UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

Georgia Ashley, Plaintiff(s), -v.- Credit Control LLC, Defendant(s).	**CIVIL ACTION COMPLAINT** **DEMAND FOR JURY TRIAL**

Plaintiff Georgia Ashley (hereinafter, "Plaintiff"), a Louisiana resident, brings Complaint by and through her attorneys, against Defendant Credit Control LLC (hereinafter "Defendant" or "Credit Control") based upon information and belief of Plaintiff's counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff's personal knowledge.

INTRODUCTION/PRELIMINARY STATEMENT

1. Congress enacted the Fair Debt Collection Practices Act (hereinafter "the FDCPA") in 1977 in response to the "abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors." 15 U.S.C. §1692(a). At that time, Congress was concerned that "abusive debt collection practices contribute to the number of personal bankruptcies, to material instability, to the loss of jobs, and to invasions of individual privacy." *Id.* Congress concluded that "existing laws…[we]re inadequate to protect consumers," and that "'the effective collection of debts" does not require "misrepresentation or other abusive debt collection practices." 15 U.S.C. §§ 1692(b) and (c).

2. Congress explained that the purpose of the Act was not only to eliminate abusive debt collection practices, but also to "insure that those debt collectors who refrain from using

abusive debt collection practices are not competitively disadvantaged." 15 U.S.C. § 1692(e). “After determining that the existing consumer protection laws ·were inadequate.” 15 U.S.C. § l692(b), Congress gave consumers a private cause of action against debt collectors who fail to comply with the Act. 15 U.S.C. § 1692k.

JURISDICTION AND VENUE

3. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d). The Court has pendent jurisdiction over the State law claims in this action pursuant to 28 U.S.C. § 1367(a).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) as this is where the Plaintiff resides as well as where a substantial part of the events or omissions giving rise to the claim occurred.

NATURE OF THE ACTION

5. Plaintiff brings this action under §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

6. Plaintiff is seeking damages and declaratory relief.

PARTIES

7. Plaintiff is a resident of the State of Louisiana in the Parish of Richland.

8. Credit Control is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA with its principal place of business located at 3300 Rider Trail S, Suite 500, Earth City, Missouri 63045, and can be served with process in Louisiana c/o CT Corporation System, located at 3867 Plaza Tower Drive, Baton Rouge, LA, 70816.

9. Upon information and belief, Defendant Credit Control is a company that uses the mail, telephone, e-mail and facsimile and regularly engages in business, the principal purpose of which is to attempt to collect debts.

FACTUAL ALLEGATIONS

10. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered above herein with the same force and effect as if the same were set forth at length herein.

11. Some time prior to October 21, 2024, Plaintiff allegedly incurred an obligation with American Express from Credit One Bank, N.A. ("American Express").

12. The alleged American Express debt arose out of transactions in which money, property, insurance or services which were the subject transactions used to purchase items primarily for personal, family, or household purposes, more specifically, Plaintiff's utilization of American Express' credit card services.

13. The alleged American Express obligation is a "debt" as defined by 15 U.S.C. § 1692a(4) and as defined by 12 C.F.R. § 1006.2(h).

14. American Express is a "creditor" as defined by 15 U.S.C. § 1692a(4) and as defined by 12 CFR § 1006.2(g).

15. Upon information and belief, LVNV Funding ("LVNV") acquired the alleged debt from American Express.

16. Upon information and belief, LVNV contracted with Defendant Credit Control to collect the alleged debt.

17. Defendant collects and attempts to collect debts incurred or alleged to have been incurred for personal, family or household purposes on behalf of creditors using the United States Postal Services, e-mail, telephone, and internet.

Violation – October 21, 2024, Collection Letter Sent to Third Party

18. On or about October 21, 2024, Defendant Credit Control attempted to send Plaintiff a collection letter via e-mail (the "Letter" or "e-mail") regarding the alleged debt currently owed to LVNV. **See Exhibit A**.

19. The email states in relevant part as follows:

> You had an account with American Express from Credit One Bank, N.A. with account number ending in *********5866.
>
> As of 09/28/2023, you owed: $718.75.
>
> Between 09/28/2023 and today:
>
> > You were charged this amount in interest: $0.00.
> >
> > Total amount of non-interest charges or fees: $0.00
> >
> > You paid or were credited this amount toward the debt: $0.00.
>
> **Total amount of the debt now: $718.75**
>
> *See* Exhibit A.

20. The aforementioned email was NOT sent to the Plaintiff, rather it was sent to the Plaintiff's son's email address and disclosed the debt improperly to a third party.

21. The Plaintiff's son has no connection to the alleged debt.

22. Thus, Defendant in their attempt to collect the alleged debt, sent the e-mail to an outside third party in direct violation of § 1692c.

23. Defendant's disclosure of the Plaintiff's debt to her son who has no connection to this debt, caused the Plaintiff extreme embarrassment and frustration.

24. Defendant's attempt to collect a debt from Plaintiff, but instead sending notice to an outside third party, constitutes harassment and the unfair and unconscionable means to collect a debt.

25. Defendant's attempt to collect a debt from Plaintiff, by sending an email to a party who was not the owner of the debt, was deceptive and misleading and caused the Plaintiff to be upset and confused about the status of the debt.

26. As a result of Defendant's deceptive, misleading, and unfair debt collection practices, Plaintiff has been damaged.

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692c *et seq.*

27. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.

28. Defendants' debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692c.

29. Pursuant to 15 U.S.C. § 1692c, a debt collector may not communicate in connection with the collection of any debt, with any person other than the consumer, her attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector.

30. Defendants violated 15 U.S.C. § 1692c by:

a. sending the dunning Letter to an outside third party rather than the Plaintiff.

31. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692c et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

COUNT II
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692e *et seq.*

32. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.

33. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e.

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

35. Defendant violated said section by:

a. sending the dunning Letter to an outside third party; and

b. making false and misleading representations in violation of § 1692e(10).

36. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692e et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

COUNT III
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692f *et seq.*

37. Plaintiff repeats, reiterates, and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.

38. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692f.

39. Pursuant to 15 U.S.C. §1692f, a debt collector may not use any unfair or unconscionable means in connection with the collection of any debt.

40. Defendant violated this section by:

a. sending the dunning Letter to an outside third party.

41. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692f *et seq.* of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

DEMAND FOR TRIAL BY JURY

42. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Georgia Ashley, demands judgment from Defendant Credit Control, LLC as follows:

a. Awarding Plaintiff statutory damages;

b. Awarding Plaintiff actual damages;

c. Awarding Plaintiff costs of this Action, including reasonable attorneys' fees and expenses;

d. Awarding pre-judgment interest and post-judgment interest; and

e. Awarding Plaintiff such other and further relief as this Court may deem just and proper.

Dated: July 17, 2025

Respectfully Submitted,

/s/ David S. Moyer

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