IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF NEW YORK

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IN THE UNITED STATES DISTRICT COURT

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Michael Moore,

Plaintiff,

v.

Jefferson Capital Systems, LLC,

Defendant.

COMPLAINT

Plaintiff Michael Moore, by and through himself, hereby files this Complaint against Jefferson Capital Systems, LLC ("Defendant"), and alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction under 15 U.S.C. § 1692k(d) (Fair Debt Collection Practices Act "FDCPA"), 15 U.S.C. § 1681p (Fair Credit Reporting Act "FCRA"), and 28 U.S.C. § 1331 (federal question jurisdiction).

2. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because the events giving rise to this claim occurred in this District, and Defendant regularly conducts business here.

PARTIES

3. Plaintiff Michael Moore is a natural person and a "consumer" as defined by 15 U.S.C. § 1692a(3) and 15 U.S.C. § 1681a(c).

4. Defendant Jefferson Capital Systems, LLC is a debt collection agency headquartered at 200 14th Ave. E, Sartell, MN 56377, and is a "debt collector" as defined by 15 U.S.C. § 1692a(6) and a "furnisher" as defined by 15 U.S.C. § 1681s-2.

FACTUAL ALLEGATIONS

5. On October 27, 2024, Plaintiff Michael Moore submitted a formal notice of dispute and cease-and-desist request to Defendant under 15 U.S.C. § 1692c and § 1692g(b) of the FDCPA, requiring Defendant to verify the debt or cease communications regarding an alleged debt.

6. Plaintiff explicitly invoked the protections of Daugherty v. Convergent Outsourcing, Inc., which affirms that credit reporting constitutes a "communication" under the FDCPA.

7. In the correspondence, Plaintiff requested:

a. Verification of the alleged debt under § 1692g(b);

b. Proof of Defendant's authorization to collect on the alleged debt;

c. Cessation of any credit reporting or other communications related to the debt if no verification could be provided.

8. On October 31, 2024, Defendant issued a response stating it could not identify the account. Defendant requested additional evidence, including sensitive personal documents, from Plaintiff to assist in identifying the account.

9. Defendant failed to notify the consumer reporting agencies that the debt was disputed, as required by 15 U.S.C. § 1692e(8), which prohibits the failure to communicate that a debt is disputed to any person, including credit reporting agencies.

10. Defendant's response fails to comply with § 1692g(b), which places the burden on the debt collector to validate the debt upon request, not on the consumer to provide further evidence of the alleged debt.

11. Defendant's continued reporting of the alleged debt to credit bureaus constitutes an ongoing violation of § 1692c(b), which prohibits unauthorized communications, and § 1692e, which prohibits false or misleading representations regarding a debt.

12. Defendant's refusal to investigate and verify the alleged debt, while continuing to report it to credit bureaus without disclosing that the debt is disputed, is both deceptive and abusive, causing Plaintiff significant emotional distress and harm to his credit reputation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Michael Moore respectfully requests that this Court enter judgment in his favor and against Defendant Jefferson Capital Systems, LLC as follows:

1. Statutory damages of $1,000 under 15 U.S.C. § 1692k(a)(2)(A);
2. Statutory damages of $1,000 under 15 U.S.C. § 1681n(a)(1)(A);
3. Actual damages in an amount to be determined at trial;
4. Costs and reasonable attorneys' fees under 15 U.S.C. § 1692k(a)(3) and § 1681n(a)(3);
5. Injunctive relief requiring Defendant to:
   a. Cease reporting the alleged debt to credit bureaus until proper verification is completed;
   b. Notify all consumer reporting agencies that the debt is disputed;
6. Any other relief that the Court deems just and proper.

Dated: December 3, 2024

Respectfully Submitted,

Michael Moore

Michael Moore

moorem0317@gmail.com