

Michael Fuller, Oregon Bar No. 09357

Trial Attorney for Plaintiff

Olsen Daines PC

US Bancorp Tower

111 SW 5th Ave., 31st Fl.

Portland, Oregon 97204

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Mobile 503-201-4570

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PENDLETON DIVISION

REVA LEE MORGAN, a consumer residing
in Crook County,

Case No. 2:15-cv-2258

Plaintiff,

**UNLAWFUL DEBT COLLECTION
COMPLAINT**

v.

15 U.S.C. § 1692 *et seq.*

CREDIT ASSOCIATES, INC., a debt
collector,

DEMAND FOR JURY TRIAL

Defendant.

1.

INTRODUCTION

Plaintiff, through her attorney Michael Fuller acting as a private attorney general,
prosecutes defendant as follows:

COMPLAINT - Page 1

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111 SW 5th Ave., 31st Fl.
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Direct 503-201-4570

2.

JURISDICTION AND THE PARTIES

The United States District Court for the District of Oregon has jurisdiction of this action pursuant to 28 U.S.C. § 1331 because plaintiff's claim arises under the Fair Debt Collection Practices Act (FDCPA), which is a federal law.

3.

Plaintiff Reva Morgan is a natural person residing in Crook County, Oregon.

4.

Defendant Credit Associates, Inc. is an Oregon business corporation, regularly doing business in Crook County, and is a licensed collection agency in the State of Oregon.

5.

The venue and division of this Court are proper because the majority of defendant's acts and omissions were directed at plaintiff while she resided in Crook County, Oregon.

6.

FDCPA STRICT LIABILITY

Plaintiff is a "consumer" as defined by the FDCPA at 15 U.S.C. § 1692a(3) because she is a natural person allegedly obligated to pay debt to Doctors Park Surgery Center on accounts ending in numbers 1743, 1744, 1745, 1746, and 1747. Plaintiff's alleged obligation to pay is a "debt" as defined by the FDCPA at 15 U.S.C. § 1692a(5) because it allegedly arises out of alleged personal medical bills.

7.

Defendant is a “debt collector” as defined by the FDCPA at 15 U.S.C. § 1692a(6) as it regularly attempts to collect a debt on behalf of another, is registered as a collection agency in Oregon, its principal purpose is providing debt collection services to creditors, and it regularly communicates with consumers regarding defaulted debt, which communications include use of the United States mail system.

8.

Defendant’s collection activities directed at plaintiff as alleged in this complaint are subject to the strict liability provisions of the FDCPA.

9.

FACTUAL ALLEGATIONS

In or around November 2015, defendant sent plaintiff collection letters demanding payment of various medical bills on accounts ending 1743, 1744, 1745, 1746, and 1747.

10.

Plaintiff is a consumer.

11.

Defendant is a debt collector.

12.

The collection letters defendant sent to plaintiff were communications attempting to collect alleged debt from plaintiff.

13.

Defendant's collection letters attempted to collect debt plaintiff did not owe and never agreed to pay.

14.

FDCPA VIOLATION

Defendant's conduct as alleged above violated the FDCPA at 15 U.S.C. § 1692e and f by falsely representing the alleged amount of debt allegedly owed by plaintiff, and by attempting to collect alleged debt not expressly authorized by agreement or permitted by law.

15.

FAIR COMPENSATION

Defendant's violation of the FDCPA caused plaintiff actual damages including, but not limited to fear and anxiety, and other damages consistent with unfair debt collection in an amount to be determined by a jury. Plaintiff has a right to recover these damages pursuant to 15 U.S.C. § 1692k(a)(1).

16.

Plaintiff has a right to recover additional statutory damages pursuant to 15 U.S.C. § 1692k(a)(2). Plaintiff has a right to recover costs and a reasonable attorney's fee incurred in prosecuting the FDCPA claim, pursuant to 15 U.S.C. § 1692k(a)(3).

17.

CAUSE OF ACTION

CLAIM ONE AGAINST DEFENDANT

UNLAWFUL DEBT COLLECTION

(15 U.S.C. § 1692k)

Plaintiff re-alleges all of the above paragraphs by reference.

18.

Defendant's conduct as alleged above failed to comply with the FDCPA, including and not limited to the provisions contained in § 1692e and f.

19.

Defendant's failure to comply with the FDCPA caused plaintiff actual damages as alleged above. As a result, plaintiff is entitled to recover fair compensation, including actual damages, statutory damages, costs and a reasonable attorney's fee pursuant to 15 U.S.C. § 1692k.

20.

DEMAND FOR JURY TRIAL.

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WHEREFORE, after a determination that defendant violated the FDCPA, plaintiff seeks order and judgment against defendant as follows:

- A. An award of compensatory damages in favor of plaintiff against defendant;
- B. An award of statutory damages in favor of plaintiff against defendant;
- C. An award of costs and a reasonable attorney's fee to the law firm of Olsen Daines PC against defendant; and
- D. Any other equitable relief this Court may determine to be fair and just.

Plaintiff reserves her right and intends to amend her complaint to allege additional violations, including and not limited to violation of 15 U.S.C. § 1692g, upon discovery that defendant failed to comply with the FDCPA's validation requirements.

DATED: December 2, 2015

RESPECTFULLY FILED,

s/ Michael Fuller

Michael Fuller, Oregon Bar No. 09357

Trial Attorney for Plaintiff

Olsen Daines PC

US Bancorp Tower

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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 (b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i> (c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> _____	DEFENDANTS County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys <i>(If Known)</i> _____
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II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> 1 U.S. Government Plaintiff </div> <div style="width: 48%;"> <input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <input type="checkbox"/> 2 U.S. Government Defendant </div> <div style="width: 48%;"> <input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i> </div> </div>	III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 10%; text-align: center;">PTF</th> <th style="width: 10%; text-align: center;">DEF</th> <th style="width: 40%;"></th> <th style="width: 10%; text-align: center;">PTF</th> <th style="width: 10%; text-align: center;">DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated <i>or</i> Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </tbody> </table>		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
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IV. NATURE OF SUIT <i>(Place an "X" in One Box Only)</i>																		
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V. ORIGIN <i>(Place an "X" in One Box Only)</i>					
<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district <i>(specify)</i>	<input type="checkbox"/> 6 Multidistrict Litigation

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing <i>(Do not cite jurisdictional statutes unless diversity):</i> Brief description of cause:
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ _____	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	<i>(See instructions):</i> JUDGE _____	DOCKET NUMBER _____
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DATE _____	SIGNATURE OF ATTORNEY OF RECORD _____
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FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
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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.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff

v.

Defendant

)
)
)
)
)
)
)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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