

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
COURT FILE NO.: _____**

<p>Royette Fincher, Plaintiff, v. Cogent Financial Group d/b/a Medicredit, Inc. Defendants.</p>	<p><u>VERIFIED COMPLAINT</u></p> <p><u>JURY TRIAL DEMANDED</u></p>
---	--

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d), and pursuant to 28 U.S.C. § 1367 for pendent state law claims.
2. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") and out of the invasions of Plaintiff's personal and financial privacy by these Defendants and their agents in their illegal efforts to collect a consumer debt from Plaintiff.
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

PARTIES

4. Plaintiff, Royette Fincher, is a natural person who resides in the City of Pensacola, County of Escambia, State of Florida, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant Cogent Financial Group d/b/a Medicredit, Inc., (hereinafter referred to as "Medicredit") is a collection agency operating from an address of 3620 I-70 Dr. SE, Suite C, Columbia, MO 65201, and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Sometime before 2007, Plaintiff incurred a financial obligation that was primarily for personal, family or household purposes and is therefore a "debt" as that term is defined by 15 U.S.C. § 1692a(5), namely, a medical bill in the approximate amount of \$4,200.
7. Sometime thereafter, the alleged debt of the Plaintiff was consigned, placed or otherwise transferred to Defendant for collection from Plaintiff.

August 8, 2012 Collection Calls

8. During the week of August 8, 2012, Defendant's representative going by the name of "Wes Alford" contacted Plaintiff on multiple occasions. Each call was conducted in a rude and threatening manner. Mr. Alford made various threats of filing a lawsuit, obtaining a judgment, and interfering with Plaintiff's business. Mr. Alford further stated personal facts to Plaintiff in a threatening fashion, indicating that he had located Plaintiff on social media outlets, and was familiar with her personal life, including the fact that she had children and had recently been on vacation.

9. These calls during this week from Defendant to Plaintiff were collection communications in violation of numerous and multiple provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692d, 1692e, 1692e(2), 1692e(5), 1692e(7), 1692e(8), 1692e(10), 1692f, and 1692f(1), amongst others.

August 8, 2012 Collection Calls to Third Parties

10. On or about August 8, 2012, Mr. Alford contacted the fiancé of Plaintiff, Mr. Michael Owen, in two separate phone calls in an effort to collect this debt from Plaintiff.
11. Defendant's collector asked Mr. Owen if he knew the Plaintiff and disclosed that Plaintiff allegedly owed the Defendant over \$8,000 for a medical bill and threatened to sue plaintiff and "put a lien on her business".
12. The FDCPA prohibits any contacts to third parties that are designed to put pressure on the Plaintiff to return the collector's calls or embarrass the Plaintiff into paying a debt.
13. Defendant's communications to Mr. Owen on this occasion was an illegal third-party disclosure of this debt and an impermissible third-party collection contact in violation of numerous and multiple provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692b(2), 1692d, 1692e, 1692e(2), 1692e(5), 1692e(7), 1692e(10), and 1692f, amongst others, as well as an invasion of privacy by revelation of private financial information.

August 9, 2012, Collection Calls

14. On or about August 9, 2012, Defendant called Mr. Owen twice and was advised by Mr. Owen that the phone did not belong to the Plaintiff and requested that the calls stop.
15. On or about August 9, 2012, Defendant also called Plaintiff's mother, Gloria Christiansen, and advised her of the alleged outstanding debt and threatened her by stating the Defendant was going to sue Ms. Fincher.
16. Defendant's communications to Mr. Owen and Ms. Christiansen on these occasions were a illegal third-party disclosures of this debt and an impermissible third-party collection contact in violation of numerous and multiple provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692b(2), 1692d, 1692e, 1692e(2), 1692e(5), 1692e(7), 1692e(10), and 1692f, amongst others, as well as an invasion of privacy by revelation of private financial information.

August 13, 2012 Collection Calls

17. On or about August 13, 2012, Defendant's collector, Mr. Alford, called the Plaintiff and left a voicemail stating that the account was in default and Defendant was going to take the money out of Plaintiff's bank account and attempt to take Plaintiff's business license.
18. This call from Defendant to Plaintiff was a collection communication in violation of numerous and multiple provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692d, 1692e, 1692e(2), 1692e(5), 1692e(7), 1692e(8), 1692e(10), 1692f, and 1692f(1), amongst others.

SUMMARY

19. All of the above-described actions by Defendant, were made in violation of numerous and multiple provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692b(2), 1692d, 1692e, 1692e(2), 1692e(5), 1692e(7), 1692e(8), 1692e(10), 1692f, and 1692f(1) amongst others, as well as an invasion of privacy by revelation of private financial information.
20. The above-detailed conduct by the Defendant of harassing Plaintiff in an effort to collect this debt was a violation of numerous and multiple provisions of the FDCPA, including but not limited to all of the above mentioned provisions of the FDCPA, as well as an invasion of Plaintiff's privacy by an intrusion upon seclusion and resulted in actual damages to the Plaintiff.
21. The above detailed conduct by the Defendant of harassing Plaintiff in an effort to collect this debt was also a violation of numerous and multiple provisions of the Florida Consumer Collection Practices Act, including but not limited to Fla. Stat. § 559.72(2), 559.72(5), 559.72(8), 559.72(9), and 559.72(10), amongst others.
22. This series of abusive collection calls and the personal threats and threats of lawsuit or interference with the Plaintiff's business by Defendant and its employees pushed Plaintiff to become increasingly stressed and anxious.
23. Defendant's repeated attempts to collect this debt by speaking with the Plaintiff's mother and fiancé, was an invasion of Plaintiff's privacy and her right to be left alone and caused a great deal of embarrassment and humiliation.

24. Defendant's illegal abusive collection communications as more fully described above were the direct and proximate cause of severe emotional distress on the part of the Plaintiff and caused her unnecessary personal strain in his personal life and at work.
25. Plaintiff has suffered actual damages as a result of these illegal collection communications by the Defendant in the form of anger, anxiety, emotional distress, fear, frustration, upset, humiliation, embarrassment, amongst other negative emotions, as well as suffering from unjustified and abusive invasions of personal privacy.

TRIAL BY JURY

26. Plaintiff is entitled to and hereby respectfully demands a trial by jury on all issues so triable. US Const. amend. 7. Fed.R.Civ.P. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 et seq.

27. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
28. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.

29. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

COUNT II.

INVASION OF PRIVACY BY INTRUSION UPON SECLUSION

30. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.
31. Congress explicitly recognized a consumer's inherent right to privacy in collection matters in passing the Fair Debt Collection Practices Act, when it stated as part of its findings:

Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and **to invasions of individual privacy.**

15 U.S.C. § 1692(a) (emphasis added).

32. Defendant and/or their agents intentionally and/or negligently interfered, physically or otherwise, with the solitude, seclusion and or private concerns or affairs of Plaintiff, namely, by demanding Plaintiff's employment file from his employer.
33. Plaintiff had a reasonable expectation of privacy in Plaintiff's solitude, seclusion, private concerns or affairs, and private financial information.

34. The conduct of the Defendant and their agents, in engaging in the above-described illegal collection practices against the Plaintiff, resulted in multiple intrusions and invasions of privacy by the Defendant which occurred in a way that would be highly offensive to a reasonable person in that position.
35. As a result of such intrusions and invasions of privacy, Plaintiff is entitled to actual damages in an amount to be determined at trial.

COUNT III.

VIOLATIONS OF THE FLORIDA CONSUMER COLLECTION PRACTICES

ACT

Fla. Stat. § 559.72 et seq.

36. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.
37. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FCCPA including, but not limited to, each and every one of the above-cited provisions of the FCCPA, Fla. Stat. § 559.72 et seq.
38. As a result of Defendant's violations of the FCCPA, Plaintiff is entitled to actual damages; statutory damages in an amount up to \$1,000.00; and reasonable attorney's fees and costs pursuant to Fla. Stat. § 559.77(2).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered against each and every Defendant:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 et seq.

- for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Defendant and for Plaintiff;
- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against Defendant and for Plaintiff;
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant and for Plaintiff;

COUNT II.

INVASION OF PRIVACY BY INTRUSION UPON SECLUSION

- for an award of actual damages from Defendant for the emotional distress suffered as a result of the intentional and/or negligent FDCPA violations and intentional and/or negligent invasions of privacy in an amount to be determined at trial and for Plaintiff; and
- for such other and further relief as may be just and proper.

COUNT III.

VIOLATIONS OF THE FLORIDA CONSUMER COLLECTION PRACTICES

ACT

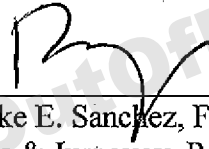
Fla. Stat. § 559.72 et seq.

- for an award of actual damages pursuant to Fla. Stat. § 559.77(2) against Defendant and for Plaintiff;

- for an award of statutory damages of \$1,000.00 pursuant to Fla. Stat. § 559.77(2) against Defendant and for Plaintiff;
- for an award of costs of litigation and reasonable attorney's fees pursuant to Fla. Stat. § 559.77(2) against Defendant and for Plaintiff;

Dated: 10/18/12

Respectfully submitted,



Brooke E. Sanchez, FL Bar # 26860
Lewis & Jurnovoy, PA
1100 North Palafox Street
Pensacola, FL 32501
Telephone: (850) 432-9110
Facsimile: (850) 433-8794
Email: brooke@4-debtor.com

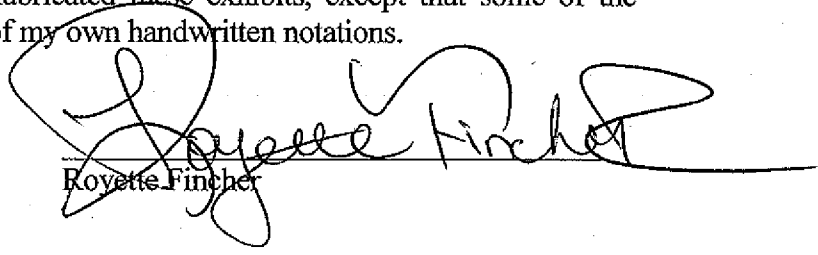
Attorneys for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF FLORIDA)
)
COUNTY OF ESCAMBIA)

Plaintiff, Royette Fincher, having first been duly sworn and upon oath, deposes and says as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.



Royette Fincher

Subscribed and sworn to before me
this 15th day of October 2012.



Notary Public

