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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

David Plagman, Plaintiff, v. Jefferson Capital Systems, LLC Defendant.	**Case No.:** **COMPLAINT AND DEMAND FOR JURY TRIAL** 1. **FDCPA, 15 U.S.C. § 1692, *et seq*.**

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff David Plagman ("Plaintiff"), through counsel, alleges violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq*. and negligence against Jefferson Capital Systems, LLC ("Defendant").

INTRODUCTION

1. This is an individual FDCPA action brought by a consumer alleging statutory damages, actual damages, and additional damages as the Court may allow based upon violations of 15 U.S.C. §§ 1692e(2)(A), e(10) and f(1), plus attorneys' fees and costs. The FDCPA prohibits debt collectors from engaging in abusive, misleading/deceptive, and unfair collection practices.

JURISDICTION AND VENUE

2. The Court has federal question jurisdiction over these claims pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue in the District of Arizona is proper pursuant to 28 U.S.C. § 1391(b)(2) as Defendant conducts business in the District of Arizona and a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District.

PARTIES

4. Plaintiff is a natural person obligated or allegedly obligated to pay any debt. He is therefore a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3). Plaintiff resides in Phoenix, Arizona.

5. Defendant is a foreign corporation that regularly conducts business in Arizona on a routine and systematic basis. Defendant is headquartered at 7955 S Priest Dr., Suite 102, Tempe, AZ 85284, USA and can be served through its Registered Agent Corporation Service Company, at the same address. Defendant is in the business of contacting consumers to collect consumer debt.

6. Defendant regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is therefore a "debt collector" within the meaning of the FDCPA, as defined at 15 U.S.C. § 1692a(6). Defendant regularly uses the telephone and mail to engage in the business of collecting debts and/or alleged debts from consumers in several states, including Arizona.

7. Any violations by Defendant as set forth in this Complaint were knowing and intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violations.

8. During all times pertinent to this Complaint, Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

9. Some years ago, Plaintiff began to receive collection letters and phone calls from Defendant regarding an alleged debt Plaintiff owed on a Verizon Wireless account (Account No. ending with ******4069) (the "Account").

10. Upon information and belief, the Account was originally opened in May 2018, and assigned, transferred, and/or sold to Defendant on or about October 13, 2020.

11. Plaintiff was confused to receive these collection attempts, as he did not have a phone account under his name with Verizon, or any other cellular provider.

12. At all relevant times, Plaintiff received phone service as a family member for his brother's account, which was with Verizon Wireless. To be clear, the Verizon account that Plaintiff received phone service under was not under Plaintiff's name, but Plaintiff's brother, Jeffrey Plagman, which Plaintiff had been receiving phone service under since the account's opening in or around August 2003.

13. Knowing that he did not actually owe the debt that Defendant asserted to be owed, Plaintiff assumed his identity had been stolen, and filed a report with the Phoenix Police Department in or around March 2019.

14. Nothing came of the police report/investigation, and Plaintiff carried on with his life.

15. In or around October 2024, however, Plaintiff observed that Defendant was reporting the Account on Plaintiff's credit report as a derogatory, open collections account with a balance of over $1,000.

16. On or about November 4, 2024, Plaintiff called Defendant to dispute liability for the alleged debt and to request debt validation, but Defendant did not respond to, or otherwise acknowledge, Defendant's request.

17. Consequently, in or around late November 2024, Plaintiff reached out to Defendant again, to request debt validation, but again received no response.

18. Getting nowhere with Defendant, and concerned that he was mistaken and that the alleged Verizon debt somehow did belong to him, Plaintiff contacted Verizon Wireless directly on or about March 12, 2025 to ask about the Account.

19. During that phone conversation, the Verizon representative confirmed to Plaintiff that: 1) the Account does not belong to Plaintiff; 2) that, further, there is no Verizon account where Plaintiff is listed as the account owner; and 3) that the only Verizon account associated whatsoever with Plaintiff is the account belonging to Jeffrey Plagman, which was itself opened in August 2003.

20. Thereafter, presumably due to action taken by Verizon, the Account was removed from Plaintiff's credit file/reports with each of the national credit bureaus, Experian, Equifax and Trans Union.

21. Despite this, on no less than two occasions in the past year, Defendant has mailed letters (the “Collection Letters”) to Plaintiff still attempting to collect on the Account.

22. Upon information and belief, the letters each stated that the communications were from a debt collector and were an attempt to collect a debt.

23. Upon information and belief, the letters further each featured prominent payment instructions, demanding that Plaintiff make a payment on the Account.

24. Thereafter, Plaintiff retained the undersigned counsel to redress Defendant’s violative conduct. In or around April 2025, the undersigned counsel mailed an informal demand letter to Defendant, asserting a violation of the FDCPA and attempting to resolve Plaintiff’s claims informally.

25. Defendant’s counsel responded to the demand letter, contesting liability but acknowledging that Defendant had attempted to collect the alleged Account debt from Plaintiff on multiple occasions in 2025. While negotiations seemed promising at first, Defendant’s counsel soon ceased responding, despite multiple follow-ups, resulting in the filing of this Complaint.

26. Defendant designed the communications as demands for payment, indicating to consumers like Plaintiff that an outstanding balance was owed and payment was due on the debt. Upon information and belief, the Collection Letters included information allowing Plaintiff to pay by mail or online.

27. Upon information and belief, Defendant included language in the Collection Letters to make Plaintiff believe that he was legally responsible for the subject debt.

28. The Collection Letters are misleading when construed as a whole, as Defendant demanded payment on a debt that Plaintiff was not legally responsible for, and the letter prominently featured payment demands and payment instructions.

29. Upon information and belief, Defendant had actual knowledge or was on notice that Plaintiff was not legally obligated to pay the alleged debt because: 1) Plaintiff disputed liability for the Account on multiple occasions in October 2024; and 2) the original creditor, Verizon, possessed knowledge and/or informed Defendant that the Account did not belong to Plaintiff, following Plaintiff's March 2025 call with Verizon.

30. Defendant knew, or reasonably should have known, that the alleged debt it was attempting to collect from Plaintiff was not owed by Plaintiff.

31. Upon information and belief, Defendant knew or was otherwise on notice that some of the debts it attempts to collect are debts that are not valid.

32. Upon information and belief, Defendant does not attempt to determine whether the debts it seeks to collect are valid.

33. Defendant's attempts to collect an alleged debt from Plaintiff was deceptive, misleading, unfair, unconscionable, and plainly violated numerous provisions of the FDCPA.

34. Defendant's collection efforts caused Plaintiff to suffer concrete and particularized injuries and harm. Defendant injured Plaintiff by trying to extract money from Plaintiff that he did not owe. Plaintiff could not understand why he was being hounded for an alleged debt of over $1,000 for an account that did not belong to him, and that Verizon knew did not belong to him. Plaintiff was further distressed by Defendant's failure to respond to his requests for debt validation. After Defendant began reporting the collections account on Plaintiff's credit reports, and further continued to attempt to collect the alleged debt after Verizon confirmed Plaintiff was not liable for it, Plaintiff worried that Defendant would escalate its collection efforts.

35. Defendant's collection efforts caused distress to Plaintiff, as he, upon receiving the Collection Letters, worried that he may owe a sum of money that he did not actually owe. Plaintiff further feared that Defendant would escalate its collection efforts and initiate legal proceedings against him, or start re-reporting the alleged debt on Plaintiff's credit report, and that his credit health would again be negatively impacted.

36. As a result of Defendant's conduct, Plaintiff has sustained actual damages including, but not limited to, embarrassment, stress and anxiety, lost sleep, emotional and mental pain, and anguish.

COUNT I
DEFENDANT'S VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. § 1692e(2)(A)

37. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

38. The FDCPA is a comprehensive regulatory scheme that Congress enacted to eliminate abusive, deceptive, and unfair debt collection practices by debt collectors and to promote consistent state action to protect consumers against debt collection abuses. 15 U.S.C. §§ 1692(a), (e).

39. When Congress enacted the FDCPA in 1977, Congress had found that abusive debt collection practices harmed consumers by, among other things, increasing personal bankruptcy, marital instability, loss of employment, and invasion of privacy.

40. Defendant used the mail to pursue an uncollectible debt against Plaintiff.

41. Upon information and belief, Defendant utilizes these false, deceptive, misleading, unfair, and unconscionable tactics as a matter of course when attempting to collect debts from consumers such as Plaintiff, despite the fact that Defendant knew or should have known that the alleged debt was not valid.

42. Defendant's conduct is intentional. Defendant did not maintain procedures reasonably adapted to avoid such conduct, but rather intended the conduct.

43. Defendant violated § 1692e(2)(A) of the FDCPA by misrepresenting the legal status of the alleged debt that Defendant attempted to collect from Plaintiff. Defendant's misrepresentations were made knowingly and with the intent to deceive and coerce the least sophisticated consumer. 15 U.S.C. § 1692e(2)(A).

44. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

45. Defendant's debt collection actions, including sending the Collection Letters, used false, deceptive, or misleading representations or means in connection with the collection of a debt.

46. As a result of Defendant's actions, Plaintiff suffered injuries in fact, including but not limited to, the above-referenced economic damages, emotional distress, embarrassment, frustration and lost sleep. He is entitled to recover actual damages, statutory damages, declaratory relief, injunctive relief, and attorneys' fees and costs.

COUNT II
DEFENDANT'S VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. § 1692e(10)

47. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

48. Defendant further violated the FDCPA by making false and deceptive representations that Plaintiff owed a debt that he did not legally owe.

49. The alleged debt was in fact not legally owed by Plaintiff because the Account does not belong to Plaintiff, nor is Plaintiff affiliated with or associated with he Account in any way whatsoever. Defendant could not legally collect the alleged debt from Plaintiff.

50. Defendant's representations were made knowingly and with the intent to deceive and coerce the least sophisticated consumer in order to induce payments for alleged debt that is uncollectable as a matter of law.

51. Defendant's debt collection actions constituted false, deceptive, or misleading representations or means used by Defendant in connection with the collection of a debt.

52. As a result of Defendant's actions, Plaintiff suffered injuries in fact, including but not limited to, the above-referenced economic damages, emotional distress, embarrassment, frustration and lost sleep. He is entitled to recover actual damages, statutory damages, declaratory relief, injunctive relief, and attorneys' fees and costs.

COUNT III
DEFENDANT'S VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. § 1692f(1)

53. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

54. Defendant further violated the FDCPA by using unfair or unconscionable means to collect a debt.

55. Defendant's unfair and unconscionable means include, without limitation:

a. Attempting to collect an alleged debt from Plaintiff that Plaintiff did not owe;

b. Misleading Plaintiff as to the validity of the debt; and/or

c. Attempting to coerce, pressure and/or deceive Plaintiff into paying money that he did not in fact owe.

56. Defendant's debt collection actions were false, deceptive, or misleading representations or means used in connection with the collection of an alleged debt.

57. As a result of Defendant's actions, Plaintiff suffered injuries in fact, including but not limited to, the above-referenced economic damages, emotional distress, embarrassment, humiliation, frustration, and lost sleep. Plaintiff is also entitled to recover actual damages, statutory damages, declaratory relief, injunctive relief, and attorneys' fees and costs.

COUNT IV
NEGLIGENCE

58. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

59. Defendant owed a general duty of care with respect to Plaintiff, particularly concerning its duty to ensure the debts it attempts to collect from consumers are valid and owing.

60. In addition, Defendant owed a duty of care under the FDCPA to, among other things, avoid the use of false, deceptive, or misleading tactics and representations in connection with the collection of any debt.

61. Defendant knew, or in the exercise of reasonable care should have known, that the debt it attempted to collect from Plaintiff was not valid.

62. Plaintiff is among the class of persons that the FDCPA was intended and designed to protect, and the conduct alleged against Defendant is the type of conduct and harm which the FDCPA was designed to deter.

63. Defendant's failure to verify the debt allegedly owed by Plaintiff constitutes negligence.

64. As a result of Defendant's actions, Plaintiff suffered injuries in fact, including but not limited to, the above-referenced economic damages, emotional distress, embarrassment, humiliation, frustration, and lost sleep. As a result of Defendant's negligent actions, Defendant is liable to Plaintiff for his actual damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for the following:

A. Declaratory judgment that Defendant violated the FDCPA;

B. An award of actual damages in an amount to be determined at trial;

C. Injunctive relief prohibiting Defendant's continued abusive debt collection conduct in violation of the FDCPA;

D. An award of statutory damages pursuant to 15 U.S.C. § 1692k(a)(2);

E. An award of costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3); and

F. Any pre-judgment and post-judgment interest as may be allowed under the law.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff demands a trial by jury in this action.

RESPECTFULLY SUBMITTED on October 22, 2025

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