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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

Jessica Kyle,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.
	)	
Franklin Service, Inc., a Mississippi corporation,	)	
	)	
Defendant.	)	Jury Demanded

COMPLAINT

Plaintiff, Jessica Kyle, brings this action under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), for a finding that Defendant's debt collection actions violated the FDCPA, and to recover damages, and alleges:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to § 1692k(d) of the FDCPA, and 28 U.S.C. § 1331.

2. Venue is proper in this District because: a) the acts and transactions occurred here; b) Plaintiff resides here; and c) Defendant transacts business here.

PARTIES

3. Plaintiff, Jessica Kyle ("Kyle"), is a citizen of the State of Alabama, residing in the Northern District of Alabama, from whom Defendant attempted to collect a defaulted consumer debt which she allegedly owed for medical services to Huntsville Hospital Spine and Neuro Center.

4. Defendant, Franklin Service, Inc. ("Franklin"), is a Mississippi corporation that acts as a debt collector, as defined by § 1692a of the FDCPA,

because it regularly uses the U.S. Mail and/or the telephone to collect, or attempt to collect, directly or indirectly, defaulted consumer debts that it did not originate. Franklin operates a nationwide defaulted debt collection business and attempts to collect debts from consumers in many states, including consumers in the State of Alabama.

5. Defendant Franklin was acting as a debt collector, as that term is defined in the FDCPA, as to the defaulted consumer debts it attempted to collect from Plaintiff.

6. Defendant Franklin is authorized to conduct business in the State of Alabama and maintains a registered agent here, see, record from the Alabama Secretary of State, attached as Exhibit A. In fact, Defendant Franklin conducts business in Alabama.

FACTUAL ALLEGATIONS

7. On June 5, 2026, Ms. Kyle filed a Chapter 7 bankruptcy petition in a matter styled In re: Kyle, N.D.Ala.Bankr. No. 26-81269-CRJ7. Among the debts listed in her bankruptcy petition were consumer debts (incurred for personal, family or household purposes) that she allegedly owed to Huntsville Hospital Spine and Neuro Center ("HHSNC"), see, excerpt of bankruptcy petition, attached as Exhibit B.

8. On June 9, 2026, Defendant Franklin was sent notice of the bankruptcy, by the Bankruptcy Noticing Center, via electronic transmission, see, the Certificate of Service to the Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline, attached as Exhibit C.

9. Plaintiff's bankruptcy is a matter of public record, is in the files of the Defendant, is listed on her credit reports and was readily discoverable by any competent debt collector via one of the bankruptcy "scrub" services.

10. Nonetheless, on July 10, 2026, Defendant Franklin attempted to collect one of the HHSNC debts from Ms. Kyle by calling her. During this call, Ms. Kyle informed Defendant that she had filed bankruptcy.

11. Despite Defendant having been given direct notice by the bankruptcy court, and by Ms. Kyle, Defendant continued its collection actions by directly calling Ms. Kyle on July 16, 2026, and July 30, 2026, regarding payment of the debt. Screenprints of these collection phone calls/voicemails are attached as Group Exhibit D.

12. As a result of Defendant's illegal collection actions, Ms. Kyle had to take her time, effort and/or expense to get the collection phone call information to her attorney and then incur the expense (about $270), to have an attorney send Defendant a letter telling it to stop its illegal collection efforts. A copy of this letter is attached as Exhibit E.

13. Moreover, due to Defendant's collection actions, Ms. Kyle had to take the time and effort, as well as expense, to obtain her credit reports to see if Defendant had made a negative credit report or reviewed her credit report, and also to determine whether the HHSNC debts were correctly shown to be included in her bankruptcy.

14. In enacting the FDCPA, Congress expressly set forth that the statute was intended to prevent "abusive practices":

> There is abundant evidence of the use of **abusive**, **deceptive**, and **unfair** debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to **invasions of individual privacy**.

See, 15 U.S.C. §1692(a)(Abusive Practices)(emphasis added).

15. Thus, to eliminate deceptive collection practices, § 1692e of the FDCPA prohibits the use of false and/or deceptive or misleading statements in connection with

the collection of a debt, see, 15 U.S.C. § 1692e. Section 1692e of the FDCPA is rooted in the basic common law principle of fraud; for example, a debt collector may not claim that a debt, which has been included in a bankruptcy, is still owed by the consumer.

16. Moreover, §1692c of the FDCPA limits the way debt collectors may communicate with consumers. Specifically, § 1692c(c) of the FDCPA prohibits a debt collector from communicating with a consumer who has "notified a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer", see, 15 U.S.C. § 1692c(c), for example, by filing for bankruptcy. Additionally, § 1692c(a)(2) of the FDCPA prohibits a debt collector from contacting a consumer who the debt collector knows is represented by counsel as to a debt and can readily ascertain such attorney's name and address, for example, from a Notice of Bankruptcy.

17. Defendant's collection actions intruded upon Ms. Kyle's seclusion and were an invasion of Ms. Kyle's legally-protected right to be left alone, her right to privacy, and her right to be represented by counsel as to her debts – rights granted to consumers under the common law and § 1692c of the FDCPA, see, Six v. IQ Data International, 129 F.4th 630 (9th Cir. 2025); Lupia v. Medicredit, 8 F.4th 1184 (10th Cir. 2021); and Persinger v. Southwest Credit Sys., 20 F.4th 1184 (7th Cir. 2021).

18. Ms. Kyle had been informed by counsel and believed that she had a right to a fresh start via bankruptcy, a right to privacy, a right to be left alone about her prior debts, and a right to be represented by counsel as to her debts.

19. Defendant's collection demands, after Ms. Kyle had filed for bankruptcy, made Plaintiff believe that her exercise of her rights, through filing bankruptcy, may

have been futile and that she did not have the right to a fresh start that Congress had granted her under the Bankruptcy Code, as well as her rights under the FDCPA. Defendant's collection actions resulted in a direct invasion of Ms. Kyle's legally-protected right to be left alone, her right to privacy, her right to be represented by counsel as to her debts, and her right to collection communications that were not false, deceptive or misleading – rights granted to consumers under the FDCPA.

20. Defendant's actions caused Plaintiff to question whether her counsel had done their job, and whether she had the right to be left alone – all of which upset, emotionally distressed, outraged, and alarmed Ms. Kyle, invaded her privacy/right to be left alone, her right to be represented by counsel, and her right to collection communications that were not false, deceptive and/or misleading, and cost her time, effort and out-of-pocket expenses to re-assert her rights, see, Walters v. Fast AC, 60 F.4th 642, 648 (11th Cir. 2023); Mack v. Resurgent Capital Services, 70 F.4th 395, 406-407 (7th Cir. 2023) and Ebaugh v. Medicredit, 2025 U.S.App.LEXIS 8530 at [*1]-[*2] (8th Cir. 2025).

21. All of Defendant's collection actions at issue in this matter occurred within one year of the date of this Complaint.

COUNT I
Violation Of § 1692e Of The FDCPA --
Demanding Payment Of A Debt That
Was Included In A Bankruptcy

22. Plaintiff adopts and realleges ¶¶ 1-21.

23. Section 1692e of the FDCPA prohibits a debt collector from using any false and/or any deceptive or misleading representation or means in connection with the collection of a debt, including, but not limited to, the false representation of the

character, amount or legal status of any debt, see 15 U.S.C. § 1692e(2)(A).

24. Demanding payment of a debt that had been included in a bankruptcy is false and/or deceptive or misleading, in violation of § 1692e of the FDCPA, see, Randolph v. IMBS, 368 F.3d 726, 728-730 (7th Cir. 2004).

25. Defendant's violations of § 1692e of the FDCPA render it liable for actual and statutory damages, costs, and reasonable attorneys' fees, see, 15 U.S.C. § 1692k.

COUNT II
Violation Of § 1692c(c) Of The FDCPA --
Failure To Cease Communications And Cease Collections

26. Plaintiff adopts and realleges ¶¶ 1-21.

27. Section 1692c(c) of the FDCPA prohibits a debt collector from communicating with a consumer after a direction to cease communications, and from continuing to demand payment of a debt that the consumer has indicated that they refuse to pay, see, 15 U.S.C. § 1692c(c).

28. Here, Plaintiff's bankruptcy, and the notice sent to the Defendant by the bankruptcy court (Exhibit C), as well as Ms. Kyle's call with Defendant, provided notice to cease communications and cease collections. By directly calling Ms. Kyle regarding payment of the debt, despite the HSSN debts being included in a bankruptcy, Defendant violated § 1692c(c) of the FDCPA.

29. Defendant's violations of § 1692c(c) of the FDCPA render it liable for actual and statutory damages, costs, and reasonable attorneys' fees, see, 15 U.S.C. § 1692k.

COUNT III
Violation Of § 1692c(a)(2) Of The FDCPA --
Communications With A Consumer Represented By Counsel

30. Plaintiff adopts and realleges ¶¶ 1-21.

31. Section 1692c(a)(2) of the FDCPA prohibits a debt collector from communicating with a consumer if the debt collector knows the consumer is represented by counsel and has knowledge of, or can readily ascertain such attorney's name and address, see, 15 U.S.C. § 1692c(a)(2).

32. Here, Plaintiff's bankruptcy, and the notice sent to the Defendant by the bankruptcy court (Exhibit C), provided notice that Ms. Kyle was represented by counsel as to her debts. By directly calling Ms. Kyle regarding payment of the debts, despite being represented by her bankruptcy counsel as to the HSSN debts, Defendant violated § 1692c(c) of the FDCPA.

33. Defendant's violations of § 1692c(c) of the FDCPA render it liable for actual and statutory damages, costs, and reasonable attorneys' fees, see, 15 U.S.C. § 1692k.

COUNT IV
Violation Of § 1692d Of The FDCPA –
Abusive Collection Actions

34. Plaintiff adopts and realleges ¶¶ 1-21.

35. Section 1692d of the FDCPA prohibits a debt collector from engaging in any conduct, the natural consequence of which is to harass, oppress or abuse any person in connections with the collection of a debt, see, 15 U.S.C. § 1692d.

36. Attempting to collect a debt that was included in a bankruptcy, by directly calling Ms. Kyle, is conduct, the natural consequence of which harassed, oppressed and abused Plaintiff, in violation of § 1692d of the FDCPA.

37. Defendant's violations of § 1692d of the FDCPA render it liable for actual and statutory damages, costs, and reasonable attorneys' fees, see, 15 U.S.C. § 1692k.

PRAYER FOR RELIEF

Plaintiff, Jessica Kyle, prays that this Court:

1. Find that Defendant's collection actions violate the FDCPA;

2. Enter judgment in favor of Plaintiff, and against Defendant, for actual and statutory damages, costs, and reasonable attorneys' fees as provided by § 1692k(a) of the FDCPA; and,

3. Grant such further relief as deemed just.

JURY DEMAND

Plaintiff, Jessica Kyle, demands trial by jury.

Jessica Kyle,

By: s/ David J. Philipps
One of Plaintiff's Attorneys

Dated: August 6, 2026

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