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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Case No.: 2:25-cv-5583

ERICA COLE CATTENHEAD, individually,
and on behalf of all other similarly situated
consumers,

Plaintiff,

vs.

RESURGENT CAPITAL SERVICES, L.P.,
Defendant.

- 1. VIOLATION OF THE FAIR DEBT
COLLECTION PRACTICES ACT
15 U.S.C §1692 *et seq.***
- 2. VIOLATION OF THE
ROSENTHAL FAIR DEBT
COLLECTION PRACTICES ACT,
CALIFORNIA CIVIL CODE §§
1788.17**

Plaintiff, Erica Cole Cattenhead (“Plaintiff”), hereby alleges:

INTRODUCTION

1. This is an action for damages arising from Defendant’s violations of the Fair Debt Collection Practices Act, 15 USC § 1692 (hereinafter “FDCPA”), and the Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1788, *et seq.* (hereinafter “the Rosenthal Act” or “RFDCPA”).

PARTIES

2. Plaintiff is a natural person, who at all relevant times has resided in Los Angeles, California.

1 3. Defendant Resurgent Capital Services, L.P., (“Resurgent” or “Defendant”) is a corporation
2 that regularly does business in California with its principal place of business located at 55 Beattie
3 Pl #110, Greenville, SC 29601 and is a “debt collector” as the phrase is defined and applied under
4 15 U.S.C. §1692(a) of the FDCPA in that they regularly attempt to collect on debts primarily
5 incurred for personal, family or household purposes.

6 **FACTUAL STATEMENT**

- 7 4. On a date better known to Defendant, Plaintiff Cole Cattenhead allegedly incurred a debt.
8 5. The debt allegedly incurred was for personal, familial, and household purposes.
9 6. Within the last year, Defendant has made several collection attempts against Plaintiff
10 concerning this personal debt including sending e-mails.
11 7. On or around June 28th 2024, Plaintiff unsubscribed to receiving emails.
12 8. Defendant intentionally disregarded Plaintiff’s request and continued sending Plaintiff e-mails
13

14 **CLASS ACTION ALLEGATIONS**

15 **The Class**

- 16
17 9. Plaintiff brings this as a class action pursuant to Fed. R. Civ. P. 23 on behalf of herself and all
18 others similarly situated who have opted out of receiving emails from Defendant, yet
19 continued to get emails to attempt to collect a debt which, as alleged herein, are in violation
20 of the FDCPA.

- 21 10. Plaintiff seeks certification of the following class, initially defined as follows:
22

23 **All consumers with mailing addresses within the State of California that have**
24 **received collection emails from Defendant concerning debts used primarily**
25

1 **for personal, household, or family purposes within one year prior to the filing**
2 **of this suit, after they unsubscribed, in violation of the FDCPA.**

3
4 11. Excluded from the Class is Defendant herein, and any person, firm, trust, corporation, or other
5 entity related to or affiliated with the defendant, including, without limitation, persons who
6 are officers, directors, employees, associates or partners of Defendant.

7 **Numerosity**

8 12. Upon information and belief, Defendant has continued to email consumers who have
9 unsubscribed from receiving emails to hundreds of consumers throughout the State of
10 California, each of which violates the FDCPA. The members of the Class, therefore, are
11 believed to be so numerous that joinder of all members is impracticable.

12 13. The exact number and identities of the Class members are unknown at this time and can only
13 be ascertained through discovery. Identification of the Class members is a matter capable of
14 ministerial determination from Defendant's records.

15 **Common Questions of Law and Fact**

16
17 14. There are questions of law and fact common to the class that predominates over any questions
18 affecting only individual Class members. These common questions of law and fact include,
19 without limitation: (i) whether Defendant violated various provisions of the FDCPA; (ii)
20 whether Plaintiff and the Class have been injured by Defendant's conduct; (iii) whether
21 Plaintiff and the Class have sustained damages and are entitled to restitution as a result of
22 Defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory
23 formula to be applied in determining such damages and restitution; and (iv) whether Plaintiff
24 and the Class are entitled to declaratory and/or injunctive relief.

25 **Typicality**

1 15. The Plaintiff's claims are typical of the claims of the class members. Plaintiff and all
2 members of the Plaintiff's Class defined in this complaint have claims arising out of the
3 Defendant's common uniform course of conduct complained of herein. Plaintiff's claims are
4 typical of the claims of the Class, and Plaintiff has no interests adverse or antagonistic to the
5 interests of other members of the Class.

6 **Protecting the Interests of the Class Members**

7 16. Plaintiff will fairly and adequately represent the Class members' interests, in that the Plaintiff's
8 counsel is experienced and, further, anticipates no impediments in the pursuit and
9 maintenance of the class action as sought herein.

10 17. Neither the Plaintiff nor his counsel have any interests, which might cause them not to
11 vigorously pursue the instant class action lawsuit.

12 **Proceeding Via Class Action is Superior and Advisable**

13 18. A class action is superior to other methods for the fair and efficient adjudication of the claims
14 herein asserted, this being specifically envisioned by Congress as a principal means of
15 enforcing the FDCPA, as codified by 15 U.S.C. § 1692(k).

16 19. The members of the Class are generally unsophisticated individuals, whose rights will not be
17 vindicated in the absence of a class action.

18 20. Prosecution of separate actions by individual members of the Class would create the risk of
19 inconsistent or varying adjudications resulting in the establishment of inconsistent or varying
20 standards for the parties.

21 21. Certification of a class under Rule 23(b)(2) of the Federal Rules of Civil Procedure is also
22 appropriate in that a determination that the said messages violate 15 U.S.C. § 1692c(c) is
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24
25

1 tantamount to declaratory relief and any monetary relief under the FDCPA would be merely
2 incidental to that determination.

3 22. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is also
4 appropriate in that the questions of law and fact common to members of the Plaintiff's
5 Class predominate over any questions affecting an individual member, and a class action is
6 superior to other available methods for the fair and efficient adjudication of the controversy.

7 23. Depending on the outcome of further investigation and discovery, Plaintiff may, at the time of
8 class certification motion, seek to certify one or more classes only as to particular issues
9 pursuant to Fed. R. Civ. P. 23(c)(4).

10 24. A class action will permit a large number of similarly situated persons to prosecute their
11 common claims in a single forum simultaneously, efficiently, and without the duplication of
12 effort and expense that numerous individual actions would engender. Class treatment also
13 will permit the adjudication of relatively small claims by many Class members who could not
14 otherwise afford to seek legal redress for the wrongs complained of herein.
15

16 25. Absent a class action, the Class members will continue to suffer losses borne from Defendant's
17 breaches of Class members' statutorily protected rights as well as monetary damages, thus
18 allowing and enabling: (a) Defendant's conduct to proceed and; (b) Defendant to further enjoy
19 the benefit of its ill-gotten gains.

20 26. Defendant has acted, and will act, on grounds generally applicable to the entire Class, thereby
21 making appropriate a final injunctive relief or corresponding declaratory relief with respect
22 to the Class as a whole.
23

24 **COUNT I**
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
25 **15 U.S.C. §1692 et seq**

1 27. Plaintiff repeats the allegations contained in the above paragraphs and incorporates them as if
2 specifically set forth at length herein.

3 28. Defendant's actions are in violation of 15 U.S.C. § 1692c(c) and 12 C.F.R. § 1006.6.
4

5 WHEREFORE, Plaintiff seeks actual damages, statutory damages, costs, interest,
6 attorney's fees, and such other and further relief as may be just and proper.
7

8 **COUNT II**
9 **VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT,**
10 **CALIFORNIA CIVIL CODE §§ 1788.17**

11 29. Plaintiff repeats, re-alleges, and reincorporates the allegations contained in the paragraphs
12 above and incorporates them as if set forth specifically herein.
13

14 1. The Rosenthal Act, California Civil Code § 1788.17, requires every creditor (Defendant)
15 attempting to collect a consumer debt to comply with the provisions of "Sections 1692b to
16 1692j, inclusive, of, and shall be subject to the remedies in Section 1692k of Title 15 of the
17 United States Code."

18 2. Defendant Resurgent's collection attempts violate 15 U.S.C. § 1692c(c), and thereby also
19 violate the Rosenthal Act, California Civil Code §§ 1788.17, as well as any other applicable
20 provisions.

21 3. Resurgent's actions were knowing and willful.

22 4. As a result of Resurgent's wrongful collection practices, Plaintiff has been damaged and is
23 entitled to relief.
24
25

1 WHEREFORE, Plaintiff, Erica Cole Cattenhead respectfully requests that the Court do
2 the following for the benefit of Plaintiff:

- 3 A. Enter an Order declaring Defendant's actions, as described above, in
4 violation of the FDCPA;
- 5 B. Enter an Order for Injunctive Relief preventing Defendant from
6 continuing to attempt to collect debts from consumer debtors, after they
7 have unsubscribed from receiving emails;
- 8 C. Appoint Plaintiff as the Class Representative, and appoint Plaintiff's
9 Counsel as Lead Counsel for the Class;
- 10 D. Enter a judgment against Defendant for actual and statutory damages,
11 pursuant to 15 U.S.C. § 1692k;
- 12 E. Award costs and reasonable attorneys' fees, pursuant to 15 U.S.C. §
13 1692k; and
- 14 F. Grant such other and further relief as may be just and proper.
- 15
- 16

17 **JURY TRIAL DEMAND**

18 Plaintiff demands a jury trial on all issues so triable.

19 Dated this 19th day of June 2025

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21

22 Respectfully Submitted,

23 /s/ Robert Sibilia

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