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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

Jack Supinger Plaintiff, v. RAS LAVRAR, LLC, and JOSEPH E. HILL, ESQ., individually, Defendant,	Case No: 6:26-cv-1148-DCC-PJG **PLAINTIFF'S COMPLAINT & DEMAND FOR TRIAL BY JURY**

I. PRELIMINARY STATEMENT

1. This is an action for damages brought by an individual consumer, Jack Supinger, against RAS LaVrar, LLC and Joseph E. Hill, Esq., individually, for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"), the South Carolina Unfair Trade Practices Act, S.C. Code Ann. § 39-5-20 *et seq.* ("SCUTPA"), and the doctrine of unconscionability under S.C. Code Ann. § 37-5-108, arising from Defendants' unlawful, false, deceptive, and unconscionable debt collection practices.

2. Plaintiff seeks statutory damages, actual damages including emotional distress, attorney's fees and costs, and such other relief as this Court deems just and proper.

II. JURISDICTION AND VENUE

3. This Court has original federal question jurisdiction over Plaintiff's FDCPA claims pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

4. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a), as those claims arise from the same nucleus of operative facts as the federal claims.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the Defendants maintain an office and transact business in Greenville, South Carolina, and a substantial part of the events giving rise to this action occurred in Greenville County, South Carolina.

III. PARTIES

6. Plaintiff Jack Supinger ("Plaintiff" or "Supinger") is an individual and a "consumer" as defined by 15 U.S.C. § 1692a(3), residing in Greenville County, South Carolina.

7. Defendant RAS LaVrar, LLC ("RAS LaVrar") is a limited liability company and law firm that regularly uses the mails and instrumentalities of interstate commerce to collect consumer debts owed or due, or alleged to be owed or due, to others. RAS LaVrar is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6). RAS LaVrar maintains a physical office at 651 Brookfield Parkway, Suite 103, Greenville, SC 29607, and a mailing address at 1133 S. University Drive, 2nd Floor, Plantation, FL 33324.

8. Defendant Joseph E. Hill, Esq. ("Hill"), SC Bar No. 71762, is an attorney employed by RAS LaVrar, LLC. Hill is individually liable as a "debt collector" within the meaning of 15 U.S.C. § 1692a(6) because he regularly engages in consumer debt collection activity. The United States Supreme Court held in *Heintz v. Jenkins*, 514 U.S. 291 (1995), that attorneys who regularly engage in consumer debt collection are "debt collectors" subject to the FDCPA.

IV. FACTUAL ALLEGATIONS

9. At all times relevant hereto, Defendants attempted to collect a consumer debt allegedly owed by Plaintiff to Citibank, N.A. ("Citibank") arising from a credit card account (the "Debt").

10. On or about March 21, 2025, RAS LaVrar, acting on behalf of Citibank, filed a debt collection lawsuit against Plaintiff in the Greenville County Magistrate Court,

styled Citibank N.A. v. Supinger, Case No. 2025CV2310201490 (the "State Court Action"). The summons bears a date of March 24, 2025.

11. The State Court Action was subsequently transferred to the Greenville County Court of Common Pleas.

B. Acknowledgment of Debt Collector Status

12. The September 9, 2025 collection letter sent by RAS LaVrar to Plaintiff contains the following disclosure: "THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR."

13. This Mini-Miranda disclosure constitutes a direct written acknowledgment by RAS LaVrar that it is a "debt collector" subject to all requirements of the FDCPA. Defendants are estopped from claiming any exemption from FDCPA coverage, including the original creditor exemption.

C. The False Affidavit and Itemization of Accounts

14. The State Court complaint was filed with an Affidavit and Itemization of Accounts appearing on page 7 of the complaint package (the "Affidavit").

15. The Affidavit states that Citibank N.A. "states that it is the Plaintiff in this action, and that the Itemization of Accounts which follows is true and correct" and that "no part of the sum included in the itemization below has been paid or satisfied in any fashion."

16. The Affidavit was signed by Joseph E. Hill, Esq.—Citibank's attorney—not by any Citibank employee, officer, or agent with actual knowledge of the account records.

17. Attorney Hill has no personal knowledge of Citibank's account history, payment records, or balance calculations. He cannot truthfully swear that the balance is accurate, that no payments have been received, or that the itemization is

correct. South Carolina Rule of Evidence 602 requires that a witness have personal knowledge of the matter about which they testify.

18. The Affidavit's itemization claims court costs of $80.00. However, the cover letter to the Greenville County Magistrate Court, appearing on page 13 of the complaint package, states: "Enclosed for filing please find our filing fee of $70." The actual filing fee paid was $70.00.

19. The sworn Affidavit thus overstates court costs by $10.00, demonstrating that the Affidavit is factually inaccurate on its face.

D. Post-Litigation Collection Letters Concealing Pending Lawsuit

20. After filing the State Court Action on March 21, 2025, RAS LaVrar sent at least two debt collection letters to Plaintiff that made no mention of the pending lawsuit:

21. **September 9, 2025 letter** (approximately six months after suit filed): This letter offered "validation of debt," implied a pre-suit collection status, and created confusion about Plaintiff's legal obligations.

22. **October 20, 2025 letter** (approximately seven months after suit filed): This letter stated the debt "verified…is due and owing," offered "further verification," and made no mention of the pending lawsuit.

23. Regardless of Plaintiff's actual knowledge of the pending lawsuit, the least sophisticated consumer standard is an objective test. These letters, by offering pre-suit remedies such as "validation of debt" while omitting any reference to the pending litigation, are inherently deceptive because they would mislead a least sophisticated consumer into believing no legal action had been initiated. The deceptive nature of the communication is measured by its content, not by the individual consumer's subjective awareness.

E. Filing Suit Without Valid Right-to-Cure Notice

24. South Carolina Code Ann. §§ 37-5-110 and 37-5-111 require that a creditor send a written Notice of Consumer's Right to Cure before filing suit on a

consumer credit transaction. The South Carolina Court of Appeals confirmed in *Portfolio Recovery Associates, LLC v. Campney*, 441 S.C. 36 (2023), that credit card debts are subject to this requirement and that assignees cannot evade it.

25. Paragraph 8 of the State Court complaint states: "The Notice of Consumer's Right to Cure, as contemplated under S.C. Code of Laws Ann. Sections 37-5-110 and 37-5-111, was sent to the Defendant." This statement is categorically false.

26. The only communication sent to Plaintiff before suit was a January 6, 2025 FDCPA collection letter—not a valid § 37-5-110 notice. Attorney Hill admitted in writing that this letter was Defendants' purported "notice-to-cure."

27. An FDCPA collection letter does not satisfy any of the requirements of § 37-5-110. The January 6, 2025 letter: (a) does not identify the nature of the default; (b) does not describe the right to cure; (c) does not state the amount needed to cure the default (arrears only); (d) does not provide a 20-day cure period; (e) does not warn of acceleration consequences; and (f) does not reference the South Carolina Consumer Protection Code.

28. Defendants filed suit knowing, or with reckless disregard for whether, no valid right-to-cure notice had been sent by Citibank or on its behalf.

COUNT 1: Violation of 15 U.S.C. § 1692e(2)(A) False Representation of Debt Amount (Against All Defendants)

29. Plaintiff realleges and incorporates by reference the allegations set forth in all preceding paragraphs as though fully set forth herein.

30. Defendants violated 15 U.S.C. § 1692e(2)(A) by falsely representing the character, amount, and legal status of the Debt by: (a) filing a sworn Affidavit and Itemization of Accounts signed by Attorney Hill, who lacked personal knowledge of Citibank's account records; and (b) overstating court costs by $10.00 in the sworn Affidavit ($80.00 claimed versus $70.00 actually paid).

31. These false representations were material and were made in connection with the collection of a debt.

COUNT 2: Violation of 15 U.S.C. § 1692e(10) Use of False or Deceptive Means (Against All Defendants)

32. Plaintiff realleges and incorporates by reference the allegations set forth in all preceding paragraphs as though fully set forth herein.

33. Defendants violated 15 U.S.C. § 1692e(10) by using a false, deceptive, or misleading representation in connection with the collection of a debt. Specifically, Attorney Hill executed a sworn affidavit purporting to speak for Citibank N.A. and attesting to the truth and accuracy of account records he has never personally reviewed. Submitting this affidavit as competent evidence in a collection action is a deceptive tactic designed to create the false impression that the debt, balance, and account history have been verified by someone with actual knowledge.

COUNT 3: Violation of 15 U.S.C. § 1692f(1) Collection of Unauthorized Amount (Against All Defendants)

34. Plaintiff realleges and incorporates by reference the allegations set forth in all preceding paragraphs as though fully set forth herein.

35. Defendants violated 15 U.S.C. § 1692f(1) by attempting to collect an amount not expressly authorized by the debt agreement or permitted by law, specifically $10.00 in excess court costs ($80.00 claimed in the sworn Affidavit versus $70.00 actually paid to the court).

COUNT 4: Violations of 15 U.S.C. §§ 1692e and 1692e(10) Post-Litigation Collection Letters Concealing Pending Lawsuit (Against All Defendants)

36. Plaintiff realleges and incorporates by reference the allegations set forth in all preceding paragraphs as though fully set forth herein.

37. Defendants violated 15 U.S.C. §§ 1692e and 1692e(10) by sending at least two debt collection letters (dated September 9, 2025 and October 20, 2025) to Plaintiff after filing the State Court Action, without disclosing the existence of the pending lawsuit, thereby creating the false impression that the matter remained in a pre-suit collection posture and misleading a least sophisticated consumer about the true nature of the collection activity.

<u>COUNT 5: Violations of 15 U.S.C. §§ 1692e and 1692f Filing Suit Without Valid Right-to-Cure Notice (Against All Defendants)</u>

38. Plaintiff realleges and incorporates by reference the allegations set forth in all preceding paragraphs as though fully set forth herein.

39. Defendants violated 15 U.S.C. §§ 1692e and 1692f by filing the State Court Action when the mandatory statutory prerequisite of a valid right-to-cure notice under S.C. Code Ann. §§ 37-5-110 and 37-5-111 had not been satisfied. The complaint's Paragraph 8 falsely stated under oath that the required notice had been sent. The only pre-suit communication was a January 6, 2025 FDCPA collection letter, which does not satisfy any of the requirements of § 37-5-110. See *Portfolio Recovery Associates, LLC v. Campney*, 441 S.C. 36 (2023).

40. Filing a lawsuit as a debt collection action when a mandatory statutory prerequisite has not been satisfied constitutes a false representation that the legal action is authorized and a use of unfair or unconscionable means to collect a debt.

<u>COUNT 6: Violation of the South Carolina Unfair Trade Practices Act S.C. Code Ann. § 39-5-20 et seq. (Against All Defendants)</u>

41. Plaintiff realleges and incorporates by reference the allegations set forth in all preceding paragraphs as though fully set forth herein.

42. The conduct described herein constitutes unfair or deceptive acts or practices in the conduct of trade or commerce in violation of S.C. Code Ann. § 39-5-20. Specifically, Defendants' acts include: (a) filing a sworn affidavit by an attorney lacking personal knowledge; (b) overstating court costs by $10.00; (c) sending post-litigation collection letters that concealed the existence of a pending lawsuit; and (d) filing suit without verifying that a valid right-to-cure notice had been sent, while falsely certifying under oath that such notice had been sent.

43. These acts were capable of being repeated and had an adverse impact on the public interest. Debt collection lawsuits and associated practices affect large numbers of South Carolina consumers.

44. Pursuant to S.C. Code Ann. § 39-5-140, Plaintiff is entitled to recover actual damages or $200.00, whichever is greater, and in the discretion of the court, treble damages and reasonable attorney's fees and costs.

COUNT 7: Unconscionable Debt Collection S.C. Code Ann. § 37-5-108 (Against All Defendants)

45. Plaintiff realleges and incorporates by reference the allegations set forth in all preceding paragraphs as though fully set forth herein.

46. The conduct described herein constitutes unconscionable debt collection practices in violation of S.C. Code Ann. § 37-5-108.

47. Procedural unconscionability is demonstrated by the vast disparity in bargaining power between Defendants—a law firm and licensed attorney engaged in systematic debt collection—and Plaintiff, an individual consumer proceeding in pro per against a sophisticated legal enterprise. Plaintiff had no meaningful choice in the manner of Defendants' collection activity.

48. Substantive unconscionability is demonstrated by the nature and severity of Defendants' conduct: filing suit based on a false sworn statement regarding the right-to-cure notice, submitting an affidavit sworn to by an attorney without

personal knowledge of the account records, inflating the amount owed, and sending deceptive post-litigation collection letters designed to conceal the existence of the pending lawsuit.

49. Pursuant to S.C. Code Ann. § 37-5-202, Plaintiff is entitled to recover statutory penalties and such other relief as the court deems proper.

V. REQUEST FOR RELIEF

WHEREFORE, Plaintiff Jack Supinger respectfully requests that this Court enter judgment in his favor and against Defendants, jointly and severally, as follows:

1. Statutory damages of up to $1,000.00 per Defendant pursuant to 15 U.S.C. § 1692k(a)(2)(A);
2. Actual damages, including but not limited to emotional distress, pursuant to 15 U.S.C. § 1692k(a)(1), in an amount to be determined at trial;
3. Statutory penalties pursuant to S.C. Code Ann § 39-5-140, including treble damages;
4. Statutory penalties pursuant to S.C. Code Ann § 37-5-202;
5. Reasonable attorney's fees and costs of suit, as applicable, pursuant to 15 U.S.C. § 1692k(a)(3) and S.C. Code Ann. § 39-5-140;
6. Pre-judgment and post-judgment interest as allowed by law;
7. Such other and further relief as this Court deems just and proper.

VI. TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

Jack Supinger, Proceeding In Pro Per
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Greenville, South Carolina 29681
916-595-2743
jacksupinger@gmail.com
03/15/2026

VERIFICATION

I, Jack Supinger, hereby verify under penalty of perjury that the factual allegations set forth in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief.

____
Jack Supinger

Dated: March 15, 2026