

FILED

2017 OCT 20 AM 11:47  
CLERK OF DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DISTRICT

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**JOY WILLIAMS,**  
Individually and on behalf of a class of  
persons similarly situated,

Plaintiff,

Case No.: 3:17-cv-1178-J-340RK

v.

**SKO BRENNER AMERICAN, INC.,**

Defendant.

\_\_\_\_\_ /

**CLASS ACTION COMPLAINT**

COME NOW, Plaintiff, JOY WILLIAMS, (hereinafter referred to as Plaintiff), by and through undersigned counsel, and sue Defendant, SKO BRENNER AMERICAN, INC. (hereinafter referred to as Defendant or its proper name), and alleges:

**JURISDICTION AND VENUE**

1. This is a class action brought under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 et seq.
2. This Court has jurisdiction over the Plaintiff's claims pursuant to 15 U.S.C. § 1692k.
3. Venue is proper pursuant to 28 U.S.C. § 1391 since Plaintiff resides in this District and the conduct complained of occurred in this District.

**PARTIES**

4. Plaintiff is a natural person, a Florida citizen, and a resident of Duval County, Florida. At all times material hereto, Plaintiff was a "debtor" or "consumer" as defined by 15 U.S.C. § 1692a (3). Plaintiff has standing to bring a claim under the FDCPA because she was directly affected by violations of the FDCPA, and was subjected to Defendant's illegal and improper debt collection activities.

5. Defendant, SKO BRENNER AMERICAN, INC., is a debt collection company based in Farmingdale, NY. Defendant markets to lenders that it is “an accounts receivable management company & full service commercial Long Island collection agency offering a broad range of results-oriented credit and collection services to business and industry” and that their “tested and proven-effective methods and materials are capable of producing the highest collection and recovery rates in the industry.” See Long Island Collection Agency, *Collection Agencies New York, NYC Collection Agency LI | Sko Brenner, Long Island Collection Agency, Collection Agencies New York, NYC Collection Agency LI | SKO BRENNER*, <http://www.skobrenner.com/> (last visited Oct 3, 2017). Defendant regularly conducts business throughout the state of Florida, including Jacksonville, Duval County, Florida.

#### **GENERAL ALLEGATIONS**

6. On or about August 22, 2017, Plaintiff received a letter (“the Debt Collection Letter”) from Defendant that specifically stated it was “an attempt to collect a debt.” See *Exhibit A*, the Debt Collection Letter. This was the first letter she received from Defendant.
7. The Debt Collection Letter provided no information about what the debt was related to, specifically no original creditor. The only information provided a payment website from Defendant, account number (related to Defendant) and an amount due (\$700.00). Further, the Letter stated “[unless] you notify this office within 30 days after receiving this notice that you dispute the validity of this debt, or any portion thereof, this office will assume this debt is valid.”
8. It was only after a diligent search that Plaintiff was able to find a number to contact Defendant regarding this debt.

9. Defendant is still attempting to collect on this debt.

**CLASS ALLEGATIONS**

10. Plaintiff, JOY WILLIAMS, asserts her FDCPA and injunctive relief claims pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of herself and a class (“Debt Collection Class”) defined as:

All persons within the state of Florida who, within the one years prior to the filing of the initial Complaint in this action through the date that Notice issues to the Class:(a) had a debt being collected upon by SKO Brenner American, Inc.; and (b) were subsequently sent a Debt Collection Letter substantially the same form as *Exhibit “A”* which failed to provide any information on the original creditor of their debt.

11. A FDCPA subclass of class members falling within the above definition within one year prior to the filing of the Complaint is also appropriate.

12. The Debt Collection Class is so numerous that joinder of all members is impractical. Defendant routinely used form Debt Collection Letters in the form of *Exhibit A* when collecting debts. Defendant uses the same form letter in connection with its collection efforts in hundreds of accounts within the state of Florida that fall within the above Class definition.

13. There are questions of law and fact common to the Debt Collection Class and which predominate over any questions affecting only individual members. The principal issue raised by these claims is whether Defendant's Debt Collection Letter violates the FDCPA as an unfair or deceptive means to collect a debt in light of the common statutory prohibition against failing to notify debtors of original creditors of debts, and the common language of the Debt Collection Letters.

14. Plaintiff's claims are typical of those individuals within the Debt Collection Class as the same Debt Collection Letters to Plaintiff and the Class. All are entitled to relief by

virtue of Defendant's violations of the FDCPA in connection with Debt Collection Letters which failed to provide any information regarding the original creditor.

15. The Plaintiff will fairly and adequately protect the interests of the class as she prosecutes her own individual claim. She has retained counsel experienced in class actions as well as the handling FDCPA actions. Neither Plaintiff nor her counsel have any interests antagonistic to the Class or which might cause them not to vigorously pursue this action.
16. Certification of a class under Rule 23(b) (3) is appropriate, in that a class action is superior to other available methods for the fair and efficient adjudication of this controversy. The interests of the class members in individually controlling the prosecution and defense of separate actions is minimal, in that the class members are unlikely to be aware their rights were violated and in that individual actions are uneconomical. Difficulties likely to be encountered in managing this class action are substantially less than those that are involved in other types of cases routinely certified as class actions.

**COUNT I: FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)**

17. The above paragraphs 1 through 16 are incorporated herein.
18. In the case at bar, this Defendant attempted to collect on a debt in a way specifically against the Fair Debt Collection Practices Act.
19. The Defendant used a false, deceptive, or misleading representation in its Debt Collection Letter by failing to provide the name of the original creditor.
20. At all material times herein, Plaintiff's debt and the debt of others similarly situated were consumer debts as defined by the FDCPA, 15 U.S.C.A. § 1692a(5).

21. At all material times herein, Plaintiff and others similarly situated were "consumers" as defined by the FDCPA, 15 U.S.C.A. § 1692a(3).
22. At all material times herein, Defendant was a "debt collector" as defined by the 15 U.S.C.A. § 1692a (6), as SKO BRENNER AMERICAN, INC. is a company in the business of collecting debts.
23. At all material times herein, Defendant knew or should have known that the Debt Collection Letters they were sending to Plaintiff and the Debt Collection Class did not contain any mention of an original creditor.
24. The Debt Collection Letters sent by Plaintiff and the Debt Collection Class fall within the definition of a "communication" as that term is defined by 15 U.S.C. § 1692a (2).
25. By sending Debt Collection Letters to Plaintiff and the Debt Collection Class, Defendant attempted to collect debts which had no clear original creditor. Defendant's Debt Collection Letter asserting that Plaintiff owed a debt without providing the original creditor violates 15 U.S.C. § 1692e, which prohibits the use of false, deceptive, or misleading representations in connection with the collection of a debt.
26. Specifically, the FDCPA states:  
  
    "[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 . . . (2) **the name of the creditor to whom the debt is owed.**" 15 U.S.C. §1692g(a)(2).
27. In addition, Defendant's above-mentioned collection activities falsely represented/represent the character, amount, or legal status of a debt, in violation of 15 U.S.C. § 1692e (2) (A).

28. As a direct and proximate result of Defendant's FDCPA violations, Plaintiff and others similarly situated have been harmed. Plaintiff, and others similarly situated, are entitled to statutory damages under 15 U.S.C. § 1692k(a)(2)(B) and attorney's fees and the costs of this action pursuant to 15 U.S.C. § 1692k(a)(3).
29. For the purpose of the claims brought in this action, the applicable standard under the FDCPA is "the least sophisticated" consumer standard. See *Jeter v. Credit Bureau, Inc.*, 760 F.2d 1168, 1172-75 (11th Cir. 1985). The manner in which Defendant chose to present the information in its Debt Collection Letters is misleading to "the least sophisticated" consumer in that the Debt Collection Letters do not provide any information on who or what the alleged debt being collected originated from.
30. This is an action seeking class wide relief for Defendant's pattern and practice of pursuing the collection of debts without providing basic information on them to the Plaintiff and the Debt Collection Class Members.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that the Court enter an Order:

- A. Certifying this action as a class action as provided by Rule 23 of the Federal Rules of Civil Procedure, appointing Plaintiff as Class Representative, and appointing the undersigned Counsel to act as Class Counsel;
- B. Adjudging that Defendant violated the FDCPA sections enumerated above, and awarding Plaintiff and Class members statutory pursuant to 15 U.S.C. § 1692k;
- C. Enjoining Defendant from sending Debt Collection Letters similar to *Exhibit "A"*,
- D. Awarding Plaintiff, and all those similarly situated, reasonable attorney's fees and costs incurred in this action pursuant to 15 U.S.C. § 1692k(a)(3), and Florida Statutes § 559.77(2);

E. Awarding Plaintiff, and all those similarly situated, any pre-judgment and post-judgment interest as may be allowed under the law; and

F. Awarding such other and further relief as the Court may deem just and proper.

Dated: October 19, 2017.

**MAX STORY, P.A.**

/s/ Max Story

Max Story, Florida Bar No: 527238

Austin J. Griffin, Florida Bar. No. 117740

328 2nd Avenue North, Suite 100

Jacksonville Beach, FL 32250

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[austin@storylawgroup.com](mailto:austin@storylawgroup.com)

40 Daniels  
P.O. Box 406  
Farmingdale, NY 11735-1104

Personal & Confidential



Balance Due: \$700.00

JOY WILLIAMS  
204 FISHER HOLE ROAD  
JACKSONVILLE FL 32216-6888

EXHIBIT  
A

P.O. Box 406  
Farmingdale, NY 11735-0230  
Phone:  
August 22, 2017

This communication is from a debt collector. If you believe this information is incorrect, please contact the creditor. If you are unable to pay, please contact the creditor for assistance. This communication is for your information only and does not constitute an offer of credit. Any information obtained from this communication is for your information only and should not be used for any other purpose.

IMPORTANT INFORMATION



JS 44 (Rev. 12/12)

### 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.)

**I. (a) PLAINTIFFS**

JOY WILLIAMS

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

MAX STORY, ESQUIRE, 328 SECOND AVENUE, NORTH,  
JACKSONVILLE BEACH, FL 32250

**DEFENDANTS**

SKO BRENNER AMERICAN, INC.

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF 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 or 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 and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes 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	<b>PERSONAL INJURY</b> <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 - Medical Malpractice	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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 <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management 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 Employee Retirement Income Security Act <b>IMMIGRATION</b> <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <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"/> 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 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 1692  
 Brief description of cause: fair debt

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS 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 \_\_\_\_\_

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \$400 APPLYING IFP \_\_\_\_\_ JUDGE 34 MAG JUDGE JRK

**JAX025553**

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [SKO Brenner American Facing Debt Collection Class Action in Florida](#)

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