMOND HILL RD
City, State, Zip: BERKELEY HEIGHT, NJ 07922

As of the date of this letter, the amount due on the account is: \$275

Very Truly yours,

SIMON'S AGENCY INC.

Simon's Agency, Inc., is a debt collector and this is an action to attempt to collect a debt. Any information obtained will be used for that purpose.

SIMONS FILE #
 [REDACTED] 820

SUMMIT MEDICAL GROUP
 1 DIAMOND HILL RD
 BERKELEY HEIGHTS, NJ 07922

Patient ID [REDACTED] Resp First Name GUARANTOR OF N [REDACTED] Resp Last Name W [REDACTED] Street1 [REDACTED] City [REDACTED] State [REDACTED] Zip 07980

<u>Claim ID</u>	<u>Patient First Name</u>	<u>Patient Last Name</u>	<u>Amount</u>	<u>Servfrom</u>	<u>PROVIDER</u>	<u>Procedure</u>
[REDACTED]	N	[REDACTED]	275	03/04/2016	ALEN TAR DPM	[REDACTED]
[REDACTED]	N	[REDACTED]	225	03/18/2016	Alen Tar DPM	[REDACTED]
[REDACTED]	N	[REDACTED]	225	04/01/2016	Alen Tar DPM	[REDACTED]
[REDACTED]	N	[REDACTED]	317.1	04/15/2016	Alen Tar DPM	[REDACTED]
[REDACTED]	N	[REDACTED]	72.5	04/29/2016	Alen Tar DPM	[REDACTED]

TOTAL \$
 \$1,114.60

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.)

I. (a) PLAINTIFFS

NW, a minor child by parent and natural guardian BARBARA WARDELL; and, BARBARA WARDELL, individually; on behalf of

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

(c) Attorney's (Firm Name, Address, and Telephone Number)

JONES, WOLF & KAPASI, LLC
Joseph K. Jones, Esq.

DEFENDANTS

SIMON'S AGENCY, INC., and JOHN DOES 1-25

County of Residence of First Listed Defendant out-of-state (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
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor, etc.

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
Brief description of cause:
Violations of the 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 SIGNATURE OF ATTORNEY OF RECORD

11/13/2016

Digitally signed by Joseph K. Jones
DN: cn=Joseph K. Jones, o=Law Offices of Joseph K. Jones, LLC, ou, email=jkj@legaljones.com, c=US
Date: 2016.11.13 19:33:44 -05'00'

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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [FDCPA Class Action Filed Against Simon's Agency](#)
