

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

TRISHANA LEWIS
Plaintiff,

v.

MCDONNELL & ASSOCIATES, LLC
d/b/a FIRST CAPITAL GROUP
Defendant.

) **JURY TRIAL DEMANDED**

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) **Case No.**

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COMPLAINT

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Trishana Lewis, an individual consumer, against Defendant McDonnell & Associates, LLC d/b/a First Capital Group (hereinafter “Defendant”), for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) 28 U.S.C. 1331. Venue in this District is proper in that the Defendant transacts business in

Orange Park, Florida, and the conduct complained of occurred in Orange Park, Florida.

III. PARTIES

3. Plaintiff, Trishana Lewis (hereinafter “Plaintiff”) is a natural person residing in Orange Park, Florida. Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Plaintiff is alleged to owe a “debt” as defined by the FDCPA, 15 U.S.C. 1692a(5) and the alleged debt at issue arose from a transaction entered into primarily for personal use.
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 consumer debts alleged to be due to another.

IV. FACTS OF THE COMPLAINT

7. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. 1692a(6).

8. On or about March 14, 2025, Plaintiff sent Defendant a refusal-to-pay letter via certified mail.
9. Tracking # 9589 0710 5270 2242 8880 92.
10. On March 21, 2025, Plaintiff received notification from USPS that her letter had been received by Defendant.
11. On or about April 23, 2025, Plaintiff reviewed her credit report and noticed that Defendant had marked the trade line as disputed, which is inconsistent with Plaintiff's refusal-to-pay.
12. Plaintiff did not dispute the debt but clearly informed Defendant that she refused to pay the debt.
13. Defendant's actions in marking the debt as "disputed" despite Plaintiff's refusal-to-pay letter misrepresented the nature of the debt and falsely implied that the account was being challenged by Plaintiff.
14. Plaintiff has suffered actual damages in the form of emotional distress, mental anguish, out-of-pocket expenses, and defamation which manifested in symptoms including, but not limited to stress, anxiety, worry, headaches, and loss of sleep.

V. FIRST CLAIM FOR RELIEF

(Defendant)
15 U.S.C. 1692e

15. Plaintiff re-alleges and reincorporates all previous paragraphs as if fully set out herein.
16. Defendant violated 15 U.S.C. § 1692e by communicating false credit information to the consumer reporting agencies that Plaintiff disputed the debt after receiving her refusal-to-pay.
17. As a result of the violation, Defendant is liable to Plaintiff for actual damages, statutory damages, attorney's fees, and costs.

VI. 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 Defendant for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C. 1692k(a)(1);
- C. Statutory damages pursuant to 15 U.S.C. 1692k(a)(2);
- D. Costs and reasonable attorney's fees pursuant to 15 U.S.C. 1692k(a)(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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PLLC**

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