UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL SMITH,

Plaintiff,

v.

WILLIAMSON MORGAN & ASSOCIATES, LLC,
also known as WMA PROCESSING,
CBD SOLUTIONS, LLC,
KJ AND ASSOCIATES LLC,
MORGAN TRACE & ASSOCIATES,
LAMARCO TIMONE RICH,
SHAKIMA YVETTE RICH, also known as
SHAKIMA YVETTE ROWLAND,
DOMINIC STEVEN ARJONILLA, and
JERMAINE RAYSHAWN MIMS,

Defendants.
_______________________________________/

# COMPLAINT

## I. Introduction

1. Plaintiff is a victim of credit identity theft, whose stolen personal and financial information was used to create a counterfeit account and fake debt. Defendants are debt collectors and credit identity thieves who acquired the stolen information and counterfeit account, and then, falsely claiming to be attorneys and a law firm, contacted Plaintiff and Plaintiff's relatives, falsely threatened Plaintiff with litigation and other adverse consequences, and coerced the payment of money from Plaintiff.

2. Defendants have violated the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.,* Driver's Privacy Protection Act of 1994 ("DPPA"), 18 U.S.C. § 2721 *et*

*seq*., Michigan Regulation of Collection Practices Act ("MRCPA"), M.C.L. § 445.251 *et seq.,* and Michigan Occupational Code ("MOC") M.C.L. § 339.901 *et seq*.

3. Defendants, along with other entities and individuals to be identified in discovery, are involved in a large, elaborate, and ongoing scheme to contact consumers across the country and falsely threaten litigation and other adverse consequences unless the consumers pay money to Defendants to supposedly satisfy counterfeit, paid, or time-barred debts. Defendants' scheme is sometimes known as "The Shakedown" or "The Shake."

4. These schemes are epidemic and are operated by hundreds of entities located in and around Los Angeles, California, Jacksonville, Miami and Orlando, Florida, Buffalo, New York, Atlanta, Georgia, Charlotte, North Carolina, and Rock Hill, South Carolina.

5. On November 4, 2015, the Federal Trade Commission and other law enforcement authorities around the country announced the first coordinated federal-state enforcement initiative targeting deceptive and abusive debt collection practices. The "Operation Collection Protection" initiative is described by the FTC as a nationwide crackdown by federal, state, and local law enforcement authorities against collectors who use illegal tactics such as harassing phone calls and false threats of litigation, arrest, and wage garnishment. The initiative targets debt collectors who attempt to collect so-called phantom debts – phony debts that consumers do not actually owe. See www.ftc.gov/news-events/press-releases/2015.

6. On September 29, 2020, the "Federal Trade Commission, along with more than 50 federal and state law enforcement partners . . . announced a nationwide law enforcement and outreach initiative to protect consumers from phantom debt collection and abusive and threatening debt collection practices . . . [with two new FTC cases against companies that] were

trying to collect debts they cannot legally collect or that a consumer does not owe – a practice known as phantom debt collection." See https://www.ftc.gov/news-events/press-releases/2020/09/ftc-state-federal-law-enforcement-partners-announce-nationwide.

7. The Identity Theft and Assumption Deterrence Act, 18 U.S.C. § 1028, makes it a felony to "knowingly transfer, possess, or use, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, or in connection with, any unlawful activity that constitutes a violation of Federal law . . . ." The act defines a "means of identification" to include an individual's "name, social security number, date of birth," and other information. It is an express violation of the FDCPA and Michigan law to commit a crime in connection with the collection of any debt.

**II. Jurisdiction**

8. The Court has subject matter jurisdiction under 15 U.S.C. § 1692k(d) (FDCPA), 18 U.S.C. § 2724(a) (DPPA), and 28 U.S.C. § 1331. The Court has supplemental jurisdiction regarding Plaintiff's state law claims under 28 U.S.C. § 1367. The Court has personal jurisdiction over each Defendant because each Defendant purposefully availed itself/himself/herself of the privilege of acting in Michigan, by contacting and threatening Plaintiff by telephone, email and letter, with actual knowledge that Plaintiff resided and was physically present in Michigan when each of those communications took place, and caused Plaintiff's injuries to occur in Michigan.

**III. Parties**

9. Plaintiff Daniel Smith is an adult, natural person residing in Michigan. Plaintiff is a "consumer" and "person" as the terms are defined and used in the FDCPA. Plaintiff is a "person" as the term is defined and used in the DPPA. Plaintiff is a "consumer," "debtor" and

"person" as the terms are defined and used in the MRCPA and MOC.

10. Defendant Williamson Morgan & Associates, LLC ("WMA"), also known as WMA Processing, is a Delaware limited liability company, formed September 2, 2016. According to the Statement of Information filed August 20, 2024 by WMA with the California Secretary of State, WMA operates a call center to collect accounts receivable at 8816 Foothill Boulevard, Suite 103-272, Rancho Cucamonga, California 91730, but the "Suite" is merely a private mailbox (No. 272), rented by Defendants from The UPS Store #4566. According to documents filed by WMA with the State of California, the Managing Members of WMA are Defendants LaMarco Timone Rich and Dominic Steven Arjonilla. The registered agent for WMA is Corporation Service Company, d/b/a CSC - Lawyers Incorporating Service. WMA uses interstate commerce and the mails in a business the principal purpose of which is the collection of debts. WMA regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. WMA is a "debt collector" as the term is defined and used in the FDCPA. WMA is a "regulated person" as the term is defined and used in MRCPA. Alternatively, WMA is a "collection agency" and "licensee" as the terms are defined and used in MOC.

11. According to documents filed by Defendants with the Workers' Compensation Insurance Rating Bureau of California, WMA currently operates Defendants' credit identity theft and debt collection scam at 3491 Concours Street, Suite 201, Ontario, California 91764, and maintains insurance for WMA's employees through Hartford Casualty Insurance Company.

12. According to documents filed by Defendants with the State of California, WMA also has operated at 320 South Milliken Avenue, Suite H, Ontario, California 91761.

13. WMA sometimes uses telephone number 909-636-1163 in connection with

Defendants' credit identity theft and debt collection scam. The telephone number is registered to Defendant Dominic Steven Arjonilla.

14. On September 17, 2016, Defendants registered through FastDomain Inc., the internet domain www.wm-associates.com, which links to an active website that describes WMA as a consumer debt collection agency and falsely states that "when it comes to that important decision whether or no to sue a Consumer, Williamson Morgan & Associates, has an enter department dedicated to determining which debts and Consumers are 'suit-worthy' or not, to further augment our client's recoveries." The website provides a contact telephone number of 866-455-0379, and a mailing address of 8816 Foothill Boulevard, Suite 103-272, Rancho Cucamonga, California 91730, which is merely a private mailbox (No. 272) rented by Defendants from The UPS Store #4566. Defendants use the domain, website and associated email addresses in connection with Defendants' credit identity theft and debt collection scam.

15. On January 12, 2022, Defendants registered through FastDomain Inc., the internet domain www.documentcontrolservice.net . Defendants use the domain and associated email addresses, including admin@documentcontrolservice.net and mediation@documentcontrolservice.net, to conduct Defendants' credit identity theft and debt collection scam.

16. On May 11, 2022, Defendants registered through FastDomain Inc., the internet domain www.managementarbitrationoffices.com. Defendants use the domain and associated email addresses, including admin@managementarbitrationoffices.com, to conduct Defendants' credit identity theft and debt collection scam.

17. Defendants own, control and use a Merchant Account established in the name of Williamson Morgan & Associates LLC, also known as "WMA Processing," telephone numbers

866-790-0647 and 866-455-0379, located in California, to receive credit card and debit card payments from their victims. Money deposited in the Merchant Account is shared among and distributed to the Defendants named in this lawsuit, their employees and agents, and perhaps others. The application that was filed by Defendants with the Acquiring Bank to create the Merchant Account, as well as the related monthly account statements and other account records, will need to be obtained from the Acquiring Bank via subpoena in discovery, so that Plaintiff can identify the other entities that receive distributions of money from the Merchant Account and are involved in Defendants' debt collection scam.

18. Defendants sometimes finance their purchases of portfolios of stolen consumers' personal and financial information. On September 19, 2023, a UCC Financing Statement (No. U230066198431) was filed with the California Secretary of State, naming as Debtor, Williamson Morgan & Associates LLC, 320 Milliken Avenue, Suite H, Ontario, California 91761, naming as representative for an undisclosed Secured Party, Corporation Service Company. P.O. Box 2576, Springfield, Illinois 62708, at uccsprep@cscglobal.com, and listing as collateral, accounts receivables, chattel paper, negotiable instruments, general intangibles, and the proceeds thereof. The identity of the undisclosed secured party will need to be determined in discovery for the purpose of determining whether the undisclosed secured party is knowingly participating in Defendants' credit identity theft and debt collection scam.

19. WMA through its employees and agents, directly and indirectly participated in the unlawful efforts to collect an alleged debt from Plaintiff that are described in this Complaint.

20. WMA through its employees and agents, directly and indirectly participated in the acquisition, disclosure and use of Plaintiff's stolen, private, personal, financial and account information, without a permissible purpose, as described in this Complaint.

21. Defendant CBD Solutions, LLC ("CBD") is a California limited liability company, formed on or about March 22, 2016. According to the Statement of Information filed June 15, 2020 by CBD with the California Secretary of State, CBD is in the business of "Collections," operates a call center at 320 South Milliken Avenue, Suite H, Ontario, California 91761, and the managing member is Defendant Dominic Steven Arjonilla. CBD has operated from the same business suite as Defendant WMA. The registered agent for CBD is Dominic Steven Arjonilla, 320 South Milliken Avenue, Suite H, Ontario, California 91761. CBD uses interstate commerce and the mails in a business the principal purpose of which is the collection of debts. CBD regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. CBD is a "debt collector" as the term is defined and used in the FDCPA. CBD is a "regulated person" as the term is defined and used in MRCPA. Alternatively, CBD is a "collection agency" and "licensee" as the terms are defined and used in MOC.

22. On June 16, 2020, CBD, claiming to be operating at 320 South Milliken Avenue, Suite H, Ontario, California 91761, was approved by the Small Business Administration for a PPP Loan in the amount of $34,952.00 from Celtic Bank Corporation, supposedly to pay payroll expenses for three employees.

23. CBD through its employees and agents, directly and indirectly participated in the unlawful efforts to collect an alleged debt from Plaintiff that are described in this Complaint.

24. CBD through its employees and agents, directly and indirectly participated in the acquisition, disclosure and use of Plaintiff's stolen, private, personal, financial and account information, without a permissible purpose, as described in this Complaint.

25. Defendant KJ and Associates LLC ("KJA") is a California limited liability

company, formed on or about July 7, 2021. According to the Statement of Information filed July 20, 2021 by KJA with the California Secretary of State, KJA operates a "Collections Agency" at 29141 Dune Primrose, Lake Elsinore, California 92530, which is the current residence of Defendants LaMarco Timone Rich and Shakima Yvette Rich. The managing members of KJA are Defendants Shakima Yvette Rich and Jermaine Rayshawn Mims. The registered agent for KJA is LegalCorp Solutions, Inc. KJA uses interstate commerce and the mails in a business the principal purpose of which is the collection of debts. KJA regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. KJA is a "debt collector" as the term is defined and used in the FDCPA. KJA is a "regulated person" as the term is defined and used in MRCPA. Alternatively, KJA is a "collection agency" and "licensee" as the terms are defined and used in MOC.

26. KJA through its employees and agents, directly and indirectly participated in the unlawful efforts to collect an alleged debt from Plaintiff that are described in this Complaint.

27. KJA through its employees and agents, directly and indirectly participated in the acquisition, disclosure and use of Plaintiff's stolen, private, personal, financial and account information, without a permissible purpose, as described in this Complaint.

28. Defendant Morgan Trace & Associates ("MTA") is a California corporation, formed on or about January 30, 2022. The MTA articles of incorporation list an initial business address of 16423 Gelding Way, Moreno Valley, California 92555, which is the current residential address for Defendant Jermaine Rayshawn Mims. The resident agent for MTA is Defendant Shakima Yvette Rich, 16423 Gelding Way, Moreno Valley, California 92555. MTA is owned and managed by Mr. Mims and Ms. Rich. MTA uses interstate commerce and the mails in

a business the principal purpose of which is the collection of debts. MTA regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. MTA is a “debt collector” as the term is defined and used in the FDCPA. MTA is a “regulated person” as the term is defined and used in MRCPA. Alternatively, MTA is a “collection agency” and “licensee” as the terms are defined and used in MOC.

29. MTA through its employees and agents, directly and indirectly participated in the unlawful efforts to collect an alleged debt from Plaintiff that are described in this Complaint.

30. MTA through its employees and agents, directly and indirectly participated in the acquisition, disclosure and use of Plaintiff’s stolen, private, personal, financial and account information, without a permissible purpose, as described in this Complaint.

31. Defendants Williamson Morgan & Associates, LLC, CBD Solutions, LLC, KJ and Associates LLC, and Morgan Trace & Associates, are sometimes collectively referred to as the “Corporate Defendants” in this Complaint.

32. Defendant LaMarco Timone Rich, also known as “Marco” Rich, is a natural person, age 50, residing at 29141 Dune Primrose, Lake Elsinore, California 92530. Mr. Rich is the husband of Defendant Shakima Yvette Rich. Mr. Rich uses multiple email addresses, including: mrich567@yahoo.com. Mr. Rich is an owner, director, officer, member, manager, employee and agent of the Corporate Defendants. Mr. Rich uses interstate commerce and the mails in a business the principal purpose of which is the collection of debts. Mr. Rich regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. Mr. Rich is a “debt collector” as the term is defined and used in the FDCPA. Mr. Rich is a “regulated person” as the term is defined and used in MRCPA. Alternatively, Mr. Rich

is a "collection agency" and "licensee" as the terms are defined and used in MOC.

33. Mr. Rich (a) created the collection policies and procedures used by the Corporate Defendants and their employees and agents, in connection with their common efforts to collect consumer debts, (b) managed or otherwise controlled the daily collection operations of the Corporate Defendants, (c) oversaw the application of the collection policies and procedures used by the Corporate Defendants and their employees and agents, (d) drafted, created, approved and ratified the tactics and scripts used by the Corporate Defendants and their employees and agents to collect debts from consumers, including the tactics and scripts that were used to attempt to collect an alleged debt from Plaintiff as stated in this Complaint, (e) ratified the unlawful debt collection practices and procedures used by the Corporate Defendants and their employees and agents in connection with their common efforts to collect consumer debts, and (f) had knowledge of, approved, participated in, and ratified the unlawful debt collection practices used by the Corporate Defendants and their employees and agents, all who participated and acted in concert, to obtain Plaintiff's personal and financial information, and use that information to contact Plaintiff and her relatives and falsely threaten Plaintiff with litigation and other adverse consequences unless Plaintiff paid money to Defendants, as described in this Complaint.

34. Mr. Rich directly and indirectly participated in the unlawful efforts to collect an alleged debt from Plaintiff that are described in this Complaint.

35. Mr. Rich directly and indirectly participated in the acquisition, disclosure and use of Plaintiff's stolen, private, personal, financial and account information, without a permissible purpose, as described in this Complaint.

36. Mr. Rich is a managing member of M.K Processing LLC, a California limited

liability company, formed on or about April 21, 2023, claiming to be doing business at 506 South Spring Street, #13308, Los Angeles, California 90013, but the address is merely a post office box rented from the United States Postal Service. It will need to be determined in discovery whether or not M.K Processing LLC participated in Defendants' credit identity theft and debt collection scam or otherwise has been used as a conduit to launder money unlawfully obtained by Defendants through their scam.

37. Mr. Rich is a managing member of RichBros Transports LLC, a California limited liability company, USDOT No. 3448519, claiming to be doing business at 15491 Venice Lane, Victorville, California 92394. On July 21, 2020, a UCC Statement (No. U200003350418) was filed with the California Secretary of State, naming LaMarco Timone Rich and RichBros Transports LLC as debtors and C T Corporation System in Glendale, California as representative of an undisclosed secured party, and listing all assets of the debtors as collateral. It will need to be determined in discovery whether or not RichBros Transports LLC participated in Defendants' credit identity theft and debt collection scam or otherwise has been used as a conduit to launder money unlawfully obtained by Defendants through their scam, and whether or not the secured party

38. Defendant Shakima Yvette Rich, also known as Shakima Yvette Rowland, also known as "Kima" Rich, is a natural person, age 49, residing at 29141 Dune Primrose, Lake Elsinore, California 92530. Ms. Rich is the wife of Defendant LaMarco Timone Rich. Ms. Rich uses multiple email addresses, including: kimayr64@yahoo.com and kimayr64@gmail.com. Ms. Rich is an owner, director, officer, member, manager, employee and agent of the Corporate Defendants. Ms. Rich uses interstate commerce and the mails in a business the principal purpose

of which is the collection of debts. Ms. Rich regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. Ms. Rich is a "debt collector" as the term is defined and used in the FDCPA. Ms. Rich is a "regulated person" as the term is defined and used in MRCPA. Alternatively, Ms. Rich is a "collection agency" and "licensee" as the terms are defined and used in MOC.

39. Ms. Rich (a) created the collection policies and procedures used by the Corporate Defendants and their employees and agents, in connection with their common efforts to collect consumer debts, (b) managed or otherwise controlled the daily collection operations of the Corporate Defendants, (c) oversaw the application of the collection policies and procedures used by the Corporate Defendants and their employees and agents, (d) drafted, created, approved and ratified the tactics and scripts used by the Corporate Defendants and their employees and agents to collect debts from consumers, including the tactics and scripts that were used to attempt to collect an alleged debt from Plaintiff as stated in this Complaint, (e) ratified the unlawful debt collection practices and procedures used by the Corporate Defendants and their employees and agents in connection with their common efforts to collect consumer debts, and (f) had knowledge of, approved, participated in, and ratified the unlawful debt collection practices used by the Corporate Defendants and their employees and agents, all who participated and acted in concert, to obtain Plaintiff's personal and financial information, and use that information to contact Plaintiff and her relatives and falsely threaten Plaintiff with litigation and other adverse consequences unless Plaintiff paid money to Defendants, as described in this Complaint.

40. Ms. Rich directly and indirectly participated in the unlawful efforts to collect an alleged debt from Plaintiff that are described in this Complaint.

41. Ms. Rich directly and indirectly participated in the acquisition, disclosure and use of Plaintiff's stolen, private, personal, financial and account information, without a permissible purpose, as described in this Complaint.

42. LaMarco Timone Rich and Shakima Yvette Rich are managing members of M and K Hauling LLC, a California limited liability company, formed on or about July 17, 2018, claiming to be doing business at 29141 Dune Primrose, Lake Elsinore, California 92530, which is the current residence of Mr. Rich and Ms. Rich. It will need to be determined in discovery whether or not M and K Hauling LLC participated in Defendants' credit identity theft and debt collection scam or otherwise has been used as a conduit to launder money unlawfully obtained by Defendants through their scam.

43. On March 6, 2024, a UCC Statement (No. U240023037419) was filed with the California Secretary of State, naming M and K Hauling LLC as debtor, CFG Merchant Solutions LLC as secured party, and listing "Future Receipts" as collateral. On March 13, 2024, a second UCC Statement (No. U240024931123) was filed with the California Secretary of State, naming M and K Hauling as debtor, Corporation Service Company as representative of an undisclosed secured party, and listing "Future Receipts" as collateral. It will need to be determined in discovery whether or not the secured parties participated in Defendants' credit identity theft and debt collection scam.

44. Defendant Dominic Steven Arjonilla is a natural person, age 42, residing at 8124 Big Range Drive, Jurupa Valley, California 92509. Mr. Arjonilla is an owner, director, officer, member, manager, employee and agent of the Corporate Defendants. Mr. Arjonilla uses interstate commerce and the mails in a business the principal purpose of which is the collection of debts.

Mr. Arjonilla regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. Mr. Arjonilla is a “debt collector” as the term is defined and used in the FDCPA. Mr. Arjonilla is a “regulated person” as the term is defined and used in MRCPA. Alternatively, Mr. Arjonilla is a “collection agency” and “licensee” as the terms are defined and used in MOC.

45. Mr. Arjonilla (a) created the collection policies and procedures used by the Corporate Defendants and their employees and agents, in connection with their common efforts to collect consumer debts, (b) managed or otherwise controlled the daily collection operations of the Corporate Defendants, (c) oversaw the application of the collection policies and procedures used by the Corporate Defendants and their employees and agents, (d) drafted, created, approved and ratified the tactics and scripts used by the Corporate Defendants and their employees and agents to collect debts from consumers, including the tactics and scripts that were used to attempt to collect an alleged debt from Plaintiff as stated in this Complaint, (e) ratified the unlawful debt collection practices and procedures used by the Corporate Defendants and their employees and agents in connection with their common efforts to collect consumer debts, and (f) had knowledge of, approved, participated in, and ratified the unlawful debt collection practices used by the Corporate Defendants and their employees and agents, all who participated and acted in concert, to obtain Plaintiff’s personal and financial information, and use that information to contact Plaintiff and her relatives and falsely threaten Plaintiff with litigation and other adverse consequences unless Plaintiff paid money to Defendants, as described in this Complaint.

46. Mr. Arjonilla directly and indirectly participated in the unlawful efforts to collect an alleged debt from Plaintiff that are described in this Complaint.

47. Mr. Arjonilla directly and indirectly participated in the acquisition, disclosure and use of Plaintiff's stolen, private, personal, financial and account information, without a permissible purpose, as described in this Complaint.

48. Defendant Jermaine Rayshawn Mims is a natural person, age 46, residing at 16423 Gelding Way, Moreno Valley, California 92555. Mr. Mims uses multiple email addresses, including: jermaine1316@yahoo.com. Mr. Mims is an owner, director, officer, member, manager, employee and agent of the Corporate Defendants. Mr. Mims uses interstate commerce and the mails in a business the principal purpose of which is the collection of debts. Mr. Mims regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. Mr. Mims is a "debt collector" as the term is defined and used in the FDCPA. Mr. Mims is a "regulated person" as the term is defined and used in MRCPA. Alternatively, Mr. Mims is a "collection agency" and "licensee" as the terms are defined and used in MOC.

49. Mr. Mims (a) created the collection policies and procedures used by the Corporate Defendants and their employees and agents, in connection with their common efforts to collect consumer debts, (b) managed or otherwise controlled the daily collection operations of the Corporate Defendants, (c) oversaw the application of the collection policies and procedures used by the Corporate Defendants and their employees and agents, (d) drafted, created, approved and ratified the tactics and scripts used by the Corporate Defendants and their employees and agents to collect debts from consumers, including the tactics and scripts that were used to attempt to collect an alleged debt from Plaintiff as stated in this Complaint, (e) ratified the unlawful debt collection practices and procedures used by the Corporate Defendants and their employees and

agents in connection with their common efforts to collect consumer debts, and (f) had knowledge of, approved, participated in, and ratified the unlawful debt collection practices used by the Corporate Defendants and their employees and agents, all who participated and acted in concert, to obtain Plaintiff's personal and financial information, and use that information to contact Plaintiff and her relatives and falsely threaten Plaintiff with litigation and other adverse consequences unless Plaintiff paid money to Defendants, as described in this Complaint.

50. Mr. Mims directly and indirectly participated in the unlawful efforts to collect an alleged debt from Plaintiff that are described in this Complaint.

51. Mr. Mims directly and indirectly participated in the acquisition, disclosure and use of Plaintiff's stolen, private, personal, financial and account information, without a permissible purpose, as described in this Complaint.

52. Mr. Mims is an officer of Mims Family Inc., a California corporation, doing business as Mims Family Trucking, USDOT No. 4010777, claiming to be doing business at 16423 Gelding Way, Moreno Valley, California 92555. On March 24, 2022, a UCC Statement (No. U220178027122) was filed with the California Secretary of State, naming Jermaine Mims as debtor and Cornerstone Financial Services in San Rafael, California as secured party, and listing a 2016 Freightliner Cascadia as collateral. On February 24, 2023, an amended UCC Statement (No. U230013239122) was filed with the California Secretary of State, naming Jermaine Mims as debtor and Cornerstone Financial Services in San Rafael, California as secured party, and listing a 2016 Freightliner Cascadia as collateral. On February 28, 2023, a UCC Statement (No. U230013981428) was filed with the California Secretary of State, naming Jermaine Rayshawn Mims and Mims Family Inc. as debtors and First Corporate Solutions in

Sacramento, California as representative of an undisclosed secured party, and listing all assets of the debtors as collateral. It will need to be determined in discovery whether or not Mims Family Inc. participated in Defendants' credit identity theft and debt collection scam or otherwise has been used as a conduit to launder money unlawfully obtained by Defendants through their scam.

53. Defendants and their employees and agents have used multiple aliases to conduct Defendants' debt collection scam, currently including: Adam & Associates; Law Office of Adam & Associates; Adam Legal Services; National Process Service; WMA Processing; Williamson & Morgan; WM Associates; Michael Davis; Rebecca Martinez; Laura Miller; Brian Watson; and Alicia Hernandez.

54. Defendants and their employees and agents have used multiple telephone numbers to conduct their debt collection scam, currently including: 323-529-8383; 734-201-1763; 810-202-7295; 866-455-0379; 866-603-5075; 866-603-5406; 866-603-5415; 866-603-5435; 866-603-5447; 866-790-0647; 866-811-0108; 877-927-0868; 888-258-3234; and 888-531-2298.

55. Defendants have been sued multiple times for engaging in the same credit identity theft and debt collection scam that is described in this Complaint. See, for example: *Rachel Beers v. Williamson Morgan & Associates, LLC, et al.,* U.S. District Court for the Southern District of Ohio, Eastern Division, Case No. 2:24-cv-00479-SDM-KAJ; and *Angela Meade v. Williamson Morgan & Associates, LLC, et al.,* U.S. District Court for the Western District of Michigan, Southern Division, Case No. 1:23-cv-00445-JMB-SJB.

56. All Defendants (and other entities to be identified in discovery and named as additional defendants in this lawsuit) are intricately bound together and combine their efforts in a joint and common enterprise and use concerted attempts to collect debts allegedly owed by

consumers throughout the United States. Defendants and the other entities operate collectively and together, in such as way that they are collecting debts for the benefit of each other, and making each participant jointly and severally for the unlawful acts of each of the other participants.

57. An entity that itself meets the definition of debt collector is liable for the unlawful collection activities carried out by another debt collector on its behalf. *See, e.g., Pollice v. National Tax Funding, L.P.,* 225 F.3d 379, 404-06 (3d Cir.2000); *Janetos v. Fulton Friedman & Gullace, LLP,* 825 F.3d 317, 325-26 (7th Cir.2016); *Fox v. Citicorp Credit Services, Inc.,* 15 F.3d 1507, 1516 (9th Cir.1994); *Wadlington v. Credit Acceptance Corp.,* 76 F.3d 103, 108 (6th Cir.1996); *Verburg v. Weltman, Weinberg & Reis Co., LPA et al.,* No. 1:13-cv-1328, 2016 WL 1273349, *7-8 (W.D. Mich. Mar. 28, 2016).

58. A shareholder, owner, officer, member, manager, employee or agent of a corporate debt collector can be held liable for violating the FDCPA, without piercing the corporate veil, by being directly involved in the day-to-day operation of the company, including the training and managing of employees, reviewing or supervising the review of accounts, materially participating in the activities of the company, supervising collection activities, overseeing compliance with applicable collection laws, ratifying unlawful acts, and the like, for the reason that each such individual is himself a "debt collector" within the statutory definition, namely, each is a "person" in a business, "the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another." 15 U.S.C. § 1692a(6). *See Kistner v. Law Offices of Michael P. Margelefsky, LLC,* 518 F.3d 433, 435-438 (6th Cir. 2008); *Russell v. Goldman Roth*

*Acquisitions, LLC,* 847 F.Supp.2d 994, 1004-06 (W.D.Mich. 2012).

**IV. Facts**

59. In 2013, Mr. Smith borrowed several hundred dollars from a lender, via the internet, in what is commonly known as a "payday loan," for a term of several weeks, at an annual interest rate that exceeded 300 percent.

60. In Michigan, payday loans are regulated by the Deferred Presentment Service Transactions Act, MCL 487.2122 *et seq.*, which expressly provides that it is not a crime to fail to repay a payday loan.

61. Mr. Smith used the borrowed funds exclusively to purchase goods and services for personal, family and household purposes, including paying for groceries, gasoline, clothing and personal services. Mr. Smith never used the borrowed funds for any business purposes. Mr. Smith did not own any business during the time Mr. Smith used the borrowed funds. Mr. Smith never took any business expenses on any federal, state or local income tax returns in connection with Mr. Smith's use of the borrowed funds. Mr. Smith was never reimbursed by any employer for any purchases made with the borrowed funds. Any resulting obligation of Mr. Smith to pay money to repay the borrowed funds was a "debt" as the term is defined and used in the FDCPA, MRCPA and MOC.

62. Mr. Smith allegedly failed to repay the debt to the original creditor.

63. The original creditor charged off Mr. Smith's account and related alleged debt in or before 2014.

64. The original creditor sold the charged-off account and related debt to a debt buyer.

65. The debt buyer, or a successor in interest, placed Mr. Smith account and related

alleged debt with a debt collector for collection.

66. Mr. Smith paid off the alleged debt.

67. Even if Mr. Smith still owed money in connection with the account, the debt is no longer judicially enforceable by operation of the applicable six-year Michigan statute of limitations. Stated differently, the account and any related debt are time-barred.

68. Despite the foregoing, Mr. Smith's account information, along with Mr. Smith's personal and financial information, was compromised, stolen, used to create counterfeit accounts and non-existent debts, and repeatedly sold and distributed to and among criminals.

69. For the past several years, multiple entities operating credit identity theft and debt collection scams have periodically contacted and falsely threatened Mr. Smith with litigation, prosecution and other adverse consequences, and coerced Mr. Smith into paying money to the credit identity thieves and debt collection scam operators to supposedly satisfy debts that Mr. Smith did not owe and the credit identity thieves and debt collection scam operators had no right to collect.

70. As described below, the defendants named in this complaint operate a credit identity theft and debt collection scam, acquired Mr. Smith's stolen account and personal financial information, and used that information to contact and falsely threaten Mr. Smith with litigation, prosecution and other adverse consequences, and coerced the payment of money from Mr. Smith, to supposedly satisfy debts that Mr. Smith did not owe and the credit identity thieves and debt collection scam operators had no right to collect.

71. On November 4, 2025, Defendants' employee and agent placed a call from telephone number 734-201-1763 to Plaintiff's cellular telephone with a Michigan area code and

left the following scripted, pre-recorded, and computer-generated message on Plaintiff's voice mail: "My name is Laura Miller with National Process Service. This call is intended for Daniel Smith for a Reference Number 2139716. This is a formal notice regarding the noncompliance notice that is being filed against you. If you have not received the notice properly by mail, please call the Litigations Office immediately to request a copy to be sent out certified.. Please note this complaint can move forward legally without your consent within one to two business days. Please feel free to contact the office with any further questions at 866-603-5447. Please consider yourself notified. Thank you."

72. On November 4, 2025, Defendants' employee and agent placed a call from telephone number 810-202-7295 to Plaintiff's wife's cellular telephone with a Michigan area code and left the following scripted, pre-recorded, and computer-generated message on Plaintiff's wife's voice mail: "My name is Laura Miller with National Process Service. This call is intended for Daniel Smith for a Reference Number 2139716. This is a formal notice regarding the noncompliance notice that is being filed against you. If you have not received the notice properly by mail, please call the Litigations Office immediately to request a copy to be sent out certified.. Please note this complaint can move forward legally without your consent within one to two business days. Please feel free to contact the office with any further questions at 866-603-5447. Please consider yourself notified. Thank you."

73. On November 4, 2025, Defendants' employee and agent placed a call from telephone number 810-202-7295 to Plaintiff's son's cellular telephone with a Michigan area code and left the following scripted, pre-recorded, and computer-generated message on Plaintiff's son's voice mail: "My name is Laura Miller with National Process Service. This call is intended

for Daniel Smith for a Reference Number 2139716. This is a formal notice regarding the noncompliance notice that is being filed against you. If you have not received the notice properly by mail, please call the Litigations Office immediately to request a copy to be sent out certified.. Please note this complaint can move forward legally without your consent within one to two business days. Please feel free to contact the office with any further questions at 866-603-5447. Please consider yourself notified. Thank you." Plaintiff's son currently is serving in the United States military.

74. On November 4, 2025, a return call was made to Defendants at 866-603-5447, which was answered by Defendants' employee and agent with the words "Litigation Department, how can I help you," identified herself as "Alicia Hernandez" with "Adam & Associates," and made the following statements:

a) "We are a litigation office. It was our Dispatch Department that reached out to you."

b) "Your Case Number is 2139716."

c) "You have a judgment that's being filed. So the judgment is being placed on Social ending in [last four digits of Plaintiff's Social Security Number]".

d) "This is in regards to the breach of contract with Clear Loan. You had taken out a payday loan with Clear Loan. You had taken out a payday loan with Clear Loan prior to 2018. You left a balance delinquent so they're taking you to court now to recover the funds."

e) "The attorneys for Clear Loan are taking you to court. I'm filing the paperwork."

f) "The attorneys sent you paperwork and gave you the option to resolve outside of court in the amount of $980.00 as a one-time payment, or they gave you the option to make monthly installments on the delinquent balance, it's $2,254.45, so you have the option to make monthly payments until that balance is paid back. If you decided to go ahead and dispute it in court, you have every right to, but the balance they are pursuing in court is $8,611.94. That's attorney fees, court costs, penalties, processing fees and the delinquent balance."

g) "I'm not sure how much you borrowed, but these loans have a five hundred percent interest rate."

h) "If you don't pay, you have to go to court, the court balance that they're pursuing is $8,611.94, you will be court-ordered to repay that in court."

i) "They do look at bank levies, property liens, tax [refund] interceptions and garnishments. If those are applicable, they'll go ahead and file for those as well."

j) "This loan closed in 2018. These loans have a ten-year statute of limitations."

k) "These loans are non-credit based and they're FDIC insured, so they have a ten-year statute of limitations."

l) "We can accept monthly installments of $126.00 a month for eighteen months."

m) "My direct number is 323-529-8383."

75. On November 4, 2025, in response to Defendants' false threats of litigation and other adverse consequences, Plaintiff authorized a payment to Defendants by debit card in the amount of $126.00.

76. According to the debit card's issuing bank, on November 4, 2025, the payment was deposited into Defendants' Merchant Account maintained in the name of "WMA PROCESSING," located in California, telephone numbers 866-790-0647 and 866-455-0379. The payment posted on November 6, 2025.

77. Defendants' repeated use of the described Merchant Account to receive credit card and debit card payments from consumers defrauded by Defendants violated the terms of the agreement between Defendants and Defendants' acquiring bank and Defendants' ISO and payment processor, violated the terms of the agreements between Defendants and Visa and MasterCard, and disqualifies Defendants from maintaining a Merchant Account and accessing the banking system. Defendants' banking records will need be obtained in discovery from Defendants' acquiring bank and ISO so that Plaintiff can name as additional Defendants in this lawsuit, any other entities participating in Defendants' scam.

78. On November 4, 2025, Defendants' employee and agent, using the alias "Brian Watson," sent an email from admin@documentcontrolservice.com to Plaintiff, using the internet platform, signNow, that allows users to sign documents online. Attached to the email was a document captioned "Payment Authorization Form," offering to settle Plaintiff's counterfeit account related fake debt, with Plaintiff to pay Defendants the sum of $2,254.45 in eighteen monthly installments of $126.00 each, to be paid to Defendants merchant account established in

the name of WMA Processing. Also attached to the email was a document captioned "Validation of Debt," purporting to be from "Alicia Hernandez - Litigation Case Analyst" with "Adam & Associates," and (a) falsely represented that a "Case" had been filed against Plaintiff and had been "Assigned To: Adam & Associates," (b) falsely stated that Plaintiff had a "Pending Balance" of $2,254.45, and a "Pre-filing Amount" of $8,611.94, (c) falsely and wrongfully threatened Plaintiff with garnishments, (d) falsely and wrongfully threatened: "This account has been placed with our office for recommendation of legal action due to a past due balance and breach of contract. Legal action would constitute the pursuit of a Judgement [sic] being filed against you. . . . In the event we must enforce the judgment, we will initiate liens/orders on any assets, mobile and real property, automobiles and real property applicable by Law," and (e) provided "Settlement Terms to Dismiss," falsely representing and falsely implying that a lawsuit had been filed and would be dismissed if Plaintiff paid money to Defendants. A copy of the email and documents are attached to this Complaint as Exhibit A.

79. The above-described documents contained Plaintiff's date of birth and the last four digits of Plaintiff's Social Security Number.

80. The above-described threats and representations made by Defendants and their employees and agents were false and part of a scripted and unlawful debt collection practice that is ongoing and is currently being perpetrated by Defendants to coerce and extort the payment of money from thousands of consumers across the country through the use of false threats of prosecution, litigation, intimidation, and unlawful harassment, often times on debts that are not owed, counterfeit or time-barred, and through the use of consumers' stolen account and personal information.

81. Defendants have regularly, repeatedly and falsely communicated to Plaintiff and other consumers that Defendants are lawyers, and have repeatedly engaged in the unauthorized practice of law, a crime. Cal. Bus. & Prof. Code § 6126 (West 2021). It is an express violation of the FDCPA to commit a crime in connection with the collection of any debt.

82. Defendants and their employees and agents falsely represented to Plaintiff that Defendants are lawyers and have filed a lawsuit against Plaintiff in Michigan, and engaged in the unauthorized practice of law in Michigan, a crime.

> A person shall not practice law or engage in the law business, shall not in any manner whatsoever lead others to believe that he or she is authorized to practice law or to engage in the law business, and shall not in any manner whatsoever represent or designate himself or herself as an attorney and counselor, attorney at law, or lawyer, unless the person is regularly licensed and authorized to practice law in this state. A person who violates this section is guilty of contempt of the supreme court, . . ." M.C.L. 600.916(1). "[P]unishment for contempt may be a fine of not more than $7,500.00, or imprisonment which . . . shall not exceed 93 days, or both[.]" M.C.L. 600.1715(1).
>
> It shall be unlawful for any corporation or voluntary association to . . . assume, use or advertise the title of lawyer or attorney, attorney-at-law, or equivalent terms in any language in such manner as to convey the impression that it is entitled to practice law, . . . or to advertise that either alone or together with or by or through any person whether a duly and regularly admitted attorney-at-law, or not, it has, owns, conducts or maintains a law office or an office for the practice of law, or for furnishing legal advice, services or counsel." M.C.L. 450.681. Any corporation or voluntary association violating the provisions of this section, and every officer, trustee, director, agent or employee of such corporation or voluntary association who directly or indirectly engages in any of the acts herein prohibited or assists such corporation or voluntary association to do such prohibited acts shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed 1,000 dollars or by imprisonment for a period of not to exceed 6 months, or by both[.]" *Id.*

It is a violation of the FDCPA to commit a crime in connection with the collection of any debt.

83. Defendants and their employees and agents failed to meaningfully identify themselves and their companies.

84. Defendants and their employees and agents falsely represented and inflated the

amount of Plaintiff's alleged debt.

85. Defendants and their employees and agents falsely represented and inflated the amount of Plaintiff's alleged debt, increasing the fake amount by thousands of dollars.

86. Defendants and their employees and agents falsely represented that Plaintiff owed a debt that is not owed.

87. Defendants and their employees and agents falsely represented the identity of the entity to whom the alleged debt is owed.

88. Defendants and their employees and agents falsely represented that they were retained by the owner of the account to collect the alleged debt.

89. Defendants and their employees and agents wrongfully obtained and wrongfully used personal information regarding Plaintiff, for the purpose of communicating with Plaintiff, in an effort to coerce the payment of money from Plaintiff.

90. Defendants and their employees and agents wrongfully obtained and wrongfully used personal information regarding Plaintiff's relatives, for the purpose of unlawfully communicating with Plaintiff's relatives, in an effort to coerce the payment of money from Plaintiff.

91. Defendants and their employees and agents falsely represented that they are lawyers and a law firm.

92. Defendants and their employees and agents falsely represented that they are lawyers and a law firm, retained by the owner of Plaintiff's counterfeit account, to sue Plaintiff.

93. Defendants and their employees and agents falsely represented and falsely implied that lawyers were involved in the efforts to collect the alleged debt.

94. Defendants and their employees and agents falsely represented and falsely implied that lawyers would become involved in the efforts to collect the alleged debt.

95. Defendants and their employees and agents falsely represented and falsely implied that a lawsuit was going to be filed against Plaintiff to collect the alleged debt.

96. Defendants and their employees and agents falsely represented and falsely implied that a lawsuit already had been filed against Plaintiff to collect the alleged debt.

97. Defendants and their employees and agents wrongfully threatened to file a lawsuit against Plaintiff to collect a known, time-barred debt.

98. Defendants and their employees and agents wrongfully threatened to file a lawsuit against Plaintiff to collect an alleged debt, that was time-barred by Michigan's six-year statute of limitations.

99. Defendants and their employees and agents falsely represented that the Michigan statute of limitations for the alleged debt is ten years.

100. Defendants did not intend to file a lawsuit against Plaintiff in any court in efforts to collect the alleged debt.

101. No Defendant has ever filed any lawsuit in any Michigan court to collect any debt from any consumer.

102. Defendants and their employees and agents falsely represented and falsely implied that a judgment would be entered against Plaintiff.

103. Defendants and their employees and agents falsely represented and falsely implied

that if Plaintiff did not pay money to Defendants, then Defendants were going to obtain court orders to garnish Plaintiff's wages, levy Plaintiff's bank accounts, place liens against Plaintiff's motor vehicles and real property, and intercept Plaintiff's income tax refunds.

104. Defendants and their employees and agents falsely represented and falsely implied that if Plaintiff did not pay money to Defendants, then Plaintiff would "have to go to court" and Plaintiff would be "court-ordered" to pay $8,611.94 to Defendants.

105. Defendants and their employees and agents falsely represented and falsely implied that Plaintiff's account and related alleged debt were "FDIC insured."

106. The FDCPA states that it is unlawful for a debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of any debt. 15 U.S.C. § 1692d.

107. The FDCPA states that it is unlawful for a debt collector to use criminal means to harm the reputation of any person. 15 U.S.C. § 1692d(1).

108. The FDCPA states that it is unlawful for a debt collector to place a telephone call without meaningful disclosure of the caller's identity. 15 U.S.C. § 1692d(6).

109. The FDCPA states that it is unlawful for a debt collector to falsely represent or imply that the debt collector is vouched for or affiliated with the United States or any State. 15 U.S.C. § 1692e(1).

110. The FDCPA states that it is unlawful for a debt collector to make any false representation regarding the character, amount, or legal status of any debt. 15 U.S.C. § 1692e(2)(A).

111. The FDCPA states that it is unlawful for a debt collector to make any false

representation regarding the compensation which may be lawfully received by any debt collector for the collection of any debt. 15 U.S.C. § 1692e(2)(B).

112. The FDCPA states that it is unlawful for a debt collector to falsely represent or imply that any individual is an attorney or that any communication is from any attorney. 15 U.S.C. § 1692e(3).

113. The FDCPA states that it is unlawful for a debt collector to falsely represent or imply that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages of any person unless such action is lawful and the debt collector or creditor intends to take such action. 15 U.S.C. § 1692e(4).

114. The FDCPA states that it is unlawful for a debt collector to threaten to take any action that cannot legally be taken or that is not intended to be taken. 15 U.S.C. § 1692e(5).

115. The FDCPA states that it is unlawful for a debt collector to falsely represent or imply that the consumer committed a crime or other conduct in order to disgrace the consumer. 15 U.S.C. § 1692e(7).

116. The FDCPA states that it is unlawful for a debt collector to communicate to any person credit information which is known or which should be known to be false. 15 U.S.C. § 1692e(8).

117. The FDCPA states that it is unlawful for a debt collector to use any false representation or deceptive means to collect or attempt to collect any debt. 15 U.S.C. § 1692e(10).

118. The FDCPA states that it is unlawful for a debt collector to communicate in a

communication with a consumer to fail to disclose that the communication is from a debt collector. 15 U.S.C. § 1692e(11).

119. The FDCPA states that it is unlawful for a debt collector to falsely represent or imply that documents are legal process. 15 U.S.C. § 1692e(13).

120. The FDCPA states that it is unlawful for a debt collector to use any business, company, or organization name other than the true name of the debt collector's business, company, or organization. 15 U.S.C. § 1692e(14).

121. The FDCPA states that it is unlawful for a debt collector to use unfair or unconscionable means to collect or attempt to collect any debt. 15 U.S.C. § 1692f.

122. The FDCPA states that it is unlawful for a debt collector to collect any amount unless such amount is expressly authorized by the agreement creating the debt or permitted by law. 15 U.S.C. § 1692f(1).

123. Defendants and their employees and agents have violated the FDCPA, 15 U.S.C. §§ 1692d, 1692d(1) and (6), 1692e, 1692e(1), (2)(A), (2)(B), (3), (4), (5), (7), (8), (10), (11), (13) and (14), and 1692f and 1692f(1).

124. The FDCPA states that a debt collector may not communicate, in connection with the collection of a debt, with any person other than the consumer, except to acquire "location information" about the consumer. 15 U.S.C. § 1692b; 15 U.S.C. § 1692c(b).

125. The FDCPA defines "location information" to mean "a consumer's place of abode and his telephone number at such place, or his place of employment." 15 U.S.C. § 1692a(7).

126. A debt collector when communicating with any person other than the consumer

for the purpose of acquiring location information about the consumer shall not state that such consumer owes any debt. 15 U.S.C. § 1692b(2).

127. Defendants violated the FDCPA, 15 U.S.C. § 1692b(2) and 15 U.S.C. § 1692c(b), by placing the above-described call to Plaintiff's son and leaving the above-quoted message on Plaintiff's son's voice mail.

128. The FDCPA requires that, within five days of the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the required information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing the information mandated by 15 U.S.C. § 1692g(a).

129. Defendants and their employees and agents failed to timely send to Plaintiff a notice containing the information required by 15 U.S.C. § 1692g(a).

130. Defendants and their employees and agents had knowledge of, approved of, and ratified the use of the unlawful debt collection practices that are described in this Complaint.

131. Defendants and their employees, managers, owners, agents, affiliates and co-conspirators each have intentionally and wilfully violated the FDCPA.

132. The FDCPA states in part, "It is the purpose of this subchapter to eliminate abusive debt collection practices by debt collectors" and "to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged." 15 U.S.C. § 1692(e).

133. Defendants and their employees, managers, owners, agents, affiliates and co-conspirators, to increase their business and profits, have knowingly chosen to use debt collection practices that violate the FDCPA, to the competitive disadvantage of those debt collectors who

have chosen to abide by the law and refrain from using those same unlawful debt collection practices.

134. In connection with efforts to collect an alleged debt from Plaintiff, Defendants obtained and used personal information regarding Plaintiff and Plaintiff's relatives from an internet skip-tracing database, such as LexisNexis Risk Management, Inc. (Accurint), TransUnion Risk and Alternative Data Solutions, Inc. (TLO), UDT Group, LLC (Delvepointe), or Interactive Data, LLC.

135. The database used by Defendants was derived in part from non-public motor vehicle records and searches made with the database are subject to the terms of the Drivers Privacy Protection Act. Subscribers to the database must sign an application stating that the subscriber will comply with the DPPA. Further, every time a subscriber logs on to use the database, the subscriber is confronted with a screen that requires the subscriber to affirmatively state the permissible purpose under the DPPA for which the subscriber is requesting the personal information.

136. The DPPA was enacted in response to growing concerns over the ease with which stalkers and other criminals could obtain personal information from state departments of motor vehicles. *Reno v. Condon*, 528 U.S. 141, 143–44, 120 S.Ct. 666, 145 L.Ed.2d 587 (2000).

137. The DPPA states:

> (a) Procurement for unlawful purpose. – It shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any use not permitted under section 2721(b) of this title.
>
> (b) False representation. – It shall be unlawful for any person to make false representation to obtain any personal information from an individual's motor vehicle record.

18 U.S.C. § 2722.

138. The DPPA also states:

> “personal information” means information that identifies an individual, including an individual’s photograph, social security number, driver identification number, name, address (but not the 5-digit zip code) [and] telephone number . . . .

18 U.S.C. § 2725(3).

139. The DPPA also states:

> A person who knowingly obtains, discloses or uses personal information, from a motor vehicle record, for a purpose not permitted under this chapter, shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.

18 U.S.C. § 2724(a).

140. The DPPA enumerates the only “permissible uses” for which personal information may be obtained. 18 U.S.C. § 2721(b).

141. Defendants did not have a “permissible use” under the DPPA to obtain, disclose or use personal information regarding Plaintiff and Plaintiff’s relatives.

142. Defendants used the database to obtain, disclose and use personal information regarding Plaintiff and Plaintiff’s relatives.

143. Defendants made a false representation to the provider of the database to obtain personal information regarding Plaintiff and Plaintiff’s relatives from Plaintiff’s and Plaintiff’s relative’s motor vehicle records.

144. Alternatively, the entity that obtained Plaintiff’s and Plaintiff’s relative’s personal information from the database and disclosed the personal information to Defendants, made a false representation to the provider of the database to obtain the personal information.

145. It is a crime to knowingly violate the DPPA. 18 U.S.C. § 2723. It is a violation of the FDCPA to commit a crime in connection with the collection of any debt.

146. Defendants knowingly obtained, disclosed and used Plaintiff's and Plaintiff's relative's personal information, from a motor vehicle record, for a purpose not permitted under the DPPA, and with willful or reckless disregard for the law.

147. No Defendant had a "permissible use" as the phrase is defined in the DPPA to obtain, use or disclose Plaintiff's or Plaintiff's relative's personal information obtained from the database.

148. No Defendant had Plaintiff's or Plaintiff's relative's consent, permission, authorization or waiver to obtain their personal information from the database.

149. A civil action under the DPPA may be commenced within four years after the cause of action accrues. 28 U.S.C. § 1658(a); *Rasmusson v. Chisago County,* 991 F.Supp.2d 1065, 1079 (D.Minn. 2014).

150. The DPPA imposes vicarious liability on principals for the acts of the actions of their agents who act with apparent authority. *Margan v. Niles,* 250 F.Supp.2d 63, 77 (N.D.N.Y. 2003).

151. Defendants and their employees and agents have intentionally and wilfully violated the DPPA.

152. Each Defendant was aware, or should have been aware, of the unlawful debt collection practices being used by the other Defendants to collect alleged debts.

153. As an actual and proximate result of the acts and omissions of Defendants and

their employees and agents, Plaintiff has suffered actual damages and injury, including but not limited to, monetary loss, invasion of privacy, fear, stress, mental anguish, emotional stress, acute embarrassment, anxiety, loss of sleep, and suffering, for which Plaintiff should be compensated in an amount to be established at trial.

## V. Claims for Relief

### Count 1 – Fair Debt Collection Practices Act

154. Plaintiff incorporates the foregoing paragraphs by reference.

155. Each Defendant has violated the FDCPA. Each Defendant's violations of the FDCPA include, but are not necessarily limited to, the following:

a) Defendants violated 15 U.S.C. § 1692d by engaging in conduct, the natural consequence of which is to harass, oppress, or abuse a person in connection with the collection of a debt;

b) Defendants violated 15 U.S.C. § 1692e by using false, deceptive and misleading representations and means in connection with the collection or attempted collection of a debt;

c) Defendants violated 15 U.S.C. § 1692f by using unfair and unconscionable means to collect or attempt to collect a debt from Plaintiff; and

d) Defendants violated 15 U.S.C. § 1692g.

**Wherefore,** Plaintiff seeks judgment against each Defendant for:

a) Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);

b) Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A);

c) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3); and

d) Such further relief as the court deems just and proper.

**Count 2 – Drivers Privacy Protection Act**

156. Plaintiff incorporates the foregoing paragraphs by reference.

157. Each Defendant has violated the DPPA, 18 U.S.C. § 2722(a) and (b).

**Wherefore,** Plaintiff seeks judgment against each Defendant for:

a) Actual damages, but not less than liquidated damages in the amount of $2,500.00, pursuant to 18 U.S.C. § 2724(b)(1);

b) Punitive damages pursuant to18 U.S.C. § 2724(b)(2);

c) Reasonable costs and attorneys' fees pursuant to18 U.S.C. § 2724(b)(3);

d) An injunction prohibiting Defendants from further obtaining or using Plaintiff's personal information, pursuant to 18 U.S.C. § 2724(b)(4);

e) An order requiring Defendants to provide Plaintiff with the original and all copies of any and all documents of any kind that contain any of Plaintiff's personal information, pursuant to 18 U.S.C. § 2724(b)(4); and

f) An injunction prohibiting Defendants from disseminating Plaintiff's personal information to any other entity, pursuant to 18 U.S.C. § 2724(b)(4).

**Count 3 – Michigan Regulation of Collection Practices Act**

158. Plaintiff incorporates the foregoing paragraphs by reference.

159. Each Defendant has violated the MRCPA. Each Defendant's violations of the MRCPA include, but are not necessarily limited to, the following:

a) Defendants violated M.C.L. § 445.252(a) by communicating with a debtor in a misleading or deceptive matter, including simulated judicial process;

b) Defendants violated M.C.L. § 445.252(e) by making an inaccurate, misleading, untrue, or deceptive statement or claim in a communication to collect a debt;

c) Defendants violated M.C.L. § 445.252(e) by concealing or not revealing the purpose of a communication when it is made in connection with collecting a debt;

d) Defendants violated M.C.L. § 445.252(f) by misrepresenting in a communication with a debtor the following: (i) the legal status of a legal action being taken or threatened, (ii) the legal rights of a creditor or debtor, and (iii) that the nonpayment of a debt will result in the debtor's arrest or imprisonment, or the seizure, garnishment, or sale of the debtor's property;

e) Defendants violated M.C.L. § 445.252(n) by using a harassing, oppressive, or abusive method to collect a debt; and

f) Defendants violated M.C.L. § 445.252(q) by failing to implement a procedure designed to prevent a violation by an employee.

**Wherefore,** Plaintiff seeks judgment against each Defendant for:

a) Actual damages pursuant to M.C.L. § 445.257(2);

b) Treble the actual damages pursuant to M.C.L. § 445.257(2);

c) Statutory damages pursuant to M.C.L. § 445.257(2);

d) Reasonable attorney's fees and court costs pursuant to M.C.L. § 445.257(2); and

e) Equitable relief pursuant to M.C.L. § 445.257(1).

## Count 4 – Michigan Occupational Code

160. Plaintiff incorporates the foregoing paragraphs by reference.

161. Each Defendant has violated the MOC. Each Defendant's violations of the MOC

include, but are not necessarily limited to, the following:

a) Defendants violated M.C.L. § 339.915(a) by communicating with a debtor in a misleading or deceptive matter, including simulated judicial process;

b) Defendants violated M.C.L. § 339.915(e) by making an inaccurate, misleading, untrue, or deceptive statement or claim in a communication to collect a debt;

c) Defendants violated M.C.L. § 339.915(e) by concealing or not revealing the purpose of a communication when it is made in connection with collecting a debt;

d) Defendants violated M.C.L. § 339.915(f) by misrepresenting in a communication with a debtor the following: (i) the legal status of a legal action being taken or threatened; (ii) the legal rights of a creditor or debtor; and (iii) that the nonpayment of a debt will result in the debtor's arrest or imprisonment, or the seizure, garnishment, attachment or sale of the debtor's property;

e) Defendants violated M.C.L. § 339.915(n) by using a harassing, oppressive, or abusive method to collect a debt; and

f) Defendants violated M.C.L. § 339.915(q) by failing to implement a procedure designed to prevent a violation by an employee.

**Wherefore,** Plaintiff seeks judgment against each Defendant for:

a) Actual damages pursuant to M.C.L. § 339.916;

b) Treble the actual damages pursuant to M.C.L. § 339.916;

c) Statutory damages pursuant to M.C.L. § 339.916;

d) Equitable relief pursuant to M.C.L. § 339.916; and

e) Reasonable attorney's fees and court costs pursuant to M.C.L. § 339.916(2).

Dated: November 18, 2025

/s/ Phillip C. Rogers
Phillip C. Rogers (P34356)
Attorney for Plaintiff
2851 Charlevoix Dr. SE, Ste. 205
Grand Rapids, MI 49546-7090
(616) 776-1176
ConsumerLawyer@aol.com

# Exhibit A

Gmail

**Dan Smith** [redacted]**@gmail.com>**

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## 2139716-2.pdf (1): Signature Request from Brian Watson

1 message

---

**Brian Watson** <mail@signnow.com> Tue, Nov 4, 2025 at 2:47 PM
Reply-To: admin@documentcontrolservice.net
To: dansmith[redacted]@gmail.com

**signNow**

### You were invited to review and sign a document

Brian Watson invited you to sign "2139716-2.pdf (1)"

View Document

**Did you receive this email by mistake or have any questions?**
You can contact the sender by clicking the button below.

**Contact Sender**

This email contains a secure link to signNow designed for the initial recipient. Please do not forward or share this email, link, or access code with others. If you believe this email was sent to you in error, please contact the sender.

# Payment Authorization Form

I hereby authorize the merchant WMA Processing to charge my debit card listed below. By submitting this debit card authorization, you are authorizing WMA Processing to immediately charge your debit card in the amount written below and are hereby agreeing to be bound by the policies set forth in our Terms of Use and, in particular, our refund and chargeback policy restated below: I understand the amount listed below is being charged to me for the listed description;

**Initial Payment:** $126.00 **Recurring Payment Amount:** $126.00 **Number of Payments:** 18

**Initial Payment Date:** 11/04/2025 **Recurring Payment Type:** 4th Monthly **Settlement Amount:** $2,254.45

**Chargeback Policy:**

*By using your debit card to pay the above listed amount for the above listed reason, you are agreeing that you are making this payment in good faith and you agree that you are authorized to use this method of payment. You also agree to contact WMA Processing to rectify any situation or problem with this charge. Merchant will be listed as WMA Processing on your statement. In the event you breach any of the listed terms of your cardholder agreement provided by your banking institution and/or any of your payments are reversed or charged back, you will be charged an administrative service fee of fifty ($50) dollars per occurrence, which you agree to pay in addition to the settlement amount listed above. We encourage you to please contact us for professional service regarding any of your concerns.*

Daniel Smith
(Name of Cardholder)

[redacted] MI [redacted]
(Debit/Credit Card Billing Statement Address)

(Card Number)

(Expiration Date)

(Signature)

**Visa or MasterCard: 3-digit number on BACK of card**

**Visa or MasterCard.** If you are using a Visa or M/C, please provide the 3-digit CVV (Customer Verification Value). This is the non-embossed number printed on the signature panel on the back of the card immediately following the Visa or MC account number.

# Validation of Debt

**Case Assigned To:** Adam & Associates

**File Number:** 2139716

**Date:** November 04, 2025

**Original Creditor:** Clear Loan

**Ending Account Number:** xxxxx60813

**Pre-filing Amount:** $8,611.94

**Pending Balance:** $2,254.45

**Party Information**

**Name:** Daniel Smith **S.S.#:** xxx-xx-[redacted] **Date of Birth:** [redacted]

**Address:** [redacted] MI, [redacted]

**Referred By:** Client ✓ Attorney ☐ Other ☐

| **Recommendations for the Attorney:** | **Settlement Terms to Dismiss:** |
|---|---|
| Lien: If applicable<br>Levy: If applicable<br>Tax Interception: If applicable<br>Garnishment: If applicable | <u>**Option 1**</u> Offered granted for settlement is $1,150.00 to be released of all liabilities.<br>**Option 2** Payments on $2,254.45 for 18 months.<br>Please respond by 11/04/2025 in order to accept terms of this agreement. |

1. This account has been placed with our office for recommendation of legal action due to a past due balance and breach of contract. Legal action would constitute the pursuit of a Judgement being filed against you.
2. In the event we must enforce the judgement, we will initiate liens/orders on any assets, mobile and real property as applicable by Law.
3. Upon successful clearance of your final payment, our client will provide a Release of Liability Statement showing that the debt is PAID IN FULL and deem the account a zero balance.
4. Our client reserves the right to withdraw the offer to resolve in the event the agreement becomes compromised to therefore null and void the options provided. Should further legal action be necessary in this matter, further costs and fees may be incurred to either party involved.
5. The parties agree that this document may be electronically signed. (E-sign act § 101(a) (1). *The general rule of validity applies due to the confidential nature of the information in this document; it cannot be left pending signature for longer than <u>24 hours</u>.* The signature below hereby represents the most common form of acknowledgement within said instrument.

Signature: ____________________

*<u>Your matter is deemed extremely time-sensitive and accuracy is very important, please direct any of your questions and concerns directly to your account manager:</u>*

*Alicia Hernandez- Litigation Case Analyst*
*(323)529-8383*