

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

Robbin Pritchett,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.: _____
	)	
Midland Credit Management, Inc., et	)	
al.,	)	
	)	
Defendants.	)	

**DEFENDANT MIDLAND CREDIT MANAGEMENT, INC.’S
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Midland Credit Management, Inc. (“Midland”) hereby removes this action to the United States District Court for the Northern District of Alabama and further states as follows:

1. Plaintiff Robbin Pritchett filed this action against Midland and several fictitious defendants in the Circuit Court of Jefferson County, Alabama (Birmingham Division) on September 5, 2023.¹ In her complaint, Plaintiff asserts a

¹ See *Robbin Pritchett v. Midland Credit Management, Inc.; et al.*, Pl.’s Compl., No. 2023-cv-903124.00 (Cir. Ct. Jefferson Cnty., Ala. (Birmingham Div.), Sept. 5, 2023). Along with the other requisite underlying court filings and submissions, a copy of Plaintiff’s complaint is included within Exhibit 1 hereto.

single claim—*i.e.*, a federal Fair Debt Collection Practices Act (“FDCPA”) count against Midland.²

2. Plaintiff’s complaint alleges that Plaintiff suffered injuries and damages and that such claimed injuries and damages were caused by Midland, and Plaintiff is seeking redress for said alleged injuries and damages in this litigation.³

3. Plaintiff’s complaint was served on Midland’s registered agent on September 13, 2023.⁴

4. This notice of removal is timely given that it is being filed within thirty (30) days of Midland’s receipt of Plaintiff’s complaint. *See* 28 U.S.C. § 1446(b)(1).

5. This Court has jurisdiction over this action on the basis of federal question jurisdiction in that Plaintiff’s complaint asserts a single claim, and said claim arises under the Constitution, laws, or treaties of the United States—*i.e.*, Plaintiff’s FDCPA (*see* 15 U.S.C. § 1692, *et seq.*) count.⁵ *See* 28 U.S.C. § 1331 (“The district courts shall have original jurisdiction of all civil actions arising under

² *See Pritchett*, Pl.’s Compl. at p. 6, ¶¶ 23-24, No. 2023-cv-903124.00 (Cir. Ct. Jefferson Cnty., Ala. (Birmingham Div.), Sept. 5, 2023).

³ *See Pritchett*, Pl.’s Compl., No. 2023-cv-903124.00 (Cir. Ct. Jefferson Cnty., Ala. (Birmingham Div.), Sept. 5, 2023).

⁴ *See Pritchett*, Service Return, No. 2023-cv-903124.00 (Cir. Ct. Jefferson Cnty., Ala. (Birmingham Div.), Sept. 25, 2023).

⁵ *See Pritchett*, Pl.’s Compl. at p. 6, ¶¶ 23-24, No. 2023-cv-903124.00 (Cir. Ct. Jefferson Cnty., Ala. (Birmingham Div.), Sept. 5, 2023).

the Constitution, laws, or treaties of the United States.”).⁶ Thus, this Court has original subject matter jurisdiction over this case.

6. This action may be removed to this Court pursuant to 28 U.S.C. § 1441. *See* 28 U.S.C. § 1441(a) (“Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”).⁷

7. Pursuant to 28 U.S.C. § 1446(a), Midland has attached copies of all process, pleadings, orders, and other papers served or otherwise filed in the underlying action.⁸

8. On the date of this filing, and as required by 28 U.S.C. § 1446(d), Midland will provide written notice of the filing of this notice of removal to Plaintiff, and Midland will file a true and correct copy of the same with the Clerk of the Circuit Court of Jefferson County, Alabama (Birmingham Division).

⁶ *See also* 15 U.S.C. § 1692k(d) (providing that “an action to enforce any liability created by this title may be brought in any appropriate United States district court without regarding to the amount in controversy”).

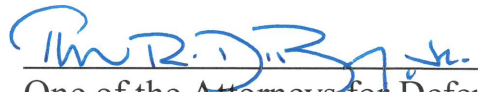
⁷ *Cf., e.g., Scheffler v. Gurstel Chargo, P.A.*, 902 F.3d 757, 760 (8th Cir. 2018) (action appropriately removed from state court to federal court where plaintiff’s “operative complaint alleged that [defendant] violated his rights under provisions of the FDCPA”).

⁸ *See* Ex. 1.

9. No admission of fact, law, or liability is intended by this notice of removal, and all defenses, pleadings, and motions are expressly reserved.

WHEREFORE, Defendant Midland Credit Management, Inc. respectfully provides notice that the above-captioned action is removed to the United States District Court for the Northern District of Alabama (Southern Division).

Respectfully submitted,


One of the Attorneys for Defendant,
Midland Credit Management, Inc.

OF COUNSEL:

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

ROBBIN PRITCHETT,
an individual,

Plaintiff,

v.

MIDLAND CREDIT
MANAGEMENT INC;
Fictitious Defendants “A”, “B” and
“C” thereby intending to refer to
the legal entity, person, firm or
corporation which was responsible
for or conducted the wrongful acts
alleged in the Complaint; Names of
the Fictitious parties are unknown
to the Plaintiff at this time but will
be added by amendment when
ascertained

Defendants.

Civil Action No.:

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW the Plaintiff, by and through counsel, in the above styled cause, and for Plaintiff’s Complaint against the Defendant¹ states as follows:

1. This action arises out of Defendant’s repeated violations of the Fair Debt Collection Practices Act², 15 U.S.C. § 1692 et seq. (“FDCPA”) by the

¹ “Defendant” means all defendants, including fictitiously named defendants.

² Any reference the FDCPA or any part thereof encompasses all relevant parts and subparts of each statute.

Defendant and its agents in their illegal efforts to collect a consumer debt from Plaintiff.

PARTIES

2. Plaintiff **ROBBIN PRITCHETT** (hereinafter “**Plaintiff**”) is a natural person who is a resident of Alabama.
3. Defendant **MIDLAND CREDIT MANAGEMENT INC** (hereinafter “**Defendant**”), is a debt collection firm that engages in the business of debt collection. Its principal business purpose is the collection of defaulted debts, and it uses various instruments of interstate commerce to accomplish debt collection including sending letters, calling on the phone, credit reporting, filing of lawsuits, etc.
4. **Fictitious Defendants “A”, “B” and “C”** thereby intending to refer to the legal entity, person, firm or corporation which was responsible for or conducted the wrongful acts alleged in the Complaint; names of the Fictitious parties are unknown to the Plaintiff at this time but will be added by amendment when ascertained.
5. Any reference to any **Defendant** refers to all **Defendants** and **Fictitious Defendants**.

JURISDICTION

6. Personal jurisdiction exists over **Defendant** as **Defendant** has the necessary minimum contacts with the State of Alabama and this suit arises out of **Defendant's** specific conduct with **Plaintiff** in Alabama. All the actions described in this suit occurred in Alabama.

VENUE

7. Venue is proper as **Defendant** does business in this judicial district.

FACTUAL ALLEGATIONS

8. Congress found it necessary to pass the FDCPA due to rampant abusive practices by dishonorable debt collectors. 15 USC § 1692 is entitled "Congressional findings and declaration of purpose" and it states as follows:
- (a) There is **abundant evidence** of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. **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**.
 - (b) Existing laws and procedures for redressing these injuries are inadequate to protect consumers.
 - (c) **Means other than** misrepresentation or other **abusive debt collection practices are available for the effective collection of debts**.
 - (d) Abusive debt collection practices are carried on to a substantial extent in interstate commerce and through means and instrumentalities of such commerce. Even where abusive debt collection practices are purely intrastate in character, they nevertheless directly affect interstate commerce.
 - (e) It is the **purpose** of this title to **eliminate abusive debt collection practices** by debt collectors, to **insure that those debt collectors who refrain from using abusive debt collection**

practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.

[Emphasis added].

9. **Plaintiff** allegedly 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).
10. **Defendant** is considered a “debt collector” and began engaging in debt collection activities against **Plaintiff**.
11. The primary and principal business of **Defendant** is to collect alleged defaulted debts.
12. At the time that **Defendant** received the alleged debt of **Plaintiff**, the alleged debt was in default.
13. **Defendant** claimed **Plaintiff** owed **Defendant** money.
14. **Defendant** began collection activities against **Plaintiff**.
15. **Plaintiff** sent a letter to **Defendant**, and it was delivered to **Defendant** on **July 25, 2023**.
16. As is **Plaintiff’s** right under the FDCPA and Regulation F, the letter stated that only communication by text or email was convenient, and all other forms of communication were not convenient (such as a letter from **Defendant**) and gave **Plaintiff’s** cell phone number (for texting purposes) and email address.

17. Despite this clear instruction, and in an attempt to intimidate, harass, and oppress **Plaintiff**, the **Defendant** sent **Plaintiff** a letter which is a communication about the debt and was an attempt to collect the debt, dated **July 31, 2023**.
18. **Defendant's** letter falsely claimed Plaintiff "requested documentation about the accuracy of our records concerning this Account."
19. In fact, the letter from **Plaintiff** specifically said, "Please note I do NOT want you to send me any information – I simply want you to know that I dispute any debts you claim to have on me. This is not a request for validation or verification. I am not interested in you sending me any documentation. I'm trying to be clear – do not send me any documentation through the mail as receiving mail from you is inconvenient to me."
20. **Defendant's** collection efforts were designed to confuse, harass, and deceive **Plaintiff**.
21. All of the above-described actions by **Defendant** and collection agents of **Defendant** were made in violation of the FDCPA.
22. The conduct of the **Defendant** has proximately caused **Plaintiff** damages.

CAUSES OF ACTION

COUNT I.

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 et seq.**

23. The acts and omissions of **Defendant** and its agents constitute numerous and multiple violations of the FDCPA (and Regulation F) with respect to **Plaintiff**, including, but not limited to, violations of 1692c, 1692c(a), 1692c(a)(1), 1692d, 1692e, 1692e(10), 1692f and 1692f(1) along with Regulation F related to these sections and communication between debt collectors (such as **Defendant**) and **Plaintiff**.
24. As a result of **Defendant**'s violations of the FDCPA, **Plaintiff** is entitled to damages and reasonable attorney's fees and costs from **Defendant**.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that judgment be entered against **Defendant** for all damages allowable, costs, expenses, attorney fees, injunctive relief to prevent further violations, and for such other and further relief as may be just and proper.

Respectfully Submitted,

/s/ Patricia S. Lockhart

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