

**SUPREME COURT OF THE STATE OF NEW JERSEY
DISTRICT OF NEW JERSEY**

SYDNEY ALLEN,
PLAINTIFF,

v.

SUMMIT RECOVERY SERVICES, INC.,
DEFENDANT.

CASE No.

COMPLAINT AND DEMAND FOR JURY
TRIAL

I. INTRODUCTION

1. This is an action for actual, statutory damages, attorney's fees, and costs brought by Plaintiff Sydney Allen, an individual consumer, against Defendant Summit Recovery Services, Inc. ("SRSI"), for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors, such as SRSI from engaging in abusive, deceptive, and unfair practices, such as Ms. Allen.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) and 28 U.S.C 1331. Venue in this District is proper in that the Defendant transact business in Gloucester County, New Jersey and the conduct complained of occurred in Gloucester County, New Jersey.

III. ARTICLE III STANDING

3. Article III standing to bring her FDCPA claim against Summit Recovery Services, Inc. because SRSI, communications in an attempt to collect an alleged debt constituted an

unwanted intrusion upon her solitude, seclusion, and peace and quiet, which are common law analogues to the FDCPA violations asserted below. *See Vazzano v. Receivable Mgmt. Servs., LLC*, 621 F. Supp. 3d 700, 709 (N.D. Tex. 2022) (receiving an unwanted letter “has a ‘close relationship’ to the type of harm protected by the common law tort of intrusion upon seclusion (protecting against intrusion into private solitude)) (citing *TransUnion LLC v. Kennethrez*, — U.S. —, 141 S. Ct. 2190, 2204 (2021)) (also citing *Gadelhak v. AT&T Servs., Inc.*, 950 F.3d 458, 462 (7th Cir. 2020) (Barrett, J.) (“The harm posed by unwanted text messages is analogous to that type of intrusive invasion of privacy.”)).

4. SRSI, collection efforts with respect to the alleged debt caused Ms. Allen to suffer concrete and particularized harm, *inter alia*, because the FDCPA provides Ms. Allen with the legally protected right not to be misled about the legal status of a debt or treated unfairly with respect to any action for the collection of any consumer debt.
5. Moreover, the emotional distress Ms. Allen experienced sufficient concrete injury to establish Article III standing. *See Mayfield v. LTD Fin. Servs., L.P.*, No. 4:20-CV-01966, 2021 WL 4481089, at *4 (S.D. Tex. Sept. 30, 2021) (citing *Rideau v. Keller Indep. Sch. Dist.*, 819 F.3d 155, 169 (5th Cir. 2016) (“[E]motional harm satisfies the ‘injury in fact’ requirement of constitutional standing.”)) (additional internal quotation marks omitted); *see also* *Smith v. Moss Law Firm, P.C.*, No. 18-2449, 2020 WL 584617, at *5 (N.D. Tex. Feb. 6, 2020) (“legal costs, anxiety, and worry” caused by defendant’s alleged FDCPA violation were concrete and particularized injuries for purposes of FDCPA claim).

IV. PARTIES

6. Plaintiff Allen Sydney (hereinafter “Ms. Allen”) is a natural person residing in Williamstown, New Jersey. Ms. Allen is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
7. Upon information and belief, Summit Recovery Services, Inc. is a New York corporation with its principal place of business located at 277 Indian Head Road, Kings Park, NY 11754.
8. Defendant Summit Recovery Services, Inc., 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’s.
9. Defendant Summit Recovery Services, Inc., (hereinafter referred to as “Debt Collector”) is a “debt collector” as defined by the FDCPA, 15 U.S.C 1692a(6).
10. The term “debt” means any 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, whether or not such obligation has been reduced to judgment, as defined by the FDCPA, 15 U.S.C 1692a(5).

V. FACTS OF THE COMPLAINT

11. On or about August 16, 2024, at approximately 12:22 PM, Plaintiff received a voicemail message from Defendant, Summit Recovery Services, Inc.

12. In the voicemail, a representative of Defendant Summit Recovery Services, Inc. mentioned that they are attempting to contact Ms. Allen regarding a matter filed at their office and provided their contact number for her to reach them.
13. Ms. Allen received additional voicemail messages from Defendant SRSI on the following dates and times: August 20, 2024, at 12:58 PM; August 16, 2024, at 12:55 PM; August 28, 2024, at 9:15 AM and 9:25 AM; September 5, 2024, at 9:27 AM; September 17, 2024, at 10:00 AM and 10:27 AM; September 26, 2024, at 9:08 AM and 9:14 AM; and October 4, 2024, at 8:03 AM.
14. Defendant's voicemail message failed to disclose that it was an attempt to collect a debt and that any information obtained would be used for that purpose, in violation of 15 U.S.C. § 1692e(11).
15. Plaintiff has suffered actual damages as a result of these illegal collection tactics by this Defendant in the form of invasion of privacy, intrusion upon seclusion, personal embarrassment, loss of productive time, emotional distress, frustration, anger, humiliation and amongst other negative emotions.

VI. FIRST CLAIM FOR RELIEF
Fair Debt Collection Practices Act
15 U.S. Code § 1692e(11)

16. Plaintiff re-alleges and reincorporates by reference paragraphs 1-15 above.
17. Defendant SRSI, in connection with the collection of an alleged debt, failed to provide the required disclosure in its voicemail message to Plaintiff.

18. The Defendant SRSI violated the FDCPA.
19. Defendant violated the provisions of 15 U.S. Code § 1692e(11) of the FDCPA by:
 - (1) The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action.
20. As a result of the above violations of the FDCPA, Defendant SRSI is liable to Plaintiff actual damages, statutory damages, costs and attorney's fees.

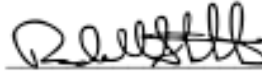
VII. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff Sydney Allen respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against Defendant Summit Recovery Services, Inc.:

- A. Actual damages in an amount to be proven at trial pursuant to 15 U.S.C § 1692k(a)(1);
- B. Statutory damages of up to \$1,000 pursuant to 15 U.S.C §1692k(a)(2)(A);
- C. Costs of the action, together with reasonable attorney's fees, pursuant to 15 U.S.C § 1692k(a)(3); and
- D. For such other and further relief as the Court may deem just and proper.

Dated: April 4, 2025

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Randall Steketee', is positioned above a horizontal line.

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