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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR MARION COUNTY

APRIL PANKO,

Plaintiff,

vs.

ONEMAIN FINANCIAL GROUP, LLC,

Defendant.

Case No. 15CV34699

**COMPLAINT FOR UNLAWFUL DEBT
COLLECTION PRACTICES**

Amount in controversy: \$50,000

Claim not subject to mandatory arbitration

Fee authority: ORS 21.160(1)(c)

Filing fee: \$531

Jury trial requested

1.

INTRODUCTION

Having no other choice, April Panko files this complaint to recover fair compensation after Onemain Financial Group, LLC relentlessly harassed her with dozens of calls to her mobile phone and place of employment, after she asked to be left alone, in an unlawful attempt to collect debt from her.

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2 2.

3 **FACTUAL ALLEGATIONS**

4 Plaintiff April Panko is a “consumer” as that term is defined at ORS 646.639(1)(a)
5 because plaintiff is an individual who acquired credit from defendant Onemain Financial
6 Group, LLC primarily for family purposes.
7

8 3.

9 Plaintiff’s acquisition of credit from defendant was a “consumer transaction” as that term
10 is defined at ORS 646.639(1)(b) because plaintiff is a consumer and defendant regularly
11 provides credit to consumers.
12

13 4.

14 Defendant is a “commercial creditor” as that term is defined at ORS 646.639(1)(c)
15 because defendant is a company that, in the ordinary course of its business, regularly engages
16 in consumer transactions, including providing credit to consumers.
17

18 5.

19 Defendant extended plaintiff “credit” as that term is defined at ORS 646.639(1)(d)
20 because plaintiff is a consumer and defendant granted plaintiff the right to incur a debt and
21 defer its payment.
22

23 6.

24 Defendant’s extension of credit to plaintiff created a “debt” as that term is defined at ORS
25 646.639(1)(e) because plaintiff’s obligation to pay defendant arose from a consumer
26 transaction as alleged above.
27

1
2 7.

3 Plaintiff is a “debtor” as that term is defined at ORS 646.639(1)(f) because plaintiff owes
4 defendant a debt obligation arising out of a consumer transaction as alleged above.
5

6 8.

7 Defendant is a “debt collector” as that term is defined at ORS 646.639(1)(g) because
8 defendant is a company that took direct actions, including phone calls to plaintiff on her mobile
9 phone and at her place of employment, in an attempt to collect the debt plaintiff owed
10 defendant, as alleged above.
11

12 9.

13 In or around 2014, plaintiff used credit from defendant for family purposes and promised
14 to repay defendant with interest at a later date.
15

16 10.

17 In or around 2014, plaintiff fell upon hard financial times as her bills began to pile up,
18 her rent increased, and she found herself unable to support her family.
19

20 11.

21 Eventually, plaintiff broke her promise to defendant and became unable to make her
22 monthly payments in full.
23

24 12.

25 In or around September 2015, after plaintiff fell behind on her payments, defendant began
26 intentionally harassing plaintiff with phone calls on her mobile phone and at her place of
27 employment, in attempts to collect its debt from her.
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13.

Plaintiff expressed to defendant she could not afford to repay its debt and that defendant's continued calls to her mobile phone and place of employment were inconvenient.

14.

Plaintiff asked defendant to stop calling her on her mobile phone.

15.

Plaintiff asked defendant to stop calling her place of employment.

16.

After plaintiff asked defendant to stop calling her, defendant rudely told plaintiff something to the effect of, "I don't care if you have an attorney, unless you have a bankruptcy case number, I am going to keep calling you until you pay."

17.

After plaintiff asked defendant to stop calling her, defendant intentionally harassed plaintiff with dozens of repeated and continuous unwanted communications by phone, at times defendant knew were inconvenient to plaintiff, and at times defendant knew plaintiff wished to be left alone, based on defendant's prior conversations with plaintiff.

18.

Defendant's unwanted communications as alleged above served no legitimate purpose and were intended to harass or annoy plaintiff because defendant knew plaintiff couldn't afford to pay its debt and defendant knew plaintiff wished to be left alone.

1
2 19.

3 As a direct result of defendant's conduct as alleged above, plaintiff suffered severe
4 ongoing emotional harm, including stress, anxiety, and other negative emotions associated
5 with collector harassment.
6

7 20.

8 **CAUSE OF ACTION**

9 **(Violation of ORS 646.639(2)(e))**

10 Plaintiff incorporates the paragraphs above by reference.
11

12 21.

13 Defendant's conduct as alleged above violated ORS 646.639(2)(e) because defendant
14 communicated with plaintiff from September 25, 2015 to the date of this complaint, repeatedly,
15 continuously, or at times known to be inconvenient to plaintiff, including while plaintiff was
16 at home and at work, with intent to harass or annoy plaintiff, in an attempt to collect debt from
17 plaintiff.
18

19 22.

20 As a result of defendant's violation of ORS 646.639(2)(e), plaintiff requests an order
21 prohibiting defendant from calling her mobile phone or place of employment in the future,
22 under ORS 646.641.
23

24 23.

25 As a result of defendant's violation of ORS 646.639(2)(e), plaintiff is entitled to recover
26 \$50,000 in fair compensation, reasonable attorney fees, and costs under ORS 646.641.
27

