

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JEREMY WHITE,

Plaintiff,

Case No. _____

v.

MIDLAND CREDIT
MANAGEMENT, INC.,

Defendant.

_____ /

**NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT BASED ON
FEDERAL QUESTION JURISDICTION UNDER 28 U.S.C. §§ 1331 AND 1441**

Defendant Midland Credit Management, Inc. (“Midland” or “Defendant”) hereby files this Notice of Removal, pursuant to 28 U.S.C. §§ 1331 and 1441, and removes to the United States District Court for the Middle District of Florida, the matter currently pending in the County Court of the Twelfth Judicial Circuit, in and for Sarasota County, Florida, styled *Jeremy White v. Midland Credit Management Inc.*, Case No. 25-SC-000076 NC, on the following grounds:

1. This Notice of Removal is founded and based upon a federal question pursuant to 28 U.S.C. §§ 1331 and 1441. Plaintiff Jeremy White (“Plaintiff”), originally filed this civil action on or about January 6, 2025, in the County Court in and for Sarasota County, Florida, and served the action on Defendant on January 24, 2025. Plaintiff is seeking monetary damages from the Defendant. As required by 28 U.S.C. § 1446(a), a copy of the process, pleadings, orders and other documents

presently contained in the state court file and available for copying are attached to this Notice.

A. CONSENT TO REMOVAL

2. Midland is the only Defendant in this action.

B. TIMELINESS OF REMOVAL

3. Defendant was served on January 24, 2025. Accordingly, this Notice of Removal is timely filed within thirty (30) days of the date of service pursuant to 28 U.S.C. § 1446(b).

C. THE VENUE REQUIREMENT IS MET

4. Venue of this removal is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the District and Division corresponding to the place where the county court action is pending.

D. FEDERAL QUESTION AT ISSUE

5. Plaintiff alleges purported claim under the Fair Debt Collection Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”). *See* Complaint ¶¶14-16. The FDCPA claim is the only cause of action brought in the Complaint.

6. Plaintiff’s Complaint is removable to the United States District Court for the Middle District of Florida because the Complaint presents a federal question. Specifically, 28 U.S.C. § 1331 provides that “district courts shall have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States.” *See* 28 U.S.C. § 1331. Plaintiff’s claims provide the basis for this Court’s jurisdiction as they have brought suit under the laws of the United States.

Accordingly, Defendant is entitled to remove this action in accordance with 28 U.S.C. § 1441(a).

E. NOTICE TO PARTIES AND TO THE CIRCUIT COURT

7. Written notice of the filing of this Notice of Removal is being served on Plaintiff, and a copy of this Notice of Removal is being filed with the Clerk of the County Court for the Thirteen Judicial Circuit, in and for Hillsborough County, Florida, in compliance with 28 U.S.C. 1446(d).

WHEREFORE, Defendant Midland Credit Management, Inc., requests that the above-styled action now pending against it in Hillsborough County Court, Florida, be removed to this Court.

Dated: February 14, 2025.

Respectfully Submitted,

By: s/ Cory W. Eichhorn
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*Attorneys for Defendant
Midland Credit Management, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record on the Service List below in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/Cory W. Eichhorn
Cory W. Eichhorn

SERVICE LIST

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**IN THE COUNTY COURT OF THE TWELFTH JUDICIAL
CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA**

JEREMY WHITE	)	JURY TRIAL DEMANDED
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
MIDLAND CREDIT MANAGEMENT, INC.	)	
	)	
Defendant.	)	
	)	

COMPLAINT

INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Jeremy White, an individual consumer, against Defendant, Midland Credit Management, Inc. (hereinafter “Defendant”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 169 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION AND VENUE

- . This Court has subject matter jurisdiction over Plaintiff and Defendant because the cause of action arises within the jurisdiction of this Court and, this, venue and jurisdiction are proper.
3. This Court has personal jurisdiction over Defendant because Defendant is operating, present, and/or doing business within this jurisdiction and because the complained of conduct of Defendant occurred within Sarasota County, Florida.

PARTIES

4. Plaintiff, Jeremy White (hereinafter “Plaintiff”) is a natural person residing in Sarasota, Florida. Plaintiff is a consumer as defined by the Fair Debt ~~Collection Practices Act, 15 U.S.C. §169~~ a(3).
5. Upon information and belief, Defendant is a California corporation.
6. Defendant is engaged in the collection of debt from consumers using the mail and telephone. Defendant regularly attempts to collect consumers’ debts alleged to be due to another.

FACTS OF THE COMPLAINT

7. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. ~~169~~ a(6).

~~8 On or about October 3,~~ 0 4, Defendant emailed Plaintiff attempting to collect a consumer debt allegedly owed to Fortress Investment Group CF Ascent Holding LLC Upgrade.

~~9 On or about October 31,~~ 0 4, Plaintiff replied to Defendant's email stating "I'm not paying you a dime. I don't owe you anything."

10. Despite receiving Plaintiff's written refusal to pay, Defendant, on or about ~~December 4,~~ 0 4, sent a letter to Plaintiff which included a payment voucher with detailed instructions for remitting payment, including a space for payment amounts and payment submission options.

11. The inclusion of the payment voucher in Defendant's communication is a direct solicitation for payment and constitutes an attempt to collect a debt.

~~12~~ . Defendant's actions were to coerce the Plaintiff into paying a debt.

13. Plaintiff has suffered actual damages as a result of these illegal collection communications by Defendant in the form of invasion of privacy, intrusion upon seclusion, anger, anxiety, decreased productivity at work, frustration, and other negative emotions.

FIRST CLAIM FOR RELIEF

(Defendant)

15 U.S.C. §1692c(c)

14. Plaintiff re-alleges and reincorporates all previous paragraphs as if fully set out herein.

15. Defendant violated the FDCPA.

16. Defendant's violations include, but are not limited to the following:

~~(a) Defendant violated 15 U.S.C. § 169 c(c) of the FDCPA by~~
communicating with Plaintiff after the Plaintiff notified Defendant in
writing that Plaintiff refused to pay.

17. As a result of the above violations of the FDCPA, Defendant is liable to
Plaintiff for actual damages, statutory damages and costs.

JURY DEMAND AND PRAYER FOR RELIEF

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

A. Judgment for the violations occurred for violating the FDCPA;

~~B. Actual damages pursuant to 15 U.S.C. § 169 k(a)(1);~~

~~C. Statutory damages pursuant to 15 U.S.C. § 169 k(a)();~~

~~D. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 169 k(a)(3);~~

E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

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/s/ Cortney Walters, Esq.

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