UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ERIC ADAMS JR.	)	**JURY TRIAL DEMANDED**
Plaintiff,	)	
	)	
v.	)	**Case No.**
	)	
MIDLAND CREDIT MANAGEMENT, INC.	)	
Defendant.	)	
	)	

COMPLAINT AND DEMAND FOR JURY TRIAL

INTRODUCTION

1. This is an action for actual and statutory brought by Plaintiff Eric Adams Jr. an individual consumer, against Defendant, Midland Credit Management, Inc. 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.

PRELIMINARY STATEMENT

2. The purpose of the FDCPA is 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. *Id.*

3. The FDCPA is a strict liability standard and generally does not require proof of intentional violation. *See Stratton v. Portfolio Recovery Assocs., L.L.C.*, 770 F.3d 443 (6th Cir. 2014); *Tourgeman v. Collins Fin. Services, Inc.*, 755 F.3d 1109 (9th Cir. 2014); *Glover v. F.D.I.C.*, 698 F.3d 139 (3d Cir. 2012); *Easterling v. Collecto, Inc.*, 692 F.3d 229 (2d Cir. 2012).

4. Even a single violation of the FDCPA is sufficient to support liability. *Taylor vs. Perrin, Landry, deLaunay, & Durand*, 103 F.3d 1232, 1238 (5th Cir. 1997).

5. "In enacting the FDCPA, Congress recognized that abusive debt-collection practices may intrude on another's privacy interests. *See* 15 U.S.C. § 1692(a) ("Abusive debt collection practices contribute to . . . invasions of individual privacy.")[1] *Elizabeth Lupia v. Medicredit, Inc.*, No. 20-1294 (10th Cir. 2021).

[1] *See also Cohen v. Rosicki, Rosicki & Assocs., P.C.*, 897 F.3d 75, 81 (2d Cir. 2018) ("Congress enacted the FDCPA to protect against the abusive debt collection practices likely to disrupt a debtor's life." (internal quotation marks and citation omitted))."

6. The Supreme Court recently cited "intrusion upon seclusion" as a harm "traditionally recognized as providing a basis for [a] lawsuit in American courts." *TransUnion LLC*, 141 S. Ct. at 2204 (citing *Gadelhak v. AT&T Servs., Inc.*, 950 F.3d 458, 462 (7th Cir. 2020) (Barrett, J.), *cert denied*, No. 20-209, 2021 WL 1521010 (U.S. Apr. 19, 2021)).

JURISDICTION AND VENUE

7. 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 Defendants transact business in Georgia, and the conduct complained of occurred in Georgia.

PARTIES

8. Plaintiff Eric Adams Jr. (hereinafter "Mr. Adams") is a natural person residing in Loganville, Walton County, Georgia.

9. Mr. Adams is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. § 1692a(3).

10. Upon information and belief, Defendant Midland Credit Management, Inc., is a corporation with its principal place of business located in San Diego, California, and has offices throughout the United States.

11. Midland Credit Management, Inc. is engaged in the collection of debt from consumers using the mail and telephone.

12. Midland Credit Management, Inc. regularly attempts to collect consumers' debts alleged to be due to others.

IV. FACTS OF THE COMPLAINT

13. Defendant Midland Credit Management, Inc., (hereinafter referred to as "Debt Collector") is a "debt collector" as defined by the FDCPA, 15 U.S.C 1692a(6).

14. On or about August 29, 2023, Debt Collector began furnishing a collection account concerning an alleged debt on Mr. Adams's consumer credit report.

15. This debt allegedly arose from a financial obligation that was primarily for personal, family, or household purposes.

16. Soon thereafter, Mr. Adams initiated disputes regarding the validity and accuracy of the collection account.

17. On July 11, 2024, Mr. Adams sent a certified letter to Debt Collector via the United States Postal Service (Tracking No. 9214 8901 4298 0405 1519 19), clearly stating his position that he "will not be settling this debt."

18. According to USPS records, Debt Collector received this correspondence on July 22, 2024.

19. Upon receiving this communication and being expressly informed that Mr. Adams refused to settle the alleged debt, Debt Collector was obligated under the FDCPA to cease further communications with Mr. Adams, absent one of the exceptions provided under 15 U.S.C. § 1692c(c).

20. Nevertheless, on or about August 5, 2024, Debt Collector sent Mr. Adams another collection letter in an attempt to collect the disputed debt.

21. Debt Collector's violation(s) of the FDCPA are material because Debt Collector's failure to cease contact with Mr. Adams would make an unsophisticated consumer believe that he did not have the rights Congress has granted to him under the FDCPA.

22. Such violations of the FDCPA are sufficient to show an injury-in-fact.

23. As a direct result of Debt Collector's conduct, Mr. Adams experienced frustration, alarm, confusion, and emotional distress.

24. Debt Collector's repeated intrusions constituted an unlawful invasion of Mr. Adams's privacy and an unwarranted intrusion upon his solitude.

FIRST CLAIM FOR RELIEF
15 U.S.C. § 1692c(c)

25. Mr. Adams re-alleges and reincorporates all previous paragraphs as if fully set out herein.

26. Debt Collector violated the FDCPA.

27. Debt Collector's violations include, but are not limited to, the following:

> Debt Collector violated 15 U.S.C § 1692c(c) of the FDCPA by failing to cease further communication with Mr. Adams after he notified it in writing that he declined to pay the debt.

28. As a result of the above violations of the FDCPA, Defendant is liable to Mr. Adams actual damages, statutory damages and cost.

SECOND CLAIM FOR RELIEF
Reg. F § 1006.6(c)

29. Mr. Adams re-alleges and reincorporates all previous paragraphs as if fully set out herein.

30. Debt Collector violated the FDCPA.

31. Debt Collector's violations include, but are not limited to, the following:

> Debt Collector violated Reg. F § 1006.6(c) by failing to cease further communication with Mr. Adams after he notified it in writing that he declined to pay the debt.

32. As a result of the above violations of Regulation F, Defendant is liable to the Mr. Adams actual damages, statutory damages and cost.

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mr. Adams respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against the Debt Collector for:

A. Judgment for the violations occurred for violating the FDCPA;

B. Actual damages pursuant to 15 U.S.C 1692k(1)(2);

C. Statutory damages pursuant to 15 U.S.C 1692k(2);

D. Cost and reasonable attorney's fees pursuant to 15 U.S.C 1692k(3);

E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

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By: ______________________
JEFFREY A. WILSON