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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

KATHLEEN GRIFFIN, a consumer
residing in Jackson County,

Case No.

Plaintiff,

**UNLAWFUL DEBT COLLECTION
COMPLAINT**

v.

15 U.S.C. § 1692 *et seq.*

MANDARICH LAW GROUP, LLP, a
debt collection law firm,

DEMAND FOR JURY TRIAL

Defendant.

1.

INTRODUCTION

Kathleen Griffin (“plaintiff”), through her attorney Michael Fuller acting as a private attorney general, prosecutes Mandarich Law Group, LLP (“defendant”) as follows:

COMPLAINT - Page 1 of 7

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2.

JURISDICTION AND THE PARTIES

The United States District Court for the District of Oregon has jurisdiction of this action pursuant to 28 U.S.C. § 1331 because plaintiff's claim arises under the Fair Debt Collection Practices Act ("FDCPA"), which is a federal law.

3.

Plaintiff is a "consumer" as defined by the FDCPA at 15 U.S.C. § 1692a(3) because she is a natural person allegedly obligated to pay consumer debt to GE Money Retail Bank and/or Cach, LLC on account ending in number 8833.

4.

Plaintiff's alleged obligation to pay GE Money Retail Bank and/or Cach, LLC is a "debt" as defined by the FDCPA at 15 U.S.C. § 1692a(5) because it allegedly arises out of a personal consumer line of credit used to purchase personal household goods at J.C. Penney.

5.

Defendant Mandarich Law Group, LLP is a "debt collector" as defined by the FDCPA at 15 U.S.C. § 1692a(6) as it regularly attempts to collect debt as a collection law firm on behalf of its clients, it regularly represents to consumers that it is a debt collector, its website advertises to the public that it is focused on helping consumers find practical solutions to outstanding financial obligations assigned to its firm for collection, its principal purpose is providing debt collection legal services to clients, and it regularly communicates with consumers regarding defaulted debt, which communications include use of the United States mail system.

6.

The venue and division of this Court are proper because the majority of defendant's acts and omissions were directed at plaintiff while she resided in Jackson County, Oregon.

7.

FACTUAL ALLEGATIONS

Defendant's collection activities directed at plaintiff as alleged in this complaint are subject to the strict liability provisions of the FDCPA.

8.

This complaint is based on personal knowledge as to plaintiff's own conduct and upon information and belief as to the conduct of others.

9.

After defendant began attempting to collect debt from plaintiff in an amount she did not owe, plaintiff sent defendant a letter disputing the debt.

10.

Defendant responded to plaintiff's first dispute by sending her a validation letter dated December 16, 2014.

11.

In response to plaintiff's dispute, defendant failed to obtain verification of plaintiff's alleged debt.

12.

Instead of obtaining verification of plaintiff's alleged debt, defendant obtained verification of a debt belonging to a different consumer allegedly named Alex Sashin, allegedly incurred through purchases of personal household goods at ToysRus.

13.

Defendant's December 16, 2014 letter attempted to collect debt from plaintiff.

14.

In January 2015, plaintiff notified defendant in writing that she disputed its debt again.

15.

In response to plaintiff's dispute, defendant failed to obtain verification of plaintiff's alleged debt.

16.

On or around March 17, 2015, defendant filed a collection complaint against plaintiff in the Circuit Court of Oregon for the County of Jackson.

17.

Defendant's collection complaint attempted to collect debt plaintiff allegedly owed to GE Money Retail Bank and/or Cach, LLC, on account ending in number 8833, allegedly arising out of a personal consumer line of credit used to purchase personal household goods at J.C. Penney. After receiving notice of the collection lawsuit, plaintiff put defendant on notice that she paid the account off in full, in person over-the-counter at her local J.C. Penney store.

18.

Defendant's collection complaint misrepresented the amount of debt owed by plaintiff, if any, because the collection complaint failed to account for payments plaintiff made on the account in person over-the-counter at her local J.C. Penney store. Defendant knew or had reason to know the amount represented in its collection complaint was false based on plaintiff's dispute of the debt and defendant's failure and inability to verify the debt and the significant discount the debt and other debts like it were sold to subsequent debt buyers. Defendant continued to misrepresent the amount of debt owed by plaintiff after receiving notice that the account was paid in full in its statement of proof submitted to the arbitrator on December 22, 2015.

19.

Defendant's conduct as alleged above violated the FDCPA at 15 U.S.C. § 1692e and g by attempting to collect and misrepresenting the amount of debt allegedly owed by plaintiff in its collection complaint and in its December 16, 2014 letter and failing to obtain verification of plaintiff's alleged debt.

20.

Plaintiff did not discover that defendant's December 16, 2014 letter violated the FDCPA until March 2015 when she received its collection complaint.

21.

Defendant's violation of the FDCPA caused plaintiff actual damages including, but not limited to frustration and anxiety, and other damages consistent with unlawful debt collection in

an amount to be determined by a jury. Plaintiff has a right to recover these damages pursuant to 15 U.S.C. § 1692k(a)(1).

22.

Plaintiff has a right to recover additional statutory damages pursuant to 15 U.S.C. § 1692k(a)(2). Plaintiff has a right to recover costs and a reasonable attorney's fee incurred in prosecuting the FDCPA claim, pursuant to 15 U.S.C. § 1692k(a)(3).

23.

CAUSE OF ACTION

CLAIM ONE AGAINST DEFENDANT

UNLAWFUL DEBT COLLECTION

(15 U.S.C. § 1692k)

Plaintiff re-alleges all of the above paragraphs by reference.

24.

Defendant's conduct as alleged above failed to comply with the FDCPA, including and not limited to the provisions contained in § 1692e and g.

25.

Defendant's failure to comply with the FDCPA caused plaintiff actual damages as alleged above. As a result, plaintiff is entitled to recover fair compensation, including actual damages, statutory damages, costs and a reasonable attorney's fee pursuant to 15 U.S.C. § 1692k.

DEMAND FOR JURY TRIAL.

WHEREFORE, after a determination that defendant violated the FDCPA, plaintiff seeks order and judgment against defendant as follows:

- A. An award of compensatory damages in favor of plaintiff against defendant;
- B. An award of statutory damages in favor of plaintiff against defendant;
- C. An award of costs and a reasonable attorney's fee to the law firm of Olsen Daines PC against defendant; and
- D. Any other equitable relief this Court may determine to be fair and just.

Upon confirmation that Cach, LLC is debt collector and/or principal of Mandarich Law Group, LLP, plaintiff reserves her right and intends to add Cach, LLC as a party defendant.

DATED: February 16, 2016

RESPECTFULLY FILED,

s/ Michael Fuller

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