

Receipt Number  
538871

**ORIGINAL**

18

UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

JEANINE WALKER,

Plaintiff

-vs-

Case: 4:06-cv-10773  
Assigned To : Gadola, Paul V  
Referral Judge: Capei, Wallace  
Assign. Date : 02/21/2006 @ 4:25 p.m.  
Description: cmp jeannie walker v.  
lynn m. olivier, et al (tam)

**ITION.**  
**DEMAND FOR JURY TRIAL**

LYNN M. OLIVIER, P.C.,  
d.b.a. "OLIVIER AND OLIVIER, P.C.,"  
LYNN M. OLIVIER,  
PAUL T. OLIVIER, JR.,  
MONIS SCHUSTER,  
REBECCA KREISHER,  
DAVID J. VINK, and  
MOLLIE T. MCCARRON,

Defendants.

**COMPLAINT & JURY DEMAND**

**JURISDICTION**

1. This court has jurisdiction under the FDCPA, 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
2. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

**PARTIES**

3. The Plaintiff to this lawsuit is Jeanine Walker who resides in Troy, Michigan.

4. The Defendants to this lawsuit are as follows:
  - a. Lynn M. Olivier, P.C., a law firm doing business as “Olivier and Olivier, P.C.” (“Olivier and Olivier”), and whose resident agent, Lynn M. Olivier, maintains its office at 3999 Middle Road, Highland, MI 48357.
  - b. Lynn M. Olivier (“Lynn Olivier”), an attorney licensed to practice law in Michigan.
  - c. Paul T. Olivier, Jr. (“Paul Olivier”), an attorney licensed to practice law in Michigan.
  - d. Monis Schuster, an attorney licensed to practice law in Michigan.
  - e. Rebecca Kreisher, an attorney licensed to practice law in Michigan.
  - f. David J. Vink, an attorney licensed to practice law in Michigan.
  - g. Mollie T. McCarron, an attorney licensed to practice law in Michigan.

#### VENUE

5. The transactions and occurrences which give rise to this action occurred in Oakland County, Michigan.
6. Venue is proper in the Eastern District of Michigan.

#### GENERAL ALLEGATIONS

7. Some time prior to February 2004, Olivier and Olivier was engaged by Capital One Bank (“Capital One”) to collect a debt (“debt”) owed by Jeanine Walker.
8. In 2003, Olivier and Olivier filed a lawsuit in Michigan District Court 52-4 Case No. 03C01329GC01 (“the district court case”) to collect a debt owed by Ms. Walker to Capitol One.
9. Lynn Olivier, Paul. Olivier, Monis Schuster, Rebecca Kreisher, David J. Vink, and Mollie T. McCarron, each appeared as attorney for Capital One in the district court case.

10. At all relevant times, each Defendant is responsible, as a condition of admission to the State Bar of Michigan, for the administration of each file on which he or she appears.
11. Ms. Walker was unrepresented in the district court case.
12. Following the filing of that lawsuit, Olivier and Olivier, tendered an offer of settlement ("offer of settlement") to Ms. Walker in which the Defendants expressly represented that Capitol One was willing to accept the sum of \$1,318.02 as settlement in full of the debt as long as that amount was received within 30 days of the date of the offer of settlement.
13. The offer of settlement instructed Ms. Walker to make the check payable to "Olivier and Olivier, P.C."
14. The offer of settlement was signed by Olivier and Olivier attorney Mollie T. McCarron.
15. Within 30 days of offer of settlement, Ms. Walker tendered payment in the amount of \$1,318.02 to Olivier and Olivier in the form of a check written to "Olivier and Olivier, P.C."
16. Olivier and Olivier negotiated the check. Funds were paid from Ms. Walker's bank to Olivier and Olivier.
17. Rebecca Kreisher signed a stipulation of dismissal of the collection matter on behalf of the plaintiff.
18. The district court case was ordered dismissed on September 16, 2004.
19. After September 16, 2004, Ms. Walker was contracted by another debt collector seeking to collect the same debt from her that she settled in the collection matter.
20. In April and May of 2005, Ms. Walker contacted Capital One via telephone to inquire about the status of the debt but received no information responsive to her query.

21. On August 25, 2005, Ms. Walker received a letter from Capital One about the debt.
22. The letter stated that payments were "received on February 26, 2005 in the amounts of \$65.00, \$47.47, and \$1205.55 from Olivier and Olivier."
23. The letter further stated, "On September 14, 2004 the payments of \$47.47 and \$1205.55 were returned for non-sufficient funds. Replacement funds were not received for the above referenced account."
24. This was the first time that Ms. Walker had knowledge that Olivier and Olivier did not pay Capital One the money it collected from her, but instead, sent Capital One non-sufficient funds checks.
25. Olivier and Oliver charged Ms. Walker amounts not authorized by the contract or statute.
26. Capital One has reported on Ms. Walker's Equifax credit report that there is a balance of \$1,721.00 on the account that she paid off.
27. Capital One has reported on Ms. Walker's Trans Union credit report that there is a balance of \$1,721.00 on the account that she paid off.
28. Capital One has reported on Ms. Walker's Experian credit report that there is a balance of \$1,721.00 on the account that she paid off.
29. As a result of the acts alleged above, Plaintiff has suffered damages.

**COUNT 1 – Fair Debt Collection Practices Act (Olivier and Olivier)**

30. Ms. Walker incorporates the preceding allegations by reference.
31. At all relevant times Olivier and Olivier – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

32. Olivier and Olivier is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
33. Olivier and Olivier has engaged in violations of the FDCPA including, but not limited to the following:
- a. Olivier and Olivier used generally harassing, oppressive or abusive conduct to collect the debt, in violation of the general prohibitions in 15 U.S.C. §1692d.
  - b. Olivier and Olivier used generally false, misleading or unfair methods to collect the debt, in violation of the general prohibitions in 15 U.S.C. §1692c.
  - c. Olivier and Olivier used unfair or unconscionable means to collect or attempt to collect the debt, in violation of the general prohibition in 15 U.S.C. 1692(f).
  - d. Olivier and Olivier collected an amount without express authorization under the agreement creating the debt or other statutory authority in violation of 15 U.S.C. 1692(f)(1).
34. Ms. Walker has suffered damages as a result of Olivier and Olivier's violations of the FDCPA.

**COUNT II – Michigan Collection Practices Act (Olivier and Olivier)**

35. Ms. Walker incorporates the preceding allegations by reference.
36. Olivier and Olivier is a "regulated person" under the Michigan Collection Practices Act ("MCPA"), M.C.L. § 445.251(g)(xi).

37. Olivier and Olivier violated the Michigan Collection Practices Act, M.C.L. § 445.251 *et seq.* include, but are not limited to, the following:
- a. Communicating with a debtor in a misleading or deceptive manner, in violation of M.C.L. §445.252(a); and
  - b. Making an inaccurate, misleading, untrue, or deceptive statement or claim in a communication to collect a debt or concealing or not revealing the purpose of a communication when it is made in connection with collecting a debt in violation of M.C.L. §445.252(e).
38. Ms. Walker has suffered damages as a result of Olivier and Olivier's violations of the Michigan Collection Practices Act.

**COUNT III – Common Law Conversion (Olivier and Olivier)**

39. Ms. Walker incorporates the preceding allegations by reference.
40. Olivier and Olivier converted Ms. Walker's payment for its own purposes.
41. Ms. Walker has suffered damages as a result of this conversion of property by Olivier and Olivier, entitling her to damages.

**COUNT IV – Fair Debt Collection Practices Act (Lynn Olivier)**

42. Ms. Walker incorporates the preceding allegations by reference.
43. At all relevant times Lynn Olivier – in the ordinary course of her business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
44. Lynn Olivier is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

45. Lynn Olivier has engaged in violations of the FDCPA including, but not limited to the following:
- a. Lynn Olivier used generally harassing, oppressive or abusive conduct to collect the debt, in violation of the general prohibitions in 15 U.S.C. §1692d;
  - b. Lynn Olivier used generally false, misleading or unfair methods to collect the debt., in violation of the general prohibitions in 15 U.S.C. §1692c;
  - c. Lynn Olivier used unfair or unconscionable means to collect or attempt to collect the debt, in violation of the general prohibition in 15 U.S.C. 1692(f); and
  - d. Lynn Olivier collected an amount without express authorization under the agreement creating the debt or other statutory authority in violation of 15 U.S.C. 1692(f)(1).

46. Ms. Walker has suffered damages as a result of Lynn Olivier's violations of the FDCPA.

**COUNT V – Michigan Collection Practices Act (Lynn Olivier)**

47. Ms. Walker incorporates the preceding allegations by reference.
48. Lynn Olivier is a "regulated person" under the Michigan Collection Practices Act ("MCPA"), M.C.L. § 445.251(g)(xi).
49. Lynn Olivier violated the Michigan Collection Practices Act, M.C.L. § 445.251 *et seq.* include, but are not limited to, the following:
- a. Communicating with a debtor in a misleading or deceptive manner, in violation of M.C.L. §445.252(a); and

- b. Making an inaccurate, misleading, untrue, or deceptive statement or claim in a communication to collect a debt or concealing or not revealing the purpose of a communication when it is made in connection with collecting a debt in violation of M.C.L. §445.252(e).
50. Ms. Walker has suffered damages as a result of Lynn Olivier's violations of the Michigan Collection Practices Act.

**COUNT VI – Fair Debt Collection Practices Act (Paul Olivier)**

51. Ms. Walker incorporates the preceding allegations by reference.
52. At all relevant times Paul Olivier – in the ordinary course of her business -- regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
53. Paul Olivier is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
54. Paul Olivier has engaged in violations of the FDCPA including, but not limited to the following:
- a. Paul Olivier used generally harassing, oppressive or abusive conduct to collect the debt, in violation of the general prohibitions in 15 U.S.C. §1692d.
  - b. Paul Olivier used generally false, misleading or unfair methods to collect the debt., in violation of the general prohibitions in 15 U.S.C. §1692e.
  - c. Paul Olivier used unfair or unconscionable means to collect or attempt to collect the debt, in violation of the general prohibition in 15 U.S.C. 1692(f).
  - d. Paul Olivier collected an amount without express authorization under the agreement creating the debt or other statutory authority in violation of 15 U.S.C. 1692(f)(1).



55. Ms. Walker has suffered damages as a result of Paul Olivier's violations of the FDCPA.

**COUNT VII – Michigan Collection Practices Act (Paul Olivier)**

56. Ms. Walker incorporates the preceding allegations by reference.

57. Paul Olivier is a "regulated person" under the Michigan Collection Practices Act ("MCPA"), M.C.L. § 445.251(g)(xi).

58. Paul Olivier violated the Michigan Collection Practices Act, M.C.L. § 445.251 *et seq.* include, but are not limited to, the following:

a. Communicating with a debtor in a misleading or deceptive manner, in violation of M.C.L. §445.252(a); and

b. Making an inaccurate, misleading, untrue, or deceptive statement or claim in a communication to collect a debt or concealing or not revealing the purpose of a communication when it is made in connection with collecting a debt in violation of M.C.L. §445.252(c).

59. Ms. Walker has suffered damages as a result of Paul Olivier's violations of the Michigan Collection Practices Act.

**COUNT VIII – Fair Debt Collection Practices Act (Monis Schuster)**

60. Ms. Walker incorporates the preceding allegations by reference.

61. At all relevant times Monis Schuster – in the ordinary course of her business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

62. Monis Schuster is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

63. Monis Schuster has engaged in violations of the FDCPA including, but not limited to the following:
- a. Monis Schuster used generally harassing, oppressive or abusive conduct to collect the debt, in violation of the general prohibitions in 15 U.S.C. §1692d.
  - b. Monis Schuster used generally false, misleading or unfair methods to collect the debt., in violation of the general prohibitions in 15 U.S.C. §1692e.
  - c. Monis Schuster used unfair or unconscionable means to collect or attempt to collect the debt, in violation of the general prohibition in 15 U.S.C. 1692(f).
  - d. Monis Schuster collected an amount without express authorization under the agreement creating the debt or other statutory authority in violation of 15 U.S.C. 1692(f)(1).

64. Ms. Walker has suffered damages as a result of Monis Schuster's violations of the FDCPA.

**COUNT IX – Michigan Collection Practices Act (Monis Schuster)**

65. Ms. Walker incorporates the preceding allegations by reference.
66. Monis Schuster is a "regulated person" under the Michigan Collection Practices Act ("MCPA"), M.C.L. § 445.251(g)(xi).
67. Monis Schuster violated the Michigan Collection Practices Act, M.C.L. § 445.251 *et seq.* include, but are not limited to, the following:
- a. Communicating with a debtor in a misleading or deceptive manner, in violation of M.C.L. §445.252(a); and

- b. Making an inaccurate, misleading, untrue, or deceptive statement or claim in a communication to collect a debt or concealing or not revealing the purpose of a communication when it is made in connection with collecting a debt in violation of M.C.L. §445.252(e).

68. Ms. Walker has suffered damages as a result of Monis Schuster's violations of the Michigan Collection Practices Act.

**COUNT X – Fair Debt Collection Practices Act (Rebecca Kreisher)**

- 69. Ms. Walker incorporates the preceding allegations by reference.
- 70. At all relevant times Rebecca Kreisher -- in the ordinary course of her business -- regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
- 71. Rebecca Kreisher is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
- 72. Rebecca Kreisher has engaged in violations of the FDCPA including, but not limited to the following:
  - a. Rebecca Kreisher used generally harassing, oppressive or abusive conduct to collect the debt, in violation of the general prohibitions in 15 U.S.C. §1692d.
  - b. Rebecca Kreisher used generally false, misleading or unfair methods to collect the debt., in violation of the general prohibitions in 15 U.S.C. §1692e.
  - c. Rebecca Kreisher used unfair or unconscionable means to collect or attempt to collect the debt, in violation of the general prohibition in 15 U.S.C. 1692(f).

d. Rebecca Kreisher collected an amount without express authorization under the agreement creating the debt or other statutory authority in violation of 15 U.S.C. 1692(f)(1).

73. Ms. Walker has suffered damages as a result of Rebecca Kreisher's violations of the FDCPA.

**COUNT XI – Michigan Collection Practices Act (Rebecca Kreisher)**

74. Ms. Walker incorporates the preceding allegations by reference.

75. Rebecca Kreisher is a "regulated person" under the Michigan Collection Practices Act ("MCPA"), M.C.L. § 445.251(g)(xi).

76. Rebecca Kreisher violated the Michigan Collection Practices Act, M.C.L. § 445.251 *et seq.* include, but are not limited to, the following:

a. Communicating with a debtor in a misleading or deceptive manner, in violation of M.C.L. §445.252(a); and

b. Making an inaccurate, misleading, untrue, or deceptive statement or claim in a communication to collect a debt or concealing or not revealing the purpose of a communication when it is made in connection with collecting a debt in violation of M.C.L. §445.252(c).

77. Ms. Walker has suffered damages as a result of Rebecca Kreisher's violations of the Michigan Collection Practices Act.

**COUNT XII – Fair Debt Collection Practices Act (David J. Vink)**

78. Ms. Walker incorporates the preceding allegations by reference.

79. At all relevant times David J. Vink – in the ordinary course of her business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
80. David J. Vink is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
81. David J. Vink has engaged in violations of the FDCPA including, but not limited to the following:
- a. David J. Vink used generally harassing, oppressive or abusive conduct to collect the debt, in violation of the general prohibitions in 15 U.S.C. §1692d.
  - b. David J. Vink used generally false, misleading or unfair methods to collect the debt., in violation of the general prohibitions in 15 U.S.C. §1692e.
  - c. David J. Vink used unfair or unconscionable means to collect or attempt to collect the debt, in violation of the general prohibition in 15 U.S.C. 1692(f).
  - d. David J. Vink collected an amount without express authorization under the agreement creating the debt or other statutory authority in violation of 15 U.S.C. 1692(f)(1).
82. Ms. Walker has suffered damages as a result of David J. Vink's violations of the FDCPA.

**COUNT XIII – Michigan Collection Practices Act (David J. Vink)**

83. Ms. Walker incorporates the preceding allegations by reference.
84. David J. Vink is a "regulated person" under the Michigan Collection Practices Act ("MCPA"), M.C.L. § 445.251(g)(xi).

85. David J. Vink violated the Michigan Collection Practices Act, M.C.L. § 445.251 *et seq.* include, but are not limited to, the following:
- a. Communicating with a debtor in a misleading or deceptive manner, in violation of M.C.L. §445.252(a); and
  - b. Making an inaccurate, misleading, untrue, or deceptive statement or claim in a communication to collect a debt or concealing or not revealing the purpose of a communication when it is made in connection with collecting a debt in violation of M.C.L. §445.252(c).
86. Ms. Walker has suffered damages as a result of David J. Vink's violations of the Michigan Collection Practices Act.

**COUNT XIV – Fair Debt Collection Practices Act (Mollie T. McCarron)**

87. Ms. Walker incorporates the preceding allegations by reference.
88. At all relevant times Mollie T. McCarron – in the ordinary course of her business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
89. Mollie T. McCarron is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
90. Mollie T. McCarron has engaged in violations of the FDCPA including, but not limited to the following:
- a. Mollie T. McCarron used generally harassing, oppressive or abusive conduct to collect the debt, in violation of the general prohibitions in 15 U.S.C. §1692d.
  - b. Mollie T. McCarron used generally false, misleading or unfair methods to collect the debt., in violation of the general prohibitions in 15 U.S.C. §1692e.

- c. Mollie T. McCarron used unfair or unconscionable means to collect or attempt to collect the debt, in violation of the general prohibition in 15 U.S.C. 1692(f).
  - d. Mollie T. McCarron collected an amount without express authorization under the agreement creating the debt or other statutory authority in violation of 15 U.S.C. 1692(f)(1).
91. Ms. Walker has suffered damages as a result of Mollie T. McCarron's violations of the FDCPA.

**COUNT XV – Michigan Collection Practices Act (Mollie T. McCarron)**

92. Ms. Walker incorporates the preceding allegations by reference.
93. Mollie T. McCarron is a "regulated person" under the Michigan Collection Practices Act ("MCPA"), M.C.L. § 445.251(g)(xi).
94. Mollie T. McCarron violated the Michigan Collection Practices Act, M.C.L. § 445.251 *et seq.* include, but are not limited to, the following:
- a. Communicating with a debtor in a misleading or deceptive manner, in violation of M.C.L. §445.252(a); and
  - b. Making an inaccurate, misleading, untrue, or deceptive statement or claim in a communication to collect a debt or concealing or not revealing the purpose of a communication when it is made in connection with collecting a debt in violation of M.C.L. §445.252(c).
95. Ms. Walker has suffered damages as a result of Mollie T. McCarron's violations of the Michigan Collection Practices Act.

**DEMAND FOR JURY TRIAL**

96. Plaintiff demands trial by jury in this action.

**DEMAND FOR JUDGMENT FOR RELIEF**

*Accordingly, Ms. Walker requests that the Court grant:*

- a. Actual damages.*
- b. Punitive damages*
- c. Statutory damages.*
- d. Treble damages.*
- e. Statutory costs and attorney fees.*

Respectfully Submitted,

LYNGKLIP & TAUB  
CONSUMER LAW GROUP, PLC

By: 

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Dated: February 21, 2006



**ORIGINAL**

JS 44 11/99

**CIVIL COVER SHEET** COUNTY IN WHICH THIS ACTION AROSE: Oakland

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 use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**I. (a) PLAINTIFFS**

Jeannie Walker

**DEFENDANTS**

Lynn M. Olivier, P.C., dba Olivier & Olivier, P.C., Lynn M. Olivier, Paul T. Olivier, Jr., Monis Schuster, Rebecca Kreisher, David J. Vink, and Mollie T. McCarron

(b) County of Residence of First Listed

Oakland

County of Residence of First Listed

OAKLAND

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

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

Lyngklip & Taub Consumer Law Group, PLC  
24500 Northwestern Hwy., Ste. 206, Southfield, MI 48075  
(248) 746-3790

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 111)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PLA                        | DEF                        |   | PLA                        | 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                      | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal 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 and Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. 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	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel And 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  <b>PERSONAL INJURY - Med. Malpractice</b> <input type="checkbox"/> 362 Personal Injury- Med. Malpractice <input type="checkbox"/> 365 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"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21: 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Rags. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<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 (823) <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"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation  <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations  <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 LISC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**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 (specify)
- 6 Multi district Litigation
- 7 Judge from District
- Appeal to District

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Plaintiff brings this cause of action for violations of the FDCPA 15 U.S.C. § 1692 and 28 U.S.C. §§ 1331, 1337

**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) INSTRUCTIONS:** IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

2-21-06

*John A. Taub*

### PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes

No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes

No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

\_\_\_\_\_

10/10/06