UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA GAINESVILLE DIVISION

MICHAEL MCCOY, individually and on behalf of all others similarly situated, Plaintiff,	Case No.: 2:25-CV-0242 CLASS ACTION COMPLAINT FOR VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692 et seq., AND GEORGIA LAW JURY TRIAL DEMANDED

v.

AMERICAN EXPRESS NATIONAL BANK, a Utah corporation; STEPHEN J. SQUERI, a natural person and resident of New Jersey; WEBEROLCESE ATTORNEYS & COUNSELORS, a law firm; JEFFREY M. WEBER, a natural person and resident of Michigan; MICHAEL J. OLCESE, a natural person and resident of Michigan; JAFFE & ASHER LLP, a limited liability partnership located in New York and Georgia;
Defendants.

I. INTRODUCTION & PRELIMINARY STATEMENT

1. This is a civil action brought by Plaintiff, individually and on behalf of a class of similarly situated consumers, for actual damages, statutory damages, costs, and attorney's fees against Defendants for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

2. Congress enacted the FDCPA in 1977 to eliminate abusive debt collection practices by debt collectors, to ensure 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.

3. The FDCPA is a strict liability statute, which provides for actual or statutory damages upon the showing of a single violation. Debt collectors must comply with all provisions of the statute when attempting to collect a consumer debt.

4. This action arises from a series of unlawful debt collection communications and litigation activities undertaken by Defendants in connection with an alleged consumer debt purportedly owed by Plaintiff to American Express National Bank.

5. Defendants' conduct violated multiple provisions of the FDCPA, including but not limited to failing to provide required disclosures in initial and subsequent communications, misrepresenting the character, amount, or legal status of the debt, engaging in deceptive means to collect or attempt to collect a debt, failing to send the written "validation notice" within five days of the initial communication, using false or

misleading representations regarding attorney involvement, collecting or attempting to collect amounts not expressly authorized by law or contract, and engaging in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff.

6. Defendants' practices, as alleged herein, are not isolated incidents but reflect standard operating procedures intended to maximize recovery from consumers through intimidation, incomplete disclosures, and improper legal filings.

7. Plaintiff brings this action not only to redress the harms suffered individually, but also to protect the interests of the putative class and to deter Defendants and other debt collectors from engaging in similar unlawful conduct in the future.

II. JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1692k(d), which provides that an action to enforce any liability created by the FDCPA may be brought in any appropriate United States district court without regard to the amount in controversy.

9. This Court also has federal question jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States, specifically the FDCPA, 15 U.S.C. § 1692 et seq.

10. Venue is proper in the United States District Court for the Northern District of Georgia, Gainesville Division, pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in this District, and because Defendants regularly transact business in this District.

11. Personal jurisdiction over Defendants is proper in this Court because Defendants conduct business in the State of Georgia, engage in debt collection activities directed toward residents of Georgia, and committed the acts complained of herein within the State of Georgia.

III. PARTIES

12. Plaintiff Michael James McCoy ("Plaintiff") is a natural person and a resident of Hall County, Georgia, located within the Northern District of Georgia, Gainesville Division. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3) because he is alleged to owe a debt arising out of transactions primarily for personal, family, or household purposes.

13. Defendant American Express National Bank ("American Express") is a national banking association organized and existing under the laws of the United States, with its principal place of business located at 200 Vesey Street, New York, New York 10285. American Express is a "creditor" as defined by 15 U.S.C. § 1692a(4) and a "debt collector" as defined by 15 U.S.C. § 1692a(6) when it uses the name of a third party in connection with the collection of its own debts.

14. Defendant Zwicker & Associates, P.C. ("Zwicker") is a law firm organized and existing under the laws of the Commonwealth of Massachusetts, with its principal place of business located at 80 Minuteman Road, Andover, Massachusetts 01810. Zwicker regularly collects or attempts to collect debts owed or due another and is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

15. Defendant SPP Inc. ("SPP") is a corporation organized and existing under the laws of the State of Georgia, with its principal place of business located at 1235 Lakes Parkway, Suite 109, Lawrenceville, Georgia 30043. SPP is regularly engaged by creditors and law firms to serve process in debt collection lawsuits and, when doing so, is acting as a "debt collector" as defined by 15 U.S.C. § 1692a(6).

16. At all times relevant to this Complaint, each Defendant acted through its officers, employees, agents, and representatives, who were acting within the course and scope of their actual or apparent authority, and for whose acts and omissions each Defendant is liable.

IV. FACTUAL ALLEGATIONS

17. This action arises from a pattern of unlawful debt collection practices undertaken by Defendants in connection with an alleged consumer debt purportedly owed by Plaintiff to American Express National Bank ("AENB").

18. At all times relevant, Plaintiff's alleged obligation, if any, arose from transactions primarily for personal, family, or household purposes, making it a "debt" as defined by 15 U.S.C. § 1692a(5).

19. On or about January 12, 2024, Defendant AENB, through its counsel, filed complaints in Hall County, Georgia, against Plaintiff, alleging personal liability for debts that were originally created by SPP Inc., Plaintiff's former employer.

20. The debts at issue were business-related accounts allegedly opened by SPP Inc. for commercial purposes, and Plaintiff has never signed any personal guarantee obligating him to be personally responsible for such accounts.

21. In support of their claims, Defendants produced only unverifiable, unsigned, and incomplete documents purporting to establish that Plaintiff personally guaranteed the alleged debts.

22. Despite Plaintiff's repeated written and oral requests, Defendants have failed and refused to produce any verifiable, signed personal guarantee.

23. On or about February 7, 2025, Defendant Weber Olcese sent Plaintiff debt collection letters that failed to comply with the Fair Debt Collection Practices Act ("FDCPA") and the Georgia Fair Business Practices Act ("GFBPA"), including—but not limited to—omitting required disclosures under 15 U.S.C. § 1692g(a), failing to identify themselves as debt collectors under 15 U.S.C. § 1692e(11), and using misleading letter formats contrary to guidance issued by the Consumer Financial Protection Bureau ("CFPB").

24. On or about July 15, 2025, Defendant Jaffe & Asher LLP sent Plaintiff debt collection letters which, although containing some statutory disclosures, were sent without verification of any personal liability and in violation of 15 U.S.C. § 1692e(2)(A) and § 1692f(1) by attempting to collect amounts not authorized by any agreement or permitted by law.

25. Between October 9, 2020, and August 1, 2022, and continuing thereafter, Defendants engaged in repeated and systematic collection communications directed at Plaintiff, including letters, phone calls, and multiple overlapping lawsuits.

26. In multiple telephone calls to Plaintiff's personal cell phone (404-606-7842) placed by Defendants' agents, the callers failed to disclose that they were debt collectors attempting to collect a debt, in violation of 15 U.S.C. § 1692e(11) and O.C.G.A. § 10-1-393.

27. Several of Defendants' collection letters and legal pleadings failed to contain the required "mini-Miranda" warning—that the communication is from a debt collector and that any information obtained will be used for that purpose—in violation of 15 U.S.C. § 1692e(11).

28. Defendants further failed to provide the written "validation notice" required by 15 U.S.C. § 1692g(a) within five days of their initial communication, depriving Plaintiff of his statutory right to dispute the debt and request verification.

29. In certain instances, Defendants misrepresented their authority to collect by creating the false impression that attorneys had meaningfully reviewed Plaintiff's file before initiating litigation, in violation of 15 U.S.C. §§ 1692e(3) and 1692e(10).

30. In at least one instance, Defendants attempted to collect amounts not expressly authorized by any agreement creating the debt or permitted by law, in violation of 15 U.S.C. § 1692f(1).

31. Defendants engaged in conduct, the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with the collection of the alleged debt, including serving multiple overlapping lawsuits and failing to correct known errors in the debt amount, in violation of 15 U.S.C. § 1692d.

32. Defendants' service of process was conducted in a manner designed to confuse and intimidate, including the repeated use of "SPP Inc." as the process server without

adequate disclosure of its relationship to the Defendants, thereby creating a deceptive appearance of independence and neutrality.

33. Upon information and belief, Defendants maintain collection policies and practices designed to obtain payment from consumers through intimidation, incomplete disclosures, and the filing of multiple concurrent lawsuits to increase pressure and coerce settlement.

34. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff suffered actual damages, including emotional distress, anxiety, wasted time, reputational harm, and expenses associated with defending against improper lawsuits and responding to unlawful communications.

V. CLASS ACTION ALLEGATIONS

35. Plaintiff brings this action individually and on behalf of all others similarly situated pursuant to Federal Rule of Civil Procedure 23(a), 23(b)(2), and 23(b)(3).

36. The proposed "Class" is defined as:

All natural persons in the United States who, within the applicable statute of limitations period preceding the filing of this Complaint, were subjected to debt collection communications, lawsuits, or other collection activity by Defendants in connection with an alleged consumer debt, where Defendants failed to provide required disclosures under 15 U.S.C. § 1692g(a), misrepresented the character, amount, or legal status of the debt, or otherwise engaged in conduct prohibited by the FDCPA.

37. Excluded from the Class are any judicial officer presiding over this case and their immediate family members, Defendants and any of their officers, directors, employees, subsidiaries, affiliates, and legal representatives, and any person who timely and validly requests exclusion from the Class.

38. The members of the Class are so numerous that joinder of all members is impracticable. The precise number of Class members is known only to Defendants but is believed to number in the hundreds or thousands.

39. Common questions of law and fact exist as to all Class members and predominate over any questions affecting only individual members. These common questions include, but are not limited to, whether Defendants' communications violated the FDCPA; whether Defendants' practices violated the GFBPA; whether Defendants failed to provide required disclosures under 15 U.S.C. § 1692g(a) and § 1692e(11); whether Defendants attempted to collect amounts not expressly authorized by agreement or law in violation of § 1692f(1); and whether Class members are entitled to actual damages, statutory damages, punitive damages, and attorney's fees and costs.

40. Plaintiff's claims are typical of the claims of the Class members because they arise from the same course of conduct by Defendants and are based on the same legal theories.

41. Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff has no interests antagonistic to the Class and has retained counsel experienced in prosecuting consumer protection and class action litigation.

42. A class action is superior to other available methods for the fair and efficient adjudication of this controversy because the prosecution of separate actions by individual Class members would create a risk of inconsistent or varying adjudications, the expense and burden of individual litigation would make it impracticable for most Class members to seek redress, and Defendants have acted or refused to act on grounds generally applicable to the Class, making appropriate final injunctive or declaratory relief with respect to the Class as a whole.

43. Certification of the Class under Rule 23(b)(2) is appropriate because Defendants have acted or refused to act on grounds that apply generally to the Class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the Class as a whole.

44. Certification of the Class under Rule 23(b)(3) is also appropriate because the questions of law or fact common to Class members predominate over any questions affecting only individual members, and a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.

VI. CAUSES OF ACTION

Count I – Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692e(2)(A)

45. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

46. Section 1692e(2)(A) prohibits debt collectors from falsely representing the character, amount, or legal status of any debt.

47. On or about January 12, 2024, Defendants American Express National Bank ("AENB"), WeberOlcese, and Jaffe & Asher LLP filed or caused to be filed complaints in Hall County, Georgia, alleging Plaintiff's personal liability for business credit accounts originally opened by Plaintiff's former employer, SPP Inc.

48. These accounts were not personally guaranteed by Plaintiff, and Plaintiff never signed any written agreement making him personally responsible for repayment.

49. Defendants nevertheless represented, in state court pleadings and related correspondence, that Plaintiff owed the debt personally, and that the debt was valid, enforceable, and due immediately.

50. Defendants' own discovery responses failed to produce any signed personal guarantee, and the documents produced were unverifiable and unsigned, rendering them legally insufficient to prove personal liability.

51. These misrepresentations regarding the character and legal status of the debt caused Plaintiff to incur legal expenses, emotional distress, and reputational harm.

Count II – Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692e(3)

52. Plaintiff realleges and incorporates by reference all preceding paragraphs.

53. Section 1692e(3) prohibits the false representation or implication that any communication is from an attorney when it is not, or that an attorney has reviewed the communication when no such review occurred.

54. Defendants WeberOlcese and Jaffe & Asher LLP filed debt collection lawsuits and sent demand letters that carried attorney letterhead and bore the names of licensed attorneys.

55. Upon information and belief, these attorneys did not meaningfully review Plaintiff's account or the underlying documents before the suits and letters were issued.

56. The letters contained boilerplate language identical to form letters sent to other consumers, and the pleadings contained factual errors and omissions demonstrating lack of individualized review.

57. By implying attorney involvement where none existed, Defendants created the false impression of legal urgency and legitimacy, thereby increasing pressure on Plaintiff to pay a debt he did not owe.

Count III – Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692e(10)

58. Plaintiff realleges and incorporates by reference all preceding paragraphs.

59. Section 1692e(10) prohibits the use of any false representation or deceptive means to collect or attempt to collect a debt.

60. Defendants engaged in deceptive practices including:
a. Filing multiple overlapping lawsuits on the same alleged debt in different case numbers;
b. Using the name "SPP Inc." for process service without disclosing its relationship to the

Defendants, creating the false impression of independence; and
c. Omitting key statutory disclosures in both written and oral communications.

61. These deceptive tactics were designed to confuse, intimidate, and coerce Plaintiff into payment.

Count IV – Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692e(11)

62. Plaintiff realleges and incorporates by reference all preceding paragraphs.

63. Section 1692e(11) requires debt collectors to disclose in their initial communication that they are attempting to collect a debt and that any information obtained will be used for that purpose, and in subsequent communications that they are a debt collector.

64. On or about February 7, 2025, WeberOlcese sent letters to Plaintiff that omitted the required "mini-Miranda" warnings.

65. On or about July 15, 2025, Jaffe & Asher LLP sent additional letters to Plaintiff which, while containing partial disclosures, still failed to confirm Plaintiff's personal liability or fully comply with § 1692e(11).

66. In multiple telephone calls to Plaintiff's personal cell phone, Defendants' agents failed to disclose that they were debt collectors or that the calls were for the purpose of collecting a debt.

Count V – Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692g(a)

67. Plaintiff realleges and incorporates by reference all preceding paragraphs.

68. Section 1692g(a) requires debt collectors to send a written notice containing specific information about the debt within five days after the initial communication.

69. Defendants failed to send Plaintiff any such written notice within the statutory period after their first contact.

70. This deprived Plaintiff of his statutory right to dispute the debt and request verification before further collection activity commenced.

Count VI – Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692f(1)

71. Plaintiff realleges and incorporates by reference all preceding paragraphs.

72. Section 1692f(1) prohibits collecting amounts not expressly authorized by the agreement creating the debt or permitted by law.

73. Defendants sought to collect interest, fees, and charges not authorized in any signed agreement between Plaintiff and the original creditor.

74. These amounts were added to the alleged balance without legal or contractual basis.

Count VII – Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692d

75. Plaintiff realleges and incorporates by reference all preceding paragraphs.

76. Section 1692d prohibits conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

77. Defendants engaged in such conduct by:
a. Serving multiple lawsuits on Plaintiff in quick succession for the same alleged debt;
b. Continuing collection activity despite Plaintiff's disputes and requests for verification; and
c. Failing to correct known errors in the alleged debt amount.

Count VIII – Violation of the Georgia Fair Business Practices Act, O.C.G.A. § 10-1-393(a)

78. Plaintiff realleges and incorporates by reference all preceding paragraphs.

79. Defendants engaged in unfair and deceptive acts and practices, including misrepresenting the nature of the alleged debt, failing to provide required disclosures, and attempting to collect unauthorized amounts.

80. These acts occurred in trade and commerce and affected the public interest, as Defendants' collection practices are part of a pattern or practice directed at Georgia consumers.

Count IX – Violation of the Georgia Fair Business Practices Act, O.C.G.A. § 10-1-393.1

81. Plaintiff realleges and incorporates by reference all preceding paragraphs.

82. Defendants violated Georgia's specific prohibitions on abusive debt collection practices by misrepresenting material facts, failing to identify themselves as debt collectors, and omitting required statutory language in communications.

83. These violations were intentional and part of Defendants' standard operating procedure for collecting debts in Georgia.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the proposed Class, respectfully requests that this Court enter judgment in their favor and against Defendants, and grant the following relief:

A. Statutory Damages – FDCPA
Award Plaintiff statutory damages of $1,000.00 from each Defendant pursuant to 15 U.S.C. § 1692k(a)(2)(A) for their violations of the Fair Debt Collection Practices Act.

B. Actual Damages – FDCPA
Award Plaintiff actual damages pursuant to 15 U.S.C. § 1692k(a)(1) for emotional distress, mental anguish, reputational harm, wasted time, and out-of-pocket expenses incurred in defending against Defendants' unlawful collection activities.

C. Statutory and Treble Damages – GFBPA
Award Plaintiff statutory damages of $2,000.00 per violation of the Georgia Fair Business Practices Act, O.C.G.A. § 10-1-399(a), and, because Defendants' violations were intentional, treble damages pursuant to O.C.G.A. § 10-1-399(c).

D. Declaratory Relief
Issue a declaration that Plaintiff is not personally liable for the alleged debts that are the subject of the Defendants' collection efforts, and that Defendants' collection practices violated the FDCPA and GFBPA.

E. Injunctive Relief
Permanently enjoin Defendants, their agents, employees, attorneys, and all persons acting in concert with them, from:
a. Filing or maintaining any lawsuit against Plaintiff to collect the alleged debts;
b. Communicating with Plaintiff regarding the alleged debts without first providing proper verification;
c. Using false, deceptive, or misleading representations in connection with debt collection; and
d. Engaging in any further unlawful debt collection activity against Plaintiff.

F. Costs and Attorney's Fees
Award Plaintiff the costs of this action, together with reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3) and O.C.G.A. § 10-1-399(d).

G. Pre- and Post-Judgment Interest
Award pre-judgment and post-judgment interest as allowed by law.

H. Any Other Relief
Grant such other and further relief as the Court deems just and proper.

VIII. JURY DEMAND

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

Respectfully submitted this 14 day of August, 2025.

/s/ Michael James McCoy
Michael James McCoy, Pro Se Plaintiff
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Hoschton GA 30548
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CERTIFICATE OF SERVICE

I hereby certify that on this 14 day of August, 2025, I caused a true and correct copy of the foregoing **Class Action Complaint** to be served upon all parties to this action by [**U.S. Mail / certified mail / electronic filing through the Court's CM/ECF system**] as required by the Federal Rules of Civil Procedure and the Local Rules of this Court, addressed as follows:

[Insert name and address of each Defendant's counsel or registered agent]

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