UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

NICHOLAS DESIMONE,
individually and on behalf of all those similarly situated,

Plaintiff,

v.

CREDIT CONTROL, LLC,

Defendant.
_____________________________________/

CLASS ACTION COMPLAINT

Plaintiff Nicholas DeSimone ("Plaintiff"), *individually and on behalf of all those similarly situated*, sues Credit Control, LLC ("Defendant") for violations of the Fair Debt Collection Practices Act 15 U.S.C. § 1692, et seq. ("FDCPA") and the Florida Consumer Collection Practices Act ("FCCPA").

JURISDICTION AND VENUE

1. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d), and 28 U.S.C §1331.

2. Supplemental jurisdiction exists pursuant to Florida Rule of Civil Procedure 1.220 and Fla. Stat. § 26.012(2).

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3. This Court has personal jurisdiction over Defendant because Defendant is operating, present, and/or doing business within this jurisdiction and because the complained of conduct of Defendant occurred within Leon County, Florida.

4. Venue of this action is proper in this Court because the cause of action alleged below arose in Leon County, Florida.

PARTIES

5. Plaintiff is a natural person, and a citizen of the State of Florida, residing in Leon County, Florida.

6. Defendant is a Missouri Limited Liability Company with its principal place of business located in Earth City, Missouri.

DEMAND FOR JURY TRIAL

7. Plaintiff, respectfully, demands a trial by jury on all counts and issues so triable.

FACTUAL ALLEGATIONS

8. Between Approximately October 22, 2025 and October 27, 2025 (Labeled here as "Yesterday"), Defendant placed nine (9) phone calls to Plaintiff (the "Subject Communications"), all in an attempt to collect a debt (the "Consumer Debt") from Plaintiff.

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9. The Consumer Debt is an obligation allegedly had by Plaintiff to pay money arising from a transaction between the creditor of the Consumer Debt and Plaintiff (the "Subject Service").

10. The Subject Service was primarily for personal, family, or household purposes.

11. Defendant is a "person" within the meaning of Fla. Stat. § 559.72.

12. Defendant is a business entity engaged in the business of collecting consumer debts.

13. Defendant regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.

14. Defendant is registered with the Florida Office of Financial Regulation as a "Consumer Collection Agency."

15. Defendant's "Consumer Collection Agency" license number is CCA0900526.

16. Defendant maintains all the records specified in Rule 69V-180.080, Florida Administrative Code.

17. The records specified by Rule 69V-180.080, Florida Administrative Code, of which Defendant does maintain, are current to within one week of the current date.

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18. For example, Defendant does not maintain and keep updated within seven (7) days the records required by, inter alia, Florida Administrative Code Rule 180.080(1), (3), (6), (7), (9), (10), and (11).

19. Further, Defendant has written policies and procedures for the secure handling of all consumer documents and information received in the course of collecting a debt from a consumer as required by Rule 69V-180.090(2).

20. As such, Defendant is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6).

21. Attached as "Exhibit A" is a screenshot of the Subject Communications.

22. Plaintiff wasted time and/or money evaluating the legal ramifications of Defendant's collection efforts.

CLASS ALLEGATIONS

PROPOSED CLASS

23. Plaintiff brings this lawsuit as a class action on behalf of Plaintiff, individually and on behalf of all other similarly situated persons as a class action. The "Class" that Plaintiff seeks to represent is the below defined "FDCPA Class" and "FDCPA Class" (collectively, "Classes").

24. The "**FDCPA Class**" consists of: [1] all persons with United States addresses [2] that Defendant or someone on Defendant's behalf [3] placed seven or

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more phone calls [4] within seven consecutive days [5] in connection with the collection of a consumer debt.

25. The **"FCCPA Class"** consists of [1] all consumers with Florida addresses [2] who received more than seven (7) phone calls [3] from Defendant, or someone on Defendant's behalf [4] over the course of any consecutive seven (7) day period [5] in an attempt to collect a debt [6] during the twenty-four (24) months preceding the filing of this Class Action Complaint.

26. Defendant and its employees or agents are excluded from the Classes.

27. Plaintiff does not know the number of members in the Classes but believes the members of the Classes to be in the several thousands, if not more.

NUMEROSITY

28. Upon information and belief, Defendant has sent thousands of debt collection communications to consumers throughout the United States and Florida after the person requested Defendant to cease communication with the consumer. The members of the Classes, therefore, are believed to be so numerous that joinder of all members is impracticable.

29. The exact number and identities of members of the Classes are unknown at this time and can be ascertained only through discovery. Identification of each member of the Classes is a matter capable of ministerial determination from Defendant's records.

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COMMON QUESTIONS OF LAW AND FACT

30. There are numerous questions of law and fact common to the Classes which predominate over any questions affecting only individual members of the Classes. Among the questions of law and fact common to the Classes are: **[1]** Whether Defendant made phone calls to Plaintiff and members of the Classes in an attempt to collect a debt; **[2]** Whether Defendant is a "person" within the meaning of Fla. Stat. § 559.72; **[3]** Whether Defendant, by and through said phone calls, violated the FCCPA and the FDCPA; **[4]** Whether Defendant is liable for damages, and the amount of such damages; and **[5]** Whether Defendant should be enjoined from such conduct in the future.

31. The common questions in this case are capable of having common answers. If Plaintiff's claims that Defendant routinely sends debt collection phone calls to consumers with such frequency that violates the FCCPA and the FDCPA are accurate, Plaintiff and members of the Classes will have identical claims capable of being efficiently adjudicated and administered in this case.

TYPICALITY

32. Plaintiff's claims are typical of the claims of the members of the Classes, as they are all based on the same factual and legal theories.

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PROTECTING THE INTERESTS OF THE CLASS MEMBERS

33. Plaintiff is a representative who will fully and adequately assert and protect the interests of the Classes and has retained competent counsel. Accordingly, Plaintiff is an adequate representative and will fairly and adequately protect the interests of the Classes.

SUPERIORITY

34. A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit because individual litigation of the claims of all members of the Classes is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by members of the Classes are in the millions of dollars, the individual damages incurred by each member of the Classes resulting from Defendant's wrongful conduct are too small to warrant the expense of individual lawsuits. The likelihood of individual members of the Classes prosecuting their own separate claims is remote, and, even if every member of the Classes could afford individual litigation, the court system would be unduly burdened by individual litigation.

35. The prosecution of separate actions by members of the Classes would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another may not. Additionally, individual

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actions may be dispositive of the interests of the Classes, although certain class members are not parties to such actions.

COUNT I
VIOLATION OF 15 U.S.C. § 1692d(5)
(For Plaintiff and the FDCPA Class)

36. Plaintiff, individually and on behalf of the FDCPA Class, incorporates by reference ¶¶ 1-35 of this Class Action Complaint.

37. Section 1692d(5) of the FDCPA prohibits a debt collector from "engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number." 15 U.S.C. § 1692d(5).

38. Regulation F, a regulation implementing the federal Fair Debt Collection Practices Act, prohibits a debt collector from "plac[ing] a telephone call to a particular person in connection with the collection of a particular debt . . . [m]ore than seven times within seven consecutive days." 12 C.F.R. § 1006.14.

39. As set forth above, Defendant placed the Subject Communications in an attempt to collect the Consumer Debt. See "Exhibit A" (the "Subject Communications). Upon information and belief, Defendant has communicated with other members of the Class in a similar harassing frequency.

40. In doing so, Defendant willfully communicated with Plaintiff and members of the Class in such a way that can be reasonably expected to harass or

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abuse Plaintiff and members of the Class. As such, by and through the Subject Communications, Defendant violated 15 U.S.C. § 1692d(5).

41. WHEREFORE, Plaintiff, individually and on behalf of the FDCPA Class, requests relief and judgment as follows:

(a) Determine this action is a proper class action under Federal Rules of Civil Procedure;

(b) A declaration that Defendant's conduct and/or practices described herein violate 15 U.S.C. § 1692d(5);

(c) Award Plaintiff and members of the FDCPA Class statutory damages pursuant to 15 U.S.C. § 1692k;

(d) Enjoin Defendant from future violations of 15 U.S.C. § 1692d(5) with respect to Plaintiff and the FDCPA Class;

(e) Award Plaintiff and members of the FDCPA Class reasonable attorneys' fees and costs, including expert fees, pursuant to 15 U.S.C. § 1692k; and

(f) Any other relief that this Court deems appropriate under the circumstances.

COUNT II
VIOLATION OF FLA. STAT. § 559.72 (7)
(For Plaintiff and the FCCPA Class)

42. Plaintiff, individually and on behalf of the Class, incorporates by reference paragraphs 1-35 of this Class Action Complaint as though fully stated herein.

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43. Section 559.72, Fla. Stat., of the FCCPA contains nineteen subsections and otherwise codifies an extensive list of acts and/or omissions.

44. Specifically, in collecting consumer debts and pursuant to the FCCPA, no person shall: "[w]illfully communicate with the debtor or any member of her or his family with such frequency as can reasonably be expected to harass the debtor or her or his family, or willfully engage in other conduct which can reasonably be expected to abuse or harass the debtor or any member of her or his family." Fla. Stat. § 559.72(7).

45. Fla. Stat. § 559.77(5) states that "[i]n applying and construing this section, due consideration and great weight shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to the federal Fair Debt Collection Practices Act."

46. Regulation F, a regulation implementing the federal Fair Debt Collection Practices Act, prohibits a debt collector from "plac[ing] a telephone call to a particular person in connection with the collection of a particular debt . . . [m]ore than seven times within seven consecutive days." 12 C.F.R. § 1006.14.

47. Between approximately October 22, 2025 and October 27, 2025, Defendant placed the Subject Communications in an attempt to collect the Consumer Debt. Upon information and belief, Defendant has communicated with other members of the Class in a similar harassing frequency.

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48. In doing so, Defendant willfully communicated with Plaintiff and members of the Class in such a way that can be reasonably expected to harass or abuse Plaintiff and members of the Class. As such, by and through the Subject Communications, Defendant violated Fla. Stat. § 559.72(7).

49. WHEREFORE, Plaintiff, on behalf of themselves and members of the Class, respectfully requests this Court to enter a judgment against Defendant, awarding Plaintiff the following relief:

(a) Determine this action is a proper class action under Federal Rules of Civil Procedure;

(b) An injunction requiring Defendant to comply with § 559.72 (7);

(c) Statutory damages for Plaintiff and members of the class as provided by Fla. Stat. § 559.77(2);

(d) Costs and reasonable attorneys' fees pursuant to Fla. Stat. § 559.77(2); and

(e) Any other relief that this Court deems appropriate under the circumstances.

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DATED: February 27, 2026

Respectfully Submitted,

/s/ Gerald D. Lane, Jr.

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