Michael Fuller, OSB No. 09357

Attorney for Plaintiff Olsen Daines PC US Bancorp Tower 111 SW 5th Ave., Suite 3150 Portland, Oregon 97204 michael@underdoglawyer.com Direct 503-201-4570

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

Lisa Butts,

Case No. 6:16-cv-1986

Plaintiff,

COMPLAINT

v.

Collecto, Inc. dba EOS CCA, Demand for jury trial

47 U.S.C. § 227(c)(5)

Defendant.

COMPLAINT – Page 1 of 6

JURISDICTION AND THE PARTIES

This Court has jurisdiction under 28 U.S.C. § 1331 because the Telephone Consumer Protection Act (TCPA) is a federal consumer protection law.

2.

Plaintiff Lisa Butts (Butts) is an individual consumer residing in Salem, Oregon.

3.

Defendant Collecto, Inc. dba EOS CCA (Collecto) is a Massachusetts corporation.

4.

Venue is proper under 28 U.S.C. § 1391 because Collecto made unwanted calls to Butts' cell phone while she resided in Oregon.

5.

This complaint's allegations are based on personal knowledge as to Butts' conduct and made on information and belief as to the acts of others.

6.

FACTUAL ALLEGATIONS

In August 2012, Collecto bought a portfolio of junk debts allegedly arising from old AT&T consumer accounts for pennies on the dollar.

COMPLAINT – Page 2 of 6

In December 2015, the Consumer Financial Protection Bureau entered a \$1,850,000 civil penalty judgment against Collecto based on Collecto's collection practices pertaining to its portfolio of junk AT&T debts. See *CFPB v. Collecto, Inc. d/b/a EOS CCA*, Case No. 1:15-cv-14024, Doc. # 4 (D. Mass. Dec. 8, 2015).

8.

Butts was one of thousands of consumers harassed by Collecto to pay a disputed AT&T debt she did not owe.

9.

In a letter dated May 14, 2014, Butts revoked consent to receive any future calls from Collecto.

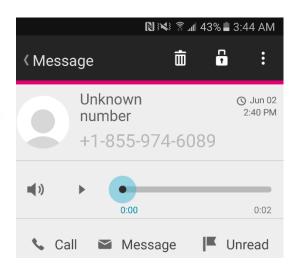
10.

Beginning in or around May 2014 and continuing into June 2016, Collecto used an automatic telephone dialing system (ATDS) as that term is defined at 47 U.S.C. § 227, to harass Butts with multiple unwanted calls to her cell phone that served no legitimate purpose, that Collecto knew or should have known violated the TCPA, after Butts had revoked any prior consent to receive future calls from Collecto. See *In re Collecto, Inc.*, 999 F. Supp. 2d 1373 (J.P.M.L. 2014) (order consolidating various TCPA actions against Collecto).

COMPLAINT – Page 3 of 6

The phone numbers Collecto used to autodial Butts are consistent with the phone numbers associated with Collecto's collection letters.

0 LONGWATER DE	RIVE			Mon T	hur.: 8:0	Hours 00 AM - 10:00 00 AM - 6:00 F
JRWELL, MIT OLOG		EOS	CCA	Friday: Saturda		00 AM - 12:00 PM
		Toll Free: 1-855-	974-6090			
sa Butts		Phone Number: 1-6	17-849-975	59	6	
393 Oak Park Dr Ne				0	-)
alem Or 97305-293	3			D		
		CLIENT REFERENCE #	AGENCY	ACCOUNT	ORIGINAL CF	
US ASSET MAN		298045980503		59289	F	T&T MOBILITY
	INTEREST	FEES/COLL	COSTS	OTHER AC	COUNTS	TOTAL DUE
\$577.94	\$0.00	\$10	4.03	5	\$0.00	\$681.97
0011101						SETTLEMENT OFFER 1 PAYMENT OF
		and a second	lution to you	r		\$170.49
	Our client has autho bala	rized the following reso ince as noted above:	duon to j -			15 DAID DY 00/07/
	bala	ince as noted above:				IF PAID BY 09/07/
(usu are mailing vi	bala	ince as noted above:			n the coupon	below and include wit
your payment. Plea	bala bur payment, please se complete the rev	a be sure to check of verse side of the cou	ff the settle	ment box or wish to pay		below and include wit your credit card by ma
your payment. Plea	bala bur payment, please se complete the rev	e be sure to check of verse side of the cou	ff the settle	ment box or wish to pay		below and include wit your credit card by ma
your payment. Plea	bala bur payment, please se complete the rev	e be sure to check of verse side of the cou	ff the settle	ment box or wish to pay	s alternatives	below and include wit your credit card by ma , please contact us at
your payment. Plea	bala bur payment, please se complete the rev	e be sure to check of verse side of the cou	ff the settle	ment box or wish to pay	s alternatives and any inform	below and include wit your credit card by ma , please contact us at nation obtained will be
your payment. Plea	bala bur payment, please se complete the rev	e be sure to check of verse side of the cou	ff the settle	ment box or wish to pay	s alternatives and any inform	below and include wit your credit card by ma , please contact us at nation obtained will be
your payment. Plea	bala bur payment, please se complete the rev	e be sure to check of verse side of the cou	ff the settle	ment box or wish to pay	s alternatives and any inform	below and include wit your credit card by ma , please contact us at nation obtained will be
your payment. Plea	bala bur payment, please se complete the rev	e be sure to check of verse side of the cou	ff the settle	ment box or wish to pay	s alternatives and any inform	below and include wit your credit card by ma , please contact us at
your payment. Plea	bala bur payment, please se complete the rev	e be sure to check of verse side of the cou	ff the settle	ment box or wish to pay	s alternatives and any inform	below and include wit your credit card by ma , please contact us at nation obtained will be
your payment. Plea	bala bur payment, please se complete the rev	e be sure to check of verse side of the cou	ff the settle	ment box or wish to pay	s alternatives and any inform	below and include wit your credit card by ma , please contact us at nation obtained will be
your payment. Plea	bala bur payment, please se complete the rev it in taking advantag in is from a debt coll se. Swam 24 % Jul I L	the sume is noted above: the besure to check of the cou- tererse side of the cou- ge of this settlement ector. This is an atte $f = \frac{2}{2} \partial_1 (\partial_1 - f)^2$	if the settle pon if you offer or war empt to coll War d	ment box or wish to pay	s alternatives and any inform	below and include wit your credit card by ma , please contact us at nation obtained will be
your payment. Plea	bala bur payment, please se complete the rev it in taking advantag in is from a debt coll se. Swam 24 % Jul I L	the sume is noted above: the besure to check of the cou- tererse side of the cou- ge of this settlement ector. This is an atte $f = \frac{2}{2} \partial_1 (\partial_1 - f)^2$	if the settle pon if you offer or war empt to coll War d	ment box or wish to pay	s alternatives and any inform	below and include wit your credit card by ma , please contact us at nation obtained will be
your payment. Plea If you are interester 1-855-874-6090. This communicatio used for that purpo	bala bur payment, please se complete the rev it in taking advantag in is from a debt coll se. Swam 24 % Jul I L	e be sure to check of verse side of the cou	if the settle pon if you to offer or ware empt to coll <i>WAY d</i>	ment box of wish to pay nt to discuss ect a debt a	s alternatives and any inform	below and include with your credit card by mil- please contact us at halon obtained will be $L//L_{0}$ η ; \mathcal{J} 0 $f_{c}^{\mathcal{M}}$.



12.

Butts even registered on the national Do Not Call list but Collecto's autodialed calls continued.

National Do Not Call Registry - Your Registration Is Confirmed						
Verify@DonotCall.gov To lisa_butts@yahoo.com	Oct 2 at 3:24 AM					
Thank you for registering your phone number with the National Do Not Call Registry. You successfully registered your phone number ending in 8408 on July 23, 2015. Most telemarketers will be required to stop calling you 31 days from your registration date.						
Visit https://www.donotcall.gov to register another number or file a complaint against someone violating the Registry.						
Please do not reply to this message as it is from an unattended mailbox. Any replies to this email will not be responded to or forwarded. This service is used for outgoing ema cannot respond to inquiries.	ils only and					

COMPLAINT – Page 4 of 6

Collecto's calls to Butts were made automatically using a telephone dialing system that took a pause to transfer Butts to one of Collecto's call center agents who was available when Butts' voice came on the line. Many of Collecto's autodialed calls that Butts intentionally did not verbally answer went directly to voicemail. The volume and sequence of Collecto's calls over the time period alleged above is indicative of systematic dialing. Collecto's unwanted calls caused Butts significant annoyance, stress, and anxiety consistent with telephonic harassment.

14.

CAUSE OF ACTION

(47 U.S.C. § 227(c)(5))

Butts incorporates the allegations above by reference.

15.

Collecto willfully violated 47 U.S.C. § 227(b) as alleged in this complaint and Butts is entitled to maximum statutory damages and costs under 47 U.S.C. § 227(c)(5).

16.

Demand for jury trial.

PRAYER FOR RELIEF

After a determination that Collecto's unwanted calls willfully violated the TCPA, Butts seeks relief as follows:

A. Order and Judgment in favor of Butts against Collecto for maximum statutory damages, and costs.

Butts also seeks any equitable relief this Court may determine is just and proper. As she learns more information, Butts reserves her right and may intend to bring claims, including class action allegations, against Collecto under the laws governing debt collection.

October 13, 2016

RESPECTFULLY FILED,

<u>s/ Michael Fuller</u> **Michael Fuller, OSB No. 09357** Attorney for Plaintiff Olsen Daines PC US Bancorp Tower 111 SW 5th Ave., Suite 3150 Portland, Oregon 97204 michael@underdoglawyer.com Direct 503-201-4570