UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHRISTIAN B. VALENTINE, Plaintiff, v. CAPIO PARTNERS, LLC, Defendant.	CIVIL COMPLAINT CASE NO. 4:25-cv-04103 DEMAND FOR JURY TRIAL

COMPLAINT

NOW comes CHRISTIAN B. VALENTINE ("Plaintiff"), by and through the undersigned, complaining as to the conduct of CAPIO PARTNERS, LLC ("Defendant") as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action for damages pursuant to the Fair Debt Collection Practices Act ("FDCPA") under 15 U.S.C. §1692 *et seq.* and the Texas Debt Collection Act ("TDCA") under Tex. Fin. Code Ann. § 392 *et seq.*, for Defendant's unlawful conduct.

JURISDICTION AND VENUE

2. This action arises under and is brought pursuant to the FDCPA. Subject matter jurisdiction is conferred upon this Court by 15 U.S.C §1692, 28 U.S.C. §§1331 and 1337, as the action arises under the laws of the United States. Supplemental jurisdiction exists for Plaintiff's state law claim pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this Court pursuant to 28 U.S.C. §1391 as Defendant conducts business in the Southern District of Texas, and a substantial portion of the events or omissions giving rise to these claims occurred within the Southern District of Texas.

PARTIES

4. Plaintiff is a consumer over-the-age of 18 residing in Houston, Texas, within the Southern District of Texas.

5. Defendant is a debt collector that collects medical debt from consumers across the country, including from those located in the state of Texas. Defendant is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business located at 3400 Texoma Parkway, Suite 100, Sherman, Texas 75090.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers at all times relevant to the instant action.

FACTS SUPPORTING CAUSES OF ACTION

7. The instant action arises out of the nature of Defendant's attempt to collect on a purported medical debt ("subject consumer debt") of unknown origin.

8. Based on information and belief, sometime after the subject consumer debt was in default, the subject debt was charged off and placed with Defendant for collection purposes.

9. In or around July 2025, Defendant began calling Plaintiff on his cellular phone number, (806) XXX-7741, numerous times seeking payment for the subject consumer debt.

10. At all relevant times to the instant action, Plaintiff has been the sole subscriber, owner, and operator of the phone number ending in -7741. Plaintiff is, and always has been, financially responsible for the phone and its services.

11. Defendant has primarily used the phone number (817) 522-3506 when placing calls to Plaintiff, but upon information and belief, Defendant has used other numbers as well.

12. Upon information and belief, Defendant's aforementioned phone number is regularly utilized by Defendant during its debt collection activities.

13. Upon speaking with Defendant on or about August 5, 2025, Plaintiff was told the Defendant was seeking payment on the subject consumer debt.

14. Plaintiff, skeptical of the nature of the debt, made an offer to pay it contingent on Defendant verifying certain information pertaining to the debt.

15. Specifically, upon speaking with Defendant regarding the debt, Plaintiff learned that the Social Security Number ("SSN") that Defendant had on file as associated with the debt did not match Plaintiff's own SSN.

16. Plaintiff spoke with Defendant again that same day.

17. Defendant's agent, "Amanda," confirmed to Plaintiff that as his SSN did not match what Defendant had on file, the subject consumer debt was not his, and as such, Defendant would cease contacting him.

18. Plaintiff sent a follow-up email to Defendant confirming his conversation with Amanda subsequently, and asked for written confirmation that the account was not his, that his contact information would be removed from Defendant's system, and that no credit reporting action would be taken by Defendant to report the debt.

19. Despite these prior discussions, the next day, August 6, 2025, Defendant called Plaintiff again regarding the debt.

20. Plaintiff advised that he had already spoken with Defendant the day before, Defendant had verified that the debt did not belong to Plaintiff, and that Defendant would remove his number from its system.

21. Defendant's agent denied that it spoke to Plaintiff at all the day before, and denied receiving any email from him requesting to not be contacted.

22. Defendant ignored Plaintiff's request for them to stop contacting him, and continued to attempt to collect the debt from him notwithstanding being placed on notice that the debt in question did not belong to him.

23. Defendant's conduct was designed to harass Plaintiff and squeeze sums of money from a consumer who it knew did not validly owe it a debt.

24. Frustrated with Defendant's conduct, Plaintiff spoke with the undersigned regarding his rights, exhausting time and resources.

25. Plaintiff has been unfairly and unnecessarily harassed by Defendant's actions.

26. Plaintiff has suffered concrete harm as a result of Defendant's actions, including but not limited to, invasion of privacy, confusion, aggravation, emotional distress, being the target of harassing and unwarranted collection efforts, and a further violation of his state and federally protected interests to be free from harassing and deceptive collection conduct – interests which were materially harmed as a result of Defendant's false, deceptive, and misleading conduct.

COUNT I – VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

27. Plaintiff repeats and realleges paragraphs 1 through 26 as though fully set forth herein.

28. Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a (3) of the FDCPA.

29. Defendant is a "debt collector" as defined by §1692a (6) of the FDCPA, because it regularly uses the mail and/or the telephone to collect, or attempt to collect, delinquent consumer accounts.

30. Defendant identifies itself as a debt collector, and is engaged in the business of collecting or attempting to collect, directly or indirectly, defaulted debts owed or due, or asserted to be owed or due, to others.

31. The subject consumer debt is a "debt" as defined by FDCPA § 1692a(5) as it arises out of a transaction due, or asserted to be owed or due, to another for personal, family, or household purposes.

a. Violations of FDCPA § 1692d and 12 C.F.R. § 1006.14.

32. The FDCPA, pursuant to 15 U.S.C. § 1692d, prohibits a debt collector from engaging "in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt." § 1692d(5) further prohibits debt collectors from causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number."

33. The newly amended Regulation F provides further guidance on what circumstances constitute harassing and oppressive debt collection conduct. 12 C.F.R. § 1006.14(b)(2) provides guidance on when calls are made repeatedly and continuously, and debt collectors are presumed to comply with these provisions if they follow certain guidelines. However, the commentary thereto confirms that this presumptive compliance can be rebutted by several factors, including "[t]he content of a person's prior communications with the debt collector." Examples of prior communications with consumers that can evince an intent to harass through phone calls include calls following a demand that such calls cease, and similarly following a consumer informing a debt collector that they refuse to pay the debt. 12 C.F.R. § 1006.14(b)(2)(i)(B) further prohibits a debt collector from placing a telephone call within a period of seven consecutive days after having had a telephone conversation in connection with the collection of such debt. Additionally, pursuant to 12 C.F.R. § 1006.14(h), a debt collector cannot "communicate or attempt to communicate with a person through a medium of communication if the person has requested that the debt collector not use that medium to communicate with the person."

34. Defendant violated §§ 1692d & 1692d(5), and 12 C.F.R. §§ 1006.14(b)(2) & 1006.14(h) through its harassing and noncompliant collection campaign directed towards Plaintiff. Plaintiff notified Defendant in writing that its calls were not welcome and needed to cease. Defendant noted that it would remove Plaintiff's information from its system as he did not owe the debt in question. Defendant knew that its continued placement of phone calls would be unwelcome to Claimant, yet nevertheless persisted, illustrating its intent to harass Claimant through its phone calls. Further, upon becoming aware of Plaintiff's desire to receive no further collection calls regarding the subject consumer debt, Defendant was obligated to cease utilizing such medium of communication in its efforts to collect the subject consumer debt from Plaintiff – however, such calls persisted notwithstanding Defendant's obligation to cease. Defendant engaged in this harassing and noncompliant conduct in an effort to harass and annoy Plaintiff into addressing the subject consumer debt.

35. Defendant further violated § 1692d(5) & 12 C.F.R. § 1006.14(b)(2)(i)(B) by placing a call to Plaintiff the day after it had already spoken to him. Plaintiff spoke to Defendant regarding the debt on August 5, 2025, and Defendant placed another call to him the next day, on August 6, 2025.

b. Violations of FDCPA § 1692e

36. The FDCPA, pursuant to 15 U.S.C. §1692e, prohibits a debt collector from using "any false, deceptive, or misleading representation or means in connection with the collection of any debt."

37. In addition, this section enumerates specific violations, such as:

> "The false representation of . . . the character, amount, or legal status of any debt . . . ." 15 U.S.C. §1692e(2)(A); and,
>
> "The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer." 15 U.S.C. §1692e(10).

38. Defendant violated §§ 1692e, e(2)(A) and e(10) through its deceptive and misleading conduct in attempting to collect on the debt from Plaintiff, despite Plaintiff not owing the debt. Such conduct naturally represented to Plaintiff that he had legal liability on the debt, and attempted to mislead him into payment on a debt he did not owe.

39. Defendant further violated §§ 1692e and e(10) through its false representation regarding actions it would take on the account to stop Plaintiff from receiving communications. Defendant admitted the debt did not belong to Plaintiff, and that it would remove his contact information from their system. However, as evidenced by its calls placed to him the very next day, this was not the case.

40. Defendant further violated §§ 1692e and e(10) through its false representations regarding the timeframe in which it spoke with Plaintiff. Defendant attempted to deny having spoke to Plaintiff on August 5, 2025, and claimed it could not find his written confirmation of those records. Defendant engaged in this conduct in efforts to evade responsibility for the admissions it made to Plaintiff.

c. Violations of FDCPA § 1692f

41. The FDCPA, pursuant to 15 U.S.C. § 1692f, prohibits a debt collector from using "unfair or unconscionable means to collect or attempt to collect any debt."

42. Defendant violated § 1692f through its unfair and unconscionable collection efforts directed towards Plaintiff. It was unfair for Defendant to continue collection efforts toward Plaintiff where it knew or had reason to know that such collection efforts were unwarranted. Defendant engaged in this conduct to unfairly seek payment of a debt Plaintiff did not owe in furtherance of its own bottom line.

WHEREFORE, Plaintiff, CHRISTIAN B. VALENTINE, respectfully requests that this Honorable Court enter judgment in his favor as follows:

a. Declaring that the practices complained of herein are unlawful and violate the aforementioned bodies of law;

b. Awarding Plaintiff statutory damages of $1,000.00 as provided under 15 U.S.C. §1692k(a)(2)(A);

c. Awarding Plaintiff actual damages, in an amount to be determined at trial, as provided under 15 U.S.C. §1692k(a)(1);

d. Awarding Plaintiff costs and reasonable attorney fees as provided under 15 U.S.C. §1692k(a)(3);

e. Enjoining Defendant from further contacting Plaintiff; and

f. Awarding any other relief as this Honorable Court deems just and appropriate.

COUNT II – VIOLATIONS OF THE TEXAS DEBT COLLECTION ACT

43. Plaintiff restates and realleges paragraphs 1 through 42 as though fully set forth herein.

44. Plaintiff is a "consumer" as defined by Tex. Fin. Code Ann. § 392.001(1).

45. Defendant is a "debt collector" and/or "third party debt collector" as defined by Tex. Fin. Code Ann. §§ 392.001(6) and 392.001(7).

46. The subject consumer debt is a "consumer debt" as defined by Tex. Fin. Code Ann. § 392.001(2) as it is an obligation, or alleged obligation, arising from a transaction for personal, family, or household purposes.

a. Violations of TDCA § 392.302

47. The TDCA, pursuant to Tex. Fin. Code Ann. § 392.302(4), states that "a debt collector may not oppress, harass, or abuse a person by causing a telephone to ring repeatedly or continuously, or making repeated or continuous telephone calls, with the intent to harass a person at the called number."

48. Defendant violated the TDCA when it called Plaintiff after he demanded it not do so, and after it had stated it would not do so. As stated, Defendant's intent to harass Plaintiff is evident through its repeated contacts made to him all while knowing that such calls were unwarranted.

b. Violations of TDCA § 392.304

49. The TDCA, pursuant to Tex. Fin. Code Ann. § 392.304(19) prohibits a debt collector from "using any . . . false representation or deceptive means to collect a debt or obtain information concerning a consumer."

50. Defendant violated the above-referenced portion of the TDCA in much the same way it violated 15 U.S.C. §§ 1692e of the FDCPA.

WHEREFORE, Plaintiff, CHRISTIAN B. VALENTINE, respectfully requests that this Honorable Court enter judgment in his favor as follows:

a. Declaring that the practices complained of herein are unlawful and violate the aforementioned statutes and regulations;

b. Entitling Plaintiff to injunctive relief pursuant to Tex. Fin. Code Ann. § 392.403(a)(1);

c. Awarding Plaintiff actual damages, pursuant to Tex. Fin. Code Ann. § 392.403(a)(2);

d. Awarding Plaintiff punitive damages, in an amount to be determined at trial, for the underlying violations;

e. Awarding Plaintiff costs and reasonable attorney fees, pursuant to Tex. Fin. Code Ann. § 392.403(b);

f. Enjoining Defendant from further contacting Plaintiff; and

g. Awarding any other relief as this Honorable Court deems just and appropriate.

Dated: August 29, 2025

Respectfully submitted,

s/ Nathan C. Volheim
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