UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Marcibeth Goldman, Plaintiff, vs. Debt Collectors International, Inc., Defendant(s).	**Case No.:** **COMPLAINT AND DEMAND FOR JURY TRIAL** **1. THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692 *et seq.*;**

Plaintiff Marcibeth Goldman ("Plaintiff"), by and through her attorneys, brings this action to secure redress from unlawful debt collection practices engaged in by Defendant, Debt Collectors International, Inc., ("DCI" or "Defendant").

INTRODUCTION

1. The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that 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. Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, et seq. (hereinafter "FDCPA"), to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.

2. Marcibeth Goldman (hereinafter referred to as "Plaintiff"), by and through her attorneys, brings this action to challenge the actions of Debt Collectors International, Inc. (hereinafter

referred to as "DCI" or "Defendant"), with regard to attempts by Defendant to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff damages.

3. While many violations are described with specificity, this Complaint alleges violations of the statutes cited in their entirety.

4. All violations by Defendant were knowing, willful, and intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violation.

5. All violations alleged regarding the Fair Debt Collections Practices Act ("FDCPA") are material violations of the statute as these violations would limit the ability of a hypothetical least sophisticated debtor to make an intelligent choice as to the alleged debt and actions that should be taken to resolve the alleged debt in a timely manner.

6. Through this complaint, the Plaintiff does not allege that any state court judgment was entered against the Plaintiff in error, and Plaintiff does not seek to reverse or modify any judgment of any state court.

7. Unless otherwise indicated, the use of "Defendant" in this Complaint includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers of Defendant.

8. Unless otherwise stated, Plaintiff alleges that any violations by Defendant were knowing and intentional, and that Defendant did not maintain procedures reasonably adapted to avoid any such violations.

9. Count I of Plaintiff's Complaint is based on violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692 *et seq*., against DCI and their agents for their unlawful debt collection practices against Plaintiff.

VENUE AND JURISDICTION

11. Jurisdiction of this Court arises under 28 U.S.C. § 1331 as Plaintiff alleges violations of a federal law: 15 U.S.C. § 1681 *et seq*.
12. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this District.
13. Defendant transacts business here; as such, personal jurisdiction is established.

PARTIES

14. Plaintiff is a natural person who resides in Plymouth County, Massachusetts.
15. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3)
16. Defendant, DCI, is a debt collector as defined by the FDCPA, 15 U.S.C. 1692a(6) with a principle place of business at 2200 Lucien Way, Maitland FL 32751
17. DCI is not a creditor as it does not originate loans or extend credit to consumers. The purpose of DCI's business in this case is the collection of defaulted consumer debts.
18. Defendants acted through their agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

19. Sometime before August 9, 2024, the Plaintiff incurred debt with Pembroke School of Performing Arts.
20. This debt was incurred for dance lessons for the Plaintiff's daughter.
21. This case involves the obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. As such, this action arises out of a consumer debt, as that term is defined by 15 U.S.C. § 1692a(5).

22. Sometime before August 9, 2024, the Plaintiff defaulted on the debt with Pembroke School of Performing Arts.

23. Sometime before August 9, 2024, Pembroke School of Performing Arts contracted with DCI to attempt to collect on the debt.

24. On August 9, 2024, Corey Harrison, a senior claims agent with DCI sent an email to attempt to collect the debt.

25. Corey Harrison's email read in part: Marcibeth Goldman… To make your payment via check click on the link below or by calling 678-214-3650 to make a payment with a credit or debit card: https://dciclaims.com/make-a-payment/ … Your file number is 2024-XXXXX… Should you choose not to settle this matter in accordance with the terms above, we will attempt to seek not only the full balance owed, but we will also seek damages incurred by my client, all court costs involved in prosecuting this, the maximum amount of interest allowed by law as well as any and all attorney's fees that my client spends attempting to resolve this matter… This is an attempt to collect a debt any information obtained will be used for that purpose."

26. Corey Harrison sent this email not only to the Plaintiff, but also to the Plaintiff's son's email address (robXXXXXXXon@gmail.com (*partially redacted*), the Plaintiff's brother's email address (newXXXXt@aol.com (*partially redacted*)), and some unknown third party email address (wbelXXXX4@gmail.com (*partially redacted*)).

27. Each of these three email addresses have no affiliation to the Plaintiff and not an email address that the Plaintiff has used.

28. These email addresses were also not associated with the Plaintiff's account with Pembroke School of Performing Arts, nor did the Plaintiff ever give Pembroke School of Performing Arts any of these email addresses.
29. The Plaintiff never gave the Defendant this email address to contact her.
30. Upon information and belief, the Defendant obtained these email addresses through a Google search or skip trace system or a google search to attempt to locate the Plaintiff.
31. Upon information and belief, the Defendant never attempted to contact the Plaintiff over the phone to obtain contact information.
32. Upon information and belief, it is the Defendant's policies and procedures to find any and all email addresses they can locate that may be associated with consumers that they are collecting from in an attempt to harass them and people they know to force them to make payments
33. As a result of DCI's conduct, Plaintiff has sustained actual damages including but not limited to, embarrassment, anguish, and emotional and mental pain knowing that DCI notified her son, brother and an unknown third party regarding an alleged debt that she owed.
34. Through the above conduct, Defendant has failed to adhere to the federal regulation that regulates its industry, a task that would be relatively easy for Defendant to follow; and instead, Defendant uses this contact with third parties in its attempt to place consumers at a financial and strategic disadvantage and to competitively disadvantage debt collectors that abide by the rigors of the FDCPA.

COUNT I

Violations of The Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

35. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.

36. The Fair Debt Collection Practices Act, 15 U.S.C. § 1692(a) provides that there is evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. 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.

37. 15 U.S.C. § 1692 allows a debt collector to communicate with a third party simply to inquire and attempt to obtain location information about an alleged debtor.

38. 15 U.S.C. § 1692b(1) states that any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about the consumer shall not state that such consumer owes any debt.

39. 15 U.S.C. § 1692b(5) states that any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about the consumer shall not use any language or symbol on any envelope or in the contents of any communication effected by the mails or telegram that indicates that the debt collector is in the debt collection business or that the communication relates to the collection of a debt

40. 15 U.S.C. § 1692d provides that a debt collector may not engage in any conduct where the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

41. 15 U.S.C. § 1692e provides that a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.

42. 15 U.S.C. § 1692e(10) provides that a debt collector cannot use any… deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer

43. 15 U.S.C. § 1692f provides that a debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.

44. DCI violated 15 U.S.C. § 1692 by communicating information to third parties about a consumer's debt.

45. Notifying the Plaintiff's brother, son, and an unknown person about the Plaintiff's debt is clearly deceptive and was used as an attempt to intimidate and harass the Plaintiff to make a payment.

46. If the Defendant was attempting to obtain location information about the Plaintiff, the Defendant should have simply sent an email asking for location information.

47. Instead, the Defendant decided to notify all email addresses in the email thread that the Plaintiff owes a debt, thus violating the FDCPA.

48. This type of communication from a debt collector whose signature line and email address indicate that the email is coming from Debt Collectors International, Inc. clearly indicates that the communication is from a debt collector.

49. Additionally, the signature line stated "This is an attempt to collect a debt any information obtained will be used for that purpose", furthering the attempt to collect the debt and harass the Plaintiff.

50. Defendants' conduct was a direct and proximate cause, as well as a substantial factor, in causing serious injuries, damages and harm to Plaintiff that are outlined more fully above, and as a result, Defendants' are liable to compensate Plaintiff for the full amount of actual and statutory damages, along with attorneys' fees and costs, as well as other such relief, permitted by 15 U.S.C. §1692k(a)(3).

<u>JURY DEMAND</u>

43. Plaintiff hereby demands a trial by jury of all issues triable by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendants for the following:

A. Declaratory judgment that Defendants violated the FDCPA;

B. Actual and Statutory damages against Defendants pursuant to 15 U.S.C. §1692;

C. Costs and reasonable attorney's fees against Defendant pursuant to 15 U.S.C. §1692.

D. Any pre-judgment and post-judgment interest as may be allowed under the law; and

E. Any other relief that this Court deems appropriate.

Dated: February 24, 2025

RESPECTFULLY SUBMITTED,
SHIELD LAW, LLC

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