

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ZACHARY LATIMORE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action Number:
	)	
CREDIT COLLECTION SERVICES;	)	
FRONTIER COMMUNICATIONS;	)	
	)	
Defendants.	)	JURY TRIAL DEMANDED

PLAINTIFF’S COMPLAINT

Plaintiff Zachary Latimore, in the above-styled cause, hereby files his Complaint against the Defendants as follows:

PARTIES

1. The Plaintiff, Zachary Latimore, is a resident and citizen of the state of Texas, Dallas County, and is over the age of twenty-one (21) years. Plaintiff is a consumer as defined by 15 U.S.C. § 1692a(3) and by applicable Texas law.
2. The Defendant, Credit Collection Services (“CCS”), is an entity and was, in all respects and at all times relevant herein, doing business in the state of Texas in this district, and in Dallas County, Texas, and is registered to do business in Texas. Defendant CCS is in the business of of collecting consumer debts. Defendant CCS is a “Third-party debt collector” as defined by Tex. Fin. Code § 392.001(7). The debt at issue is a “consumer debt” as defined by Tex. Fin. Code § 392.001(6).

3. The Defendant Frontier Communications (“Frontier”), is a foreign entity and was, in all respects and at all times relevant herein, doing business in the state of Texas in this district and in Dallas County, Texas. Defendant CCS is a “Debt collector” as defined by Tex. Fin. Code § 392.001(6). The debt at issue is a “consumer debt” as defined by Tex. Fin. Code § 392.001(6).

JURISDICTION AND VENUE

4. This Court has jurisdiction under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, and § 1367. Venue is proper in that the Defendant transacted business here and the Plaintiff resides here.

FACTUAL ALLEGATIONS

5. On or about December 2023, Plaintiff arranged for internet service with Frontier for his apartment located in Irving, Texas.
6. After multiple unsuccessful attempts to get a technician from Frontier to come to his apartment and install internet services, Plaintiff canceled the service he never received and opted to use a different internet service provider.
7. Despite having not received internet service from Frontier and canceling said service due to failure to install it, Frontier billed Plaintiff for internet service.
8. Plaintiff contacted Frontier on multiple occasions to dispute their billing him for services he did not receive.
9. In March 2024, Frontier finally stopped billing Plaintiff but represented to Plaintiff that he had accrued charges in the approximate amount of \$818.00 for internet services it never provided to him.
10. After continuing to dispute the erroneous billing, Frontier eventually removed one month’s billing amount leaving a balance of approximately \$618.00.

11. Plaintiff continued to dispute with Frontier that he owed it any money.
12. Frontier, undeterred from continuing to compel Plaintiff into paying money he never owed, sent his account to Defendant CCS, a collection agency.
13. CCS sent Plaintiff a collections letter on or about July 16, 2024 in an effort to collect the debt that Frontier alleged Plaintiff owed for the services it never provided.
14. The July 16, 2024 collection letter stated that CCS was going to report adverse credit information regarding Plaintiff to the three major credit reporting agencies.
15. Reporting adverse credit information to the credit reporting agencies is done by CCS in an attempt to collect debt from consumers.
16. Plaintiff obtained his credit reports and CCS has reported the alleged Frontier debt to the credit reporting agencies.
17. The alleged Frontier debt was incurred for personal or household purposes.
18. Plaintiff does not owe the Frontier debt that CCS is attempting to collect.
19. Plaintiff is employed with the United States Government and holds a top secret security clearance.
20. In that position, Plaintiff's credit is routinely monitored by the United States Government.
21. The false adverse credit information reported by CCS is likely to have an extremely detrimental effect on Plaintiff's employment and could potentially cost him his job.

COUNT ONE
FDCPA CLAIM AGAINST DEFENDANT CCS

22. The Plaintiff adopts the factual averments and allegations of all the above paragraphs hereinbefore as if fully set forth herein.
23. The Defendant CCS engaged in collection activities and practices in violation of the Fair Debt

Collection Practices Act.

24. The Defendant CCS made false representations of the character, amount, or legal status of any debt and used false representations or deceptive means to collect or attempt to collect the debt or to obtain information concerning a consumer.15 U.S.C. § 1692e.
25. As a proximate cause of Defendant CCS's actions, the Plaintiff lost time and has suffered mental damages and the accompanying physical damages.

COUNT TWO
VIOLATIONS OF THE TEXAS DEBT COLLECTION PRACTICES ACT AGAINST
DEFENDANT CCS AND DEFENDANT FRONTIER

26. The Plaintiff adopts the factual averments and allegations of all the above paragraphs hereinbefore as if fully set forth herein.
27. Defendants Frontier and CCS violated Tex. Fin. Code § 392.304(8) by misrepresenting the character, extent, or amount of a consumer debt.
28. Defendant CCS violated Tex. Fin. Code § Sec. 392.301(8) by threatening to take an action prohibited by law in reporting the false consumer debt to consumer reporting agencies.
29. As a proximate cause of Defendants' conduct, the Plaintiff lost time and has suffered mental damages and the accompanying physical damages.

COUNT THREE
VIOLATIONS OF THE TEXAS DECEPTIVE TRADE PRACTICES ACT AGAINST
DEFENDANT CCS AND DEFENDANT FRONTIER

30. The Plaintiff adopts the factual averments and allegations of all the above paragraphs hereinbefore as if fully set forth herein.
31. Under the Texas Debt Collection Practices Act, "A violation of this chapter is a deceptive trade practice under Subchapter E, Chapter 17, Business & Commerce Code, and is actionable under

that subchapter.” Tex. Fin. Code § Sec. 392.404.

- 32. Plaintiff has alleged violations under the Texas Debt Collection Practices Act.
- 33. Plaintiff alleges the Defendant CCS and Defendant Frontier’s actions were done willfully.
- 34. As a proximate cause of Defendants’ conduct, the Plaintiff lost time and has suffered mental damages and the accompanying physical damages.

AMOUNT OF DAMAGES DEMANDED

Plaintiff demands a judgment against the Defendants as follows:

- 35. Compensatory and punitive damages against the Defendants;
- 36. Remedies available under the FDCPA, including statutory damages, costs, and attorneys’ fees and any other compensatory damages pursuant to 15 U.S.C. § 1692k; and,
- 37. Remedies available under cited Texas law, including statutory damages, compensatory damages, exemplary damages, costs and attorneys’ fees and any other available damages; and,
- 38. Such other and further relief that this Court deems necessary, just and proper.

PLAINTIFF DEMANDS TRIAL BY STRUCK JURY

/S/ JOHN C. HUBBARD
JOHN C. HUBBARD
Attorney for Plaintiff

OF COUNSEL:
JOHN C. HUBBARD, LLC
PO Box 953
Birmingham, AL 35203
(205) 378-8121
jch@jch-law.com

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 the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ZACHARY LATIMORE

(b) County of Residence of First Listed Plaintiff Dallas
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

John C. Hubbard, LLC PO Box 953 Birmingham, AL
35203 205-378-8121

DEFENDANTS

CREDIT COLLECTION SERVICES; FRONTIER COMMUNICATIONS:

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

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

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 III)

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

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☒ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

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 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. § 1692

Brief description of cause:
Wrongful Debt Collection**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

9/30/24

/s/ John C. Hubbard

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Case 3:24-cv-02457-L Document 1-1 Filed 09/30/24 Page 2 of 2 PageID 7
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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 the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. **(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.