UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KAREN MARTINELLI, individually and as Trustee of The Martinelli Trust, dated June 23, 1994, on behalf of herself and all others similarly situated, Plaintiffs, v. HUSCH BLACKWELL LLP, Defendant.	Civil Action No. 24-1474

NOTICE OF FILING REMOVAL

Defendant Husch Blackwell LLP ("Defendant" or "Husch Blackwell") by and through its counsel, hereby removes this action from the Circuit Court for Milwaukee County, Wisconsin to the United States District Court for the Eastern District of Wisconsin pursuant to 28 U.S.C. §§ 1441, *et seq*. In support of removal, Husch Blackwell states as follows:

1. **State Court File**. On October 10, 2024, Plaintiff Karen Martinelli initiated this action by filing a Complaint in the Circuit Court for Milwaukee County, Wisconsin, case number 2024CV008114 (the "State Court Action"). Pursuant to 28 U.S.C. § 1446(a). A true and correct copy of all process, pleadings, and orders served upon Husch Blackwell in the State Court Action is attached hereto as **Exhibit A**. A true and correct copy of the docket from the State Court Action are attached hereto as **Exhibit B**.

2. **Removal is Timely**. Plaintiff served Husch Blackwell with the Summons and Complaint in the State Court Action on October 15, 2024. Because this Notice of Removal is being filed within 30 days following such purported service, removal is timely pursuant to 28 U.S.C. § 1446(b).

3. **Nature of Plaintiff's Claims**. The first paragraph of Plaintiff's Complaint states

that she is seeking "to secure redress from unlawful credit and collection practices engaged in by Defendant Husch," alleging "violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq." More specifically, Plaintiff alleges that Husch Blackwell sent misleading and confusing communications concerning her legal right to dispute a debt contrary to 15 U.S.C. §§ 1692, *et seq*.

4. **<u>Federal Question Jurisdiction</u>**. This Court has original subject-matter jurisdiction over Plaintiff's civil action pursuant to 28 U.S.C. § 1331 (federal question) because it arises under the laws of the United States, specifically the Fair Debt Collection Practices Act. See 15 U.S.C. § 1692 *et seq*. Thus, removal to this Court is appropriate pursuant to 28 U.S.C. § 1441(a), which permits removal of any civil action brought in a state court of which the district courts of the United States have original jurisdiction.

5. **<u>Consent for Removal</u>**. As of this filing, Husch Blackwell is the only defendant in this action, and thus it is the only party who must consent to removal. *See* 28 U.S.C. § 1446(b)(2).

6. **<u>Venue</u>**. Venue in this Court is proper under 28 U.S.C. § 1446(a) because this case was pending in the Circuit Court of Milwaukee County, Wisconsin. This court is the district "within which [the state court] action is pending." 28. U.S.C. § 1446(a).

7. **<u>Service of Notice</u>**. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice is being given to Plaintiff and will be filed with the clerk of the Circuit Court of Milwaukee County, Wisconsin.

8. **<u>Preservation of Defenses</u>**. By filing this notice of removal, Husch Blackwell does not waive and hereby reserves all rights to assert objections and defenses to Plaintiff's Complaint.

WHEREFORE, Husch Blackwell respectfully requests that this action be removed from the Circuit Court of Milwaukee County, Wisconsin to the United States District Court for the Eastern District of Wisconsin.

Dated: November 14, 2024

WOMBLE BOND DICKINSON (US) LLP

/s/ Mary Elizabeth O'Neill

Mary Elizabeth O'Neill (SBN# 1017917)
301 S. College Street, Suite 3500
Charlotte, NC 28202
Telephone: 704-350-6310
Email: Elizabeth.ONeill@wbd-us.com

CERTIFICATION OF SERVICE

I hereby certify that on November 14, 2024, a true and accurate copy of the foregoing document was served through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Mary Elizabeth O'Neill
Mary Elizabeth O'Neill (SBN# 1017917)

EXHIBIT A

FILED
10-10-2024
Anna Maria Hodges
Clerk of Circuit Court
2024CV008114
Honorable Timothy Witkowiak-22
Branch 22

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE

Karen Martinelli vs. Husch Blackwell LLP

Electronic Filing Notice

Case No. 2024CV008114
Class Code: Other-Contract

HUSCH BLACKWELL LLP
511 N. BORADWAY, SUITE 1100
MILWAUKEE WI 53202

UNREDACTED

Case number 2024CV008114 was electronically filed with/converted by the Milwaukee County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at **http://efiling.wicourts.gov/** and may withdraw as an electronic party at any time. There is a fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 6094d4

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 414-278-4140.

PROCESS SERVER

10-15-24 9:50am

DATE / TIME

Milwaukee County Circuit Court
Date: October 11, 2024

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

KAREN MARTINELLI
individually and as Trustee
of the Martinelli Trust,
dated June 23, 1994,
1717 E. Kensington Blvd., #404
Shorewood, WI 53211
on behalf of herself and all others similarly situated,

Plaintiff,

v.

Case No. ____________________
Case Code: 30303

HUSCH BLACKWELL LLP,
511 N. Broadway, Suite 1100
Milwaukee, WI 53202,

Defendant.

SUMMONS

THE STATE OF WISCONSIN, to the said defendant (and each of them):

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an answer that does not follow the requirements of the Statutes. The answer must be sent or delivered to the court, whose address is: 901 N. 9th St., Milwaukee, WI 53233, and HNM Law, LLC, plaintiff's attorney, whose address is: PO Box 26273, Wauwatosa, WI 53226. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 10th day of October, 2024.

s/ Heidi N. Miller
Heidi N. Miller, WI #1087696

HNM Law, LLC
PO Box 26273
Wauwatosa, WI 53226
(414) 306-7000
E: heidi@hnm-law.com

Attorney for Plaintiff

STATE OF WISCONSIN **CIRCUIT COURT BRANCH** **MILWAUKEE COUNTY**

KAREN MARTINELLI,
individually and as Trustee
of The Martinelli Trust,
dated June 23, 1994,
1717 E. Kensington Blvd., #404
Shorewood, WI 53211
on behalf of herself and all others similarly situated,

Plaintiff,

Case No: ________________
Case Code: 30303

v.

HUSCH BLACKWELL LLP,
511 N. Broadway, Suite 1100
Milwaukee, WI 53202,

Defendant.

COMPLAINT – CLASS ACTION

PRELIMINARY STATEMENT

COMES NOW the Plaintiff Karen Martinelli, suing individually an on behalf of the Martinelli Trust dated June 23, 1994 ("Martinelli"), on behalf of herself and all others similarly situated, by and through her attorneys, and as a complaint against the Defendant Husch Blackwell LLP ("Husch") alleges the following:

INTRODUCTION

1. Plaintiff Martinelli individually and on behalf of all others similarly situated brings this action to secure redress from unlawful credit and collection practices engaged in by Defendant Husch. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA").

2. The FDCPA broadly prohibits unfair or unconscionable collection methods, conduct

which harasses or abuses any debtor, and the use of any false or deceptive statements in connection with debt collection attempts. It also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

3. In enacting the FDCPA, Congress found that: "[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors.

4. 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).

5. Because of this, courts have held that "the FDCPA's legislative intent emphasizes the need to construe the statute broadly, so that we may protect consumers against debt collectors' harassing conduct." and that "[t]his intent cannot be underestimated." *Ramirez v. Apex Financial Management LLC*, 567 F.Supp.2d 1035, 1042 (N.D.Ill. 2008).

6. The FDCPA encourages consumers to act as "private attorneys general" to enforce the public policies and protect the civil rights expressed therein. *Crabill v. Trans Union, LLC*, 259 F.3d 662, 666 (7th Cir. 2001).

7. Plaintiff seeks to enforce those policies and civil rights which are expressed through the FDCPA, 15 U.S.C. §1692 *et seq.*

8. Plaintiff and each class member received a misleading and confusing communication concerning their legal right to dispute a debt.

VENUE AND JURISDICTION

9. Jurisdiction over the subject matter of this action is conferred by Article VII, Section 8 of the Wisconsin Constitution and Wis. Stat. §801.04(1) and personal jurisdiction is conferred by Article VII, Section 8 of the Wisconsin Constitution and Wis. Stat. §801.05(1)(d) because defendant is engaged in substantial and not isolated activities within this state.

10. Venue is proper in this Court pursuant to Wis. Stat. §801.50 because Plaintiff resides

in this county, the claim arose in this county, and the acts described herein occurred in this county.

PARTIES

11. Plaintiff Martinelli sues individually and as Trustee of the Martinelli Trust dated June 23, 1994. This is a revocable trust which holds title to a condominium unit, 1717 E. Kensington Blvd., Unit 404, Shorewood, WI 43211, in which Karen Martinelli resides.

12. "3. Trusts. Credit extended to trusts established for tax or estate planning purposes or to land trusts, as described in comment 3(a)-10, is considered to be extended to a natural person for purposes of the definition of consumer." Consumer Financial Protection Bureau Regulation Z, 12 C.F.R. part 1026, Supp. I,¶ 2(a)(11)3.

13. Defendant Husch is a law firm organized as a limited liability partnership. It has offices at 511 North Broadway, Suite 1100, Milwaukee, WI 53202.

14. Defendant Husch has or had a "Condominium and HOA Law Team" and a "Condo Department" which regularly collected debts owed by individuals to homeowners' associations and similar community associations. (Exhibit A) It used the mails, telephone system and Internet for that purpose.

15. Defendant Husch is a "debt collector" as that term is defined by 15 U.S.C. §1692a(6).

FACTS

16. Defendant Husch was hired to collect and has been attempting to collect from_Plaintiff Martinelli amounts allegedly owed to the Metropolitan Residential Condominium Owners Association, Inc. ("Association"). The Association includes the property at 1717 E. Kensington Blvd., Shorewood, WI 53202. The Martinelli Trust includes Unit 404 at that address.

17. All amounts owed by Plaintiff on account of the property at 1717 E. Kensington Blvd., Unit 404, Shorewood, WI 53202, were incurred for personal, family or household purposes, namely a residence, and not for business purposes.

18. On or about February 12, 2024, Defendant sent Plaintiff the letter attached as Exhibit B, by mail and email. Plaintiff received it.

19. Exhibit B was the first communication Plaintiff received from Defendant concerning the debt.

20. Exhibit B is a form or template letter used by Husch to collect community association debts. It is filled in with the date, addressee, account number, name of the association, and details of the debt.

21. Exhibit B is intended for use as the initial letter Husch sends to collect community association debts and is regularly used for that purpose.

22. A debt collector is required under the Federal Fair Debt Collection Practices Act to provide a "validation notice" as part of or within 5 days after the initial communication to a consumer.

23. The FDCPA itself, at 15 U.S.C. §1692g, provides

> Validation of debts
>
> (a) Notice of debt; contents
>
> Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing—
>
> (1) the amount of the debt;
>
> (2) the name of the creditor to whom the debt is owed;
>
> (3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;
>
> (4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment

against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and

(5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

(b) Disputed debts

If the consumer notifies the debt collector in writing within the thirty-day period described in subsection (a) that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall cease collection of the debt, or any disputed portion thereof, until the debt collector obtains verification of the debt or a copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector. Collection activities and communications that do not otherwise violate this subchapter may continue during the 30-day period referred to in subsection (a) unless the consumer has notified the debt collector in writing that the debt, or any portion of the debt, is disputed or that the consumer requests the name and address of the original creditor. Any collection activities and communication during the 30-day period may not overshadow or be inconsistent with the disclosure of the consumer's right to dispute the debt or request the name and address of the original creditor. . . .

24. "Thirty days after receipt of the notice" is indefinite from the perspective of the debt collector. Accordingly, the Consumer Financial Protection Bureau, which has authority to issue regulations implementing the FDCPA, issued, as part of Regulation F, 12 C.F.R. §1006.34(b)(5) and a model form validation notice.

25. Section 1006.34(b)(5) provides that "For purposes of determining the end of the validation period, the debt collector may assume that a consumer receives the validation information on any date that is at least five days (excluding legal public holidays identified in 5 U.S.C. §6103(a), Saturdays, and Sundays) after the debt collector provides it."

26. The model form (<u>Exhibit C</u>) provides an example of a "validation notice" that will be

considered to comply, assuming that it is filled out as prescribed in Regulation F and no extraneous information is added.

27. Instead of either using the statutory language or the model form, Husch took elements of both and combined them in an inconsistent, confusing and misleading fashion.

28. Exhibit B first includes the following from the statute: "Federal law gives you 30 days after you receive this notice to dispute the validity of the debt or any part of it."

29. Exhibit B then adds, "The law does not require our firm to wait until the end of the thirty-day period before suing your unit to collect this debt."

30. Exhibit B next instructs the consumer to "Call or write to us by February 22, 2024, to dispute all or part of the debt. If you do not, we will assume that our information is correct."

31. On information and belief, the date inserted in the above statement is never computed in the manner provided by 12 C.F.R. §1006.34(b)(5), but is a substantially shorter period. In the case of Exhibit B, it is 10 calendar days.

32. The result is an inconsistent and misleading statement of the consumer's rights. The consumer is first told she has 30 days after receipt to dispute the debt, but that Husch can sue at any time. Next, the consumer is told she must dispute the debt by a date 10 days in the future. The effect is to deprive the consumer of the 30 days in which she has to dispute the debt.

33. Plaintiff was misled by Exhibit B.

COUNT I – FDCPA

34. Plaintiff incorporates by reference paragraphs 1-33.

35. Defendant Husch violated 15 U.S.C. §1692g, quoted above, and 15 U.S.C. §§1692e, 1692e(2), and 1692e(10) by sending letters in the form of Exhibit B.

36. Section 1692e provides:

> A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:
>
> (2) The false representation of—
>
> (A) the character, amount, or legal status of any debt; . . . .
>
> (10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer. . . .

CLASS ALLEGATIONS

37. Plaintiff brings this claim pursuant to §803.08, Wis. Stats. on behalf of the following Class: "All individuals to whom Husch sent a letter using the same form as Exhibit B, which letter was sent at any time during a period beginning one year prior to the filing of this action and ending 21 days after the filing of this action."

38. This action satisfies the commonality, numerosity, manageability and typicality requirements of Wis. Stat. §803.08.

39. On information and belief, based on the fact that Husch has a ""'Condominium and HOA Law Team" and a "Condo Department," there are more than 40 class members, and the class is so numerous that joinder of all members is not practicable.

40. There are questions of law and fact common to the class members, which common questions predominate over any questions relating to individual class members. The predominant common question is whether the form in Exhibit B violates the FDCPA.

41. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

42. Plaintiff will fairly and adequately represent the class members. Plaintiff has retained counsel experienced in class actions and FDCPA litigation.

43. A class action is superior for the fair and efficient adjudication of this matter, in that:

a. Individual actions are not economically feasible.

b. Members of the class are likely to be unaware of their rights;

c. Congress intended class actions to be the principal enforcement mechanism under the FDCPA.

WHEREFORE, based upon the foregoing allegations, Plaintiff Martinelli, on behalf of herself and all others similarly situated, respectfully requests that this Court grant relief against Husch as follows:

1. An order certifying the proposed class, designating Martinelli named Representative of the class, and designating the undersigned as Class Counsel;
2. A declaration that Husch is financially responsible for promptly notifying all class members of the illegality of its collection practices and that they may be awarded damages in this case;
3. Statutory damages;
4. Attorney's fees, litigation expenses and costs of suit;
5. Such other and further relief as the Court deems proper.

PLAINTIFF DEMANDS A JURY ON ALL ISSUES SO TRIABLE.

Dated: October 10, 2024

Respectfully submitted,

By: */s/ Heidi Miller*
Heidi Miller (#1087696)

Heidi Miller (#1087696)
HNM Law, LLC
PO Box 26273
Wauwatosa, WI 53226
(414) 306-7000
Heidi@hnm-law.com

Admission pro hac vice to be applied for

Daniel A. Edelman
Tara L. Goodwin
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
20 South Clark Street, Suite 1800
Chicago, IL 60603
(312) 739-4200
(312) 419-0379 (FAX)
courtecl@edcombs.com
Dedelman@edcombs.com
tgoodwin@edcombs.com

ATTORNEYS FOR PLAINTIFF

HUSCH BLACKWELL

Association Academy: Condo & HOA Collections

July 20, 2023

12:00 p.m. - 1:00 p.m. CT

Related Industry:

Real Estate, Development, & Construction ❯

Subscribe to Our Mailing List >

Join Husch Blackwell's Condominium & HOA Law Team for the fourth installment of our new online approach to Association Academy, Lunch with Lawyers. During this lunchtime webinar, we will discuss the do's and don'ts of HOA collections and dive further into fines and grievance policies.

Presenters

Daniel J. Miske, Partner, CCAL
Billie Jo Fatheree, Paralegal
Elizabeth Halverson, Paralegal

Who Should Attend

Condominium and HOA board members, as well as property managers

Continuing Education Credit

This program is approved for California, Georgia, Illinois, Iowa, Kansas, Missouri, Nebraska, and Tennessee continuing legal education credit. Colorado, Minnesota, Texas, and Wisconsin credit is pending. This course is approved by Community Association Managers International Certification Board (CAMICB) to fulfill continuing education requirements for the CMCA® certification.

Questions? Contact Emily Shaw at 414.978.5785.

Husch Blackwell LLP
511 North Broadway, Suite 1100
Milwaukee, WI 53202
Direct: (414) 978-5457, from 8am to 5pm CST, Monday to Friday
Fax: 414-223-5000

February 12, 2024

To: The Martinelli Trust, dtd 06-23-1994
1717 E Kensington Blvd, Unit 404
Shorewood, WI 53211

Account Number: D827712-6

Husch Blackwell LLP is a debt collector. We are trying to collect a debt that you owe to The Metropolitan Residential Condominium Owners Association, Inc.. We will use any information you give us to help collect the debt.

Our information shows:

You are an owner of record of a condominium unit in The Metropolitan Residential Condominium Owners Association, Inc. at 1717 E Kensington Blvd, Unit 404, Shorewood, WI 53211

As of August 31, 2023, the account balance is:	$	0.00
Between September 1, 2023, and today:		
You were charged this amount in assessments:	$	2,820.00
You were charged this amount in late fees:	$	0.00
You were charged this amount in interest:	$	51.77
You were charged this amount in attorney fees:	$	387.00
You have made this amount in payments:	$	920.00
Total amount of the debt now:	**$**	**2,338.77**

The governing documents for The Metropolitan Residential Condominium Owners Association, Inc. and/or Wisconsin law provide for the recovery of court costs, attorney's fees, and costs of collection, as reflected in the above $387.00 charge.

Your account is in collection. Until our law firm advises that you are current, ONLY balances or ledgers provided by our law firm can be relied upon.

How can you dispute the debt?

- Federal law gives you 30 days after you receive this notice to dispute the validity of the debt or any part of it. The law does not require our firm to wait until the end of the thirty-day period before suing your unit to collect this debt.
- **Call or write to us by February 22, 2024, to dispute all or part of the debt.** If you do not, we will assume that our information is correct.
- **If you write to us by February 22, 2024,** we must stop collection on any amount you dispute until we send you information that shows you owe the debt. You may use the form below or write to us without the form. You may also include supporting documents. We accept disputes electronically at elizabeth.halverson@huschblackwell.com.

What else can you do?

- **Write to ask for the name and address of the original creditor, if different from the current creditor.** If you write by **February 22, 2024,** we must stop collection until we send you that information. You may use the form below or write to us without the form. We accept such requests electronically at elizabeth.halverson@huschblackwell.com.
- **Go to www.cfpb.gov/debt-collection** to learn more about your rights under federal law. For instance, you have the right to stop or limit how we contact you.
- **Contact us about your payment options.**

Mail this form to:
Husch Blackwell LLP
ATTN: Condo Department
511 North Broadway, Suite 1100
Milwaukee, WI 53202

The Martinelli Trust, dtd 06-23-1994
1717 E Kensington Blvd, Unit 404
Shorewood, WI 53211

How do you want to respond? ***Check all that apply:***

- ☐ I want to dispute the debt because I think:
  - ☐ This is not my debt.
  - ☐ The amount is wrong.
  - ☐ Other (please describe on reverse or attach additional information).
- ☐ **I want you to send me the name and address of the original creditor.**
- ☐ **I want to make a payment.**

Check payable to: Husch Blackwell LLP IOLTA Please reference: **Account Number:** D827712-6	Scan for online Payment

I enclose this amount: $

Appendix B

TABLE OF CONTENTS

Appendix B to Part 1006 – Model Forms.

THIS VERSION IS THE CURRENT REGULATION

View all versions of this regulation (cfpb.gov/rules-policy/regulations/1006/versions/b/)

Search this regulation (cfpb.gov/rules-policy/regulations/search-regulations/results/?regs=1006)

B-1 Model Form for Validation Notice

Appendix B

P.O. Box 123456
Pasadena, CA 91111-2222
(800) 123-4567 from 8am to 8pm EST, Monday to Saturday
www.example.com

2323 Park Street
Apartment 342
Bethesda, MD 20815

Reference: 584-345

North South Group is a debt collector. We are trying to collect a debt that you owe to Bank of Rockville. We will use any information you give us to help collect the debt.

Our information shows:

You had a Main Street Department Store credit card from Bank of Rockville with account number 123-456-789.

As of January 2, 2017, you owed:		$	2,234.56
Between January 2, 2017 and today:			
You were charged this amount in interest:	+	$	75.00
You were charged this amount in fees:	+	$	25.00
You paid or were credited this amount toward the debt:	–	$	50.00
Total amount of the debt now:		**$**	**2,284.56**

Notice: See reverse side for important information.

How can you dispute the debt?

- **Call or write to us by August 28, 2020, to dispute all or part of the debt.** If you do not, we will assume that our information is correct.
- **If you write to us by August 28, 2020,** we must stop collection on any amount you dispute until we send you information that shows you owe the debt. You may use the form below or write to us without the form. You may also include supporting documents. We accept disputes electronically at www.example.com/dispute.

What else can you do?

- **Write to ask for the name and address of the original creditor, if different from the current creditor.** If you write by August 28, 2020, we must stop collection until we send you that information. You may use the form below or write to us without the form. We accept such requests electronically at www.example.com/request.
- **Go to www.cfpb.gov/debt-collection to learn more about your rights under federal law.** For instance, you have the right to stop or limit how we contact you.
- Contact us about your payment options.
- Póngase en contacto con nosotros para solicitar una copia de este formulario en español.

Mail this form to:
North South Group
P.O. Box 123456
Pasadena, CA 91111-2222

Person A
2323 Park Street
Apartment 342
Bethesda, MD 20815

How do you want to respond?

Check all that apply:

- ☐ **I want to dispute the debt because I think:**
  - ☐ This is not my debt.
  - ☐ The amount is wrong.
  - ☐ Other (please describe on reverse or attach additional information).
- ☐ **I want you to send me the name and address of the original creditor.**
- ☐ **I enclosed this amount:** $

Make your check payable to *North South Group*. Include the reference number 584-345.

- ☐ **Quiero este formulario en español.**

Appendix B

Appendix A to Part 1006 – Procedures for State Application for Exemption from the Provisions of the Act

Appendix C to Part 1006 – Issuance of Advisory Opinions

An official website of the United States government

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

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

Karen Martinelli, individually and as Trustee of The Martinelli Trust, dated June 23, 1994, on behalf of herself and all others similarly situated

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

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

Daniel A. Edelman; Tara L. Goodwin; 20 South Clark Street, Suite 1800, Chicago, IL 60603; (312) 739-4200

DEFENDANTS

Husch Blackwell LLP

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)*

Mary Elizabeth O'Neill; WOMBLE BOND DICKINSON (US) LLP; 301 S. College Street, Suite 3500, Charlotte, NC 28202 Telephone: 704-350-6310

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- [ ] 1 U.S. Government Plaintiff
- [x] 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)*

(For Diversity Cases Only)

	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
- [ ] 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

REAL PROPERTY
- [ ] 210 Land Condemnation
- [ ] 220 Foreclosure
- [ ] 230 Rent Lease & Ejectment
- [ ] 240 Torts to Land
- [ ] 245 Tort Product Liability
- [ ] 290 All Other Real Property

TORTS

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

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

FORFEITURE/PENALTY
- [ ] 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

BANKRUPTCY
- [ ] 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

OTHER STATUTES
- [ ] 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
- [x] 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

V. ORIGIN *(Place an "X" in One Box Only)*

- [ ] 1 Original Proceeding
- [x] 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:
Plaintiff alleges Defendant violated the FDCPA by sending misleading and confusing communications concerning her legal right to dispute a debt.

VII. REQUESTED IN COMPLAINT:

- [x] CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $ N/A

CHECK YES only if demanded in complaint:
JURY DEMAND: [x] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ____________ DOCKET NUMBER ____________

DATE: November 14, 2024

SIGNATURE OF ATTORNEY OF RECORD: /s/ Mary Elizabeth O'Neill

FOR OFFICE USE ONLY

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

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.