

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Latifah Smith,

Plaintiff,

vs.

ConServe,

Defendant.

Case No.:

COMPLAINT

JURY TRIAL DEMAND

NOW COMES THE PLAINTIFF, LATIFAH SMITH, BY AND
THROUGH COUNSEL, and for her Complaint against the Defendant, pleads as
follows:

JURISDICTION

1. This is an action for damages, brought against a debt collector for violating the Fair Debt Collection Practices Act at 15 U.S.C. § 1692 et seq.

VENUE

2. The transactions and occurrences which give rise to this action occurred in the city of Philadelphia, Philadelphia County, State of Pennsylvania.
3. Venue is proper in the Eastern District of Pennsylvania.

PARTIES

4. Plaintiff is a natural person residing in the city of Philadelphia, Philadelphia County, Pennsylvania.
5. The Defendant to this lawsuit is Spring Oaks Capital LLC (“Defendant”), which is a foreign limited liability company that conducts business in the State of Georgia.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect a consumer-type debt allegedly owed to a third party in the amount of \$768.00 (the alleged “Debt”).
7. Plaintiff disputes the alleged Debt.
8. Sometime prior to February 2023, Plaintiff obtained her credit reports and noticed Defendant reporting the alleged Debt as a collection item. Plaintiff sent Defendant a letter disputing the collection item.
9. On February 23, 2024, Plaintiff obtained her Experian credit report again and noticed that Defendant was continuing to report the alleged debt as “Account previously in dispute-investigation complete, reported by data furnisher.”
10. On or about February 27, 2024, Plaintiff sent Defendant a subsequent letter disputing the collection item. In her letter, Plaintiff explained that she previously disputed the Debt and that Defendant was reporting the Debt as previously in dispute, which was false because Plaintiff still, in fact, disputed it.

11. On March 6, 2024, Defendant received the Plaintiff's letter.
12. On April 22, 2024, Plaintiff obtained her Experian credit report, which showed Defendant last reported the collection item reflected by Experian on April 13, 2024, and failed or refused to flag collection item as disputed, in violation of the FDCPA.
13. In the credit reporting industry, data furnishers, such as the Defendant, communicate electronically with the credit bureaus.
14. Defendant had more than ample time to instruct Experian to flag its collection item as Disputed.
15. Defendant's inaction to have its collection item on Plaintiff's credit report flagged as disputed was either negligent or willful.
16. Plaintiff suffered pecuniary and emotional damages as a result of Defendant's actions. Because Defendant failed or refused to flag its collection item as disputed, Plaintiff's credit score has been improperly depressed, making it harder for her to obtain employment, housing, and credit for her day-to-day needs. Her credit report continues to be damaged due to the Defendant's failure to properly report the associated collection item. Plaintiff has suffered emotional damages such as stress, anxiety, depression, nervousness, frustration, embarrassment, and humiliation. Plaintiff also suffered physical damages such as loss of sleep, inability to concentrate, headaches, and restlessness.

**COUNT I – VIOLATION OF THE FAIR DEBT COLLECTION
PRACTICES ACT**

17. Plaintiff reincorporates the preceding allegations by reference.
18. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
19. Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue, in this case, is a consumer debt.
20. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6). Defendant's foregoing acts in attempting to collect this alleged debt violated the FDCPA at 15 U.S.C. §1692e by reporting credit information which is known to be false, including failure to communicate that a disputed debt is disputed.
21. Plaintiff has suffered harm and damage at the hands of the Defendant as this harm was one specifically identified and intended to be protected against on behalf of a consumer, such as the Plaintiff, by Congress.
22. Defendant's failure to flag its collection item on Plaintiff's consumer credit file is humiliating and embarrassing to the Plaintiff as it creates a false impression to users of her credit report that she has simply ignored this debt when, in fact, she disputes its validity.

23. To date, and as a direct and proximate cause of the Defendant's failure to honor its statutory obligations under the FDCPA, the Plaintiff has continued to suffer from stress, anxiety, depression, nervousness, frustration, embarrassment, and humiliation. Plaintiff also suffered physical damages such as loss of sleep, inability to concentrate, headaches, and restlessness resulting from Defendant's violations of the FDCPA.

24. Plaintiff has suffered economic, emotional, general, and statutory damages as a result of these violations of the FDCPA.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grants her damages plus costs, interest, and attorneys' fees as provided by the Fair Debt Collection Practices Act.

DEMAND FOR JUDGMENT RELIEF

Accordingly, Plaintiff requests that the Court grant her the following relief against the Defendant:

- a. Actual damages;
- b. Statutory damages; and
- c. Statutory costs and attorneys' fees.

JURY DEMAND

Plaintiff hereby demands a trial by Jury.

Respectfully submitted.

August 16August 16,
2024

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