

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

**Yvonne Burnette
Plaintiff,**

v.

**Continental Service Group, LLC
DBA Conserve Account Receivable
Management
Defendant,**

JURY TRIAL DEMANDED

Case: 2:25-cv-10003
Judge: McMillion, Brandy R.
MJ: Grand, David R.
Filed: 01-02-2025
CMP Burnette v. Continental Service Group, LLC (tt)

COMPLAINT AND DEMAND FOR JURY

I. INTRODUCTION

1. Plaintiff brings this action under the Fair Debt Collection Practices Act (FDCPA) to address Defendant's violations of her rights. The FDCPA seeks to protect consumers from abusive, deceptive, misleading and unfair practices by debt collector's. Nevertheless, Defendant disregarded these protections by willfully and negligently contacting Plaintiff at times, they knew were inconvenient, causing disruption, harassment, coercion and oppression.

II. JURISDICTION AND VENUE

2. The court has jurisdiction under 15 U.S.C § 1692k (d) and 28 U.S.C § 1331. This Venue is proper in this District as the defendant transacts business in Detroit, Michigan.

III. PARTIES

3. Yvonne Burnette (hereinafter “Plaintiff”) is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. § 1692a (3).

4. Plaintiff is a natural person residing in Wayne County, Eastern District of Michigan.

5. Continental Service Group, LLC (hereinafter “Defendant”) is engaged in the collection of debt from consumers using the mail and telephone. Defendant regularly attempts to collect consumers’ debts allegedly to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. 1692a (6).

6. Upon information and belief, Defendant principal place of business is 200 CrossKeys Office Park, Fairport, NY 14450.

7. Defendant is attempting to collect an alleged debt arising from a transaction in which the money, property, or services which are the subject of the transaction are primarily for personal, family, or household purposes.

IV. FACTS

8. On or about December 10, 2024, a representative of Defendant, a female, contacted Plaintiff in an attempt to collect an alleged debt owed to Navy Federal. During the call, Plaintiff informed Defendant’s representative that she was at work, that her employer prohibited personal calls, and that she did not finish work until 6:00 p.m.

9. The phone call was then unexpectedly disconnected; Plaintiff initiated a return call to Defendant and spoke with a male representative. During this conversation, Plaintiff stated she was calling back due to the disconnected call, she again stated that she was at work, her employer did not permit personal calls, and that during the day were not a good time for her. When Defendant’s representative asked if they could call her back later, Plaintiff explicitly stated that she would contact them instead at a later time. The calls were on a recorded line and Plaintiff have a copy of the recording.

10. Despite Plaintiff's clear and unambiguous communication regarding her work schedule and her request not to be contacted during the day before her shift ends at 6:00p.m., Defendant contacted Plaintiff again on or about December 18, 2024, at approximately 5:41 p.m. This call violated 15 U.S.C. § 1692c(a)(1), which prohibits communication at times or places known to be inconvenient to the consumer. Both calls were on a recorded line, Plaintiff has a copy of a recording. **Call Log Shown in Exhibit A.**

11. During the December 10th call, Plaintiff specifically informed Defendant's representatives that she was at work and that her employer did not permit personal calls. She also explained that she didn't get off work until 6pm as she worked during the day, making it known that calls during those hours were inconvenient. Plaintiff hoped this clarification would prevent further calls during her work hours. Defendant willfully disregarded her request.

12. Defendant's decision to call Plaintiff again on December 18, 2024, despite being explicitly informed that before 6 pm were inconvenient and that Plaintiff's employer prohibited personal calls, demonstrates a clear disregard for Plaintiff's instructions and her federally protected rights. This call, made after being put on notice, was intrusive and unnecessary, causing disruption during Plaintiff's work hours and violating the Fair Debt Collection Practices Act.

13. Defendant reckless behavior was a violation of 15 U.S.C. § 1692c(a)(1) and § 1692c(a)(3) suggest a willful and intentional disregard for the FDCPA's requirements. Defendant's continued contact with Plaintiff before 6pm, despite her explicit instructions, which demonstrates a failure to implement or maintain procedures reasonably adapted to avoid such errors. This illegal behavior parallels *Horkey v. J.V.D.B & Associates, Inc* 333 F.3d 769 (7th Cir. 2003) as the court held that a debt collector violates § 1692c(a)(1) when it contacts a consumer at a time or place the debt collector knows or should know is inconvenient, especially after being informed of

specific times. In Horkey, the court emphasized that the Fair Debt Collection Practices Act (FDCPA) imposes strict liability for such violations, regardless of the debt Collector's intent or motive. Here, Defendant's repeated calls during work hours, despite Plaintiff's explicit statements that such calls were inconvenient and against her employer's policies, constitute willful and knowing violations of the FDCPA.

COUNT I & II – VIOLATIONS OF 15 U.S.C. § 1692c(a)(1) -1692c(a)(3)

14. Plaintiff incorporates all preceding paragraphs as though fully set forth herein.

15. Pursuant to 15 U.S.C. § 1692c(a)(1), a debt collector is prohibited from communicating with a consumer at any time or place known, or which should be known, to be inconvenient however defendant disregarded its duties violating 15 U.S.C. § 1692c(a)(1).

16. Plaintiff explicitly informed Defendant she worked until 6 pm and it wasn't a good time to contact her. Despite this clear notice, Defendant continued to contact Plaintiff during work hours, disregarding Plaintiff's instructions and knowingly contacting her at inconvenient times. Defendant's actions violated § 1692c(a)(1) by knowingly and willfully contacting Plaintiff at times Defendant knew to be inconvenient.

17. Pursuant to 15 U.S.C. § 1692c(a)(3), a debt collector is prohibited from contacting a consumer at their place of employment if the debt collector knows or has reason to know that the employer prohibits such communication however, defendant disregarded their duties, willfully violating this specific statute.

18. Plaintiff informed Defendant of the exact time she gets off work, including that her employer did not allow personal calls during work hours.

19.. Defendant continued to contact Plaintiff at her place of employment during work hours, despite being explicitly informed of her employer's policy.

20. Defendant's behavior caused Plaintiff undue stress, emotional distress, and disrupted her ability to perform her job duties, creating a hostile and oppressive environment along with distractions to her daily life.

21. Defendant's illegal actions has deprived Plaintiff of her Federally protected rights.

22. Defendant's conduct was willful and demonstrates a reckless disregard for Plaintiff's rights under the FDCPA. Defendant's violations of the FDCPA render it liable for actual and statutory damages.

DEMAND FOR JURY AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against Defendant for:

- A. Judgement for the violations occurred in the FDCPA.
- B. Actual Damages.
- C. Statutory damages.
- D. Punitive damages.
- E. Award for further relief that the court deem just and proper

Dated: December 27, 2024,

Respectfully Submitted

/s/ Yvonne Burnette

13858 Carlilse St.

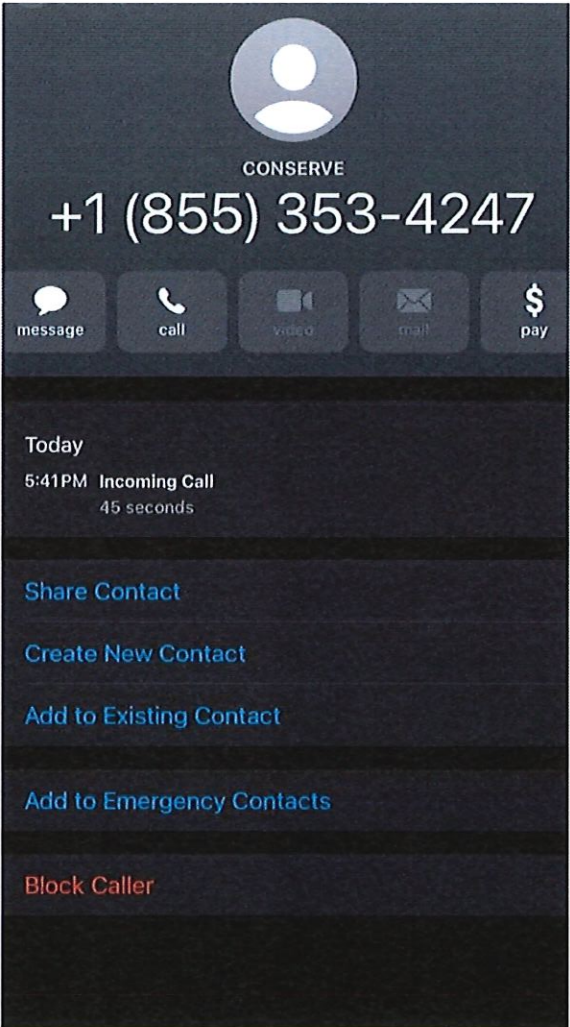
Detroit, MI 48205

Email: yvonneburnette677@gmail.com

EXHIBIT A



December 10, 2024



December 18, 2024

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

County in which action arose: _____

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

YVONNE BURNETTE

DEFENDANTSCONTINENTAL SERVICE GROUP, LLC DBA CONSERVE ACCOUNTS
RECEIVABLE MANAGEMENTCounty 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)

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

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

13858 CARLILSE ST
DETROIT, MI 48205**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 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	☐ 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 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):

Brief description of cause:

Contacting Plaintiff during an inconvenient time as plaintiff stated a specific time and while at work violating 15 U.S.C 1692 c (a) 1 and 3

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
DECEMBER 30, 2024

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

Save

Print

Reset

Exit