

the information without marking the account as disputed or otherwise updating the account as necessary. Defendant's reporting was thus misleading as a matter of law.

3. Plaintiff's credit score suffered as a result of the misleading information communicated by Defendant, and Plaintiff has been forced to deal with the aggravation and humiliation of a poor credit score. Accordingly, Plaintiff is entitled to damages.

JURISDICTION AND VENUE

4. The claims asserted in this complaint arise under 15 U.S.C. § 1692e of the FDCPA. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 and 15 U.S.C. § 1692k.

5. Venue is proper in this judicial district under 28 U.S.C. § 1391(b).

PARTIES

6. Plaintiff resides in Sarasota County, Florida, and qualifies as a "consumer" as that term is defined under 15 U.S.C. § 1692a. Plaintiff is an individual.

7. Defendant is a foreign corporation and debt collection agency that uses the mail, telephone, and facsimile, and is registered to do business in this District, the principal purpose of which is to attempt to collect debts alleged to be due another. Defendant qualifies as a "debt collector" under the FDCPA.

SUBSTANTIVE ALLEGATIONS

8. The case involves an NRA collections account that was reported on Plaintiff's Equifax credit report. The original creditor of the accounts was Aspen Dental, a dentistry practice located in Sarasota, Florida.

9. On October 15, 2020, after Plaintiff learned that Defendant communicated inaccurate information about the collections account, Plaintiff sent a debt validation letter directly to Defendant disputing the accuracy of information on the account.

10. Under the FDCPA, the receipt of Plaintiff's debt validation letter required Defendant to cease communicating information about the account without marking the account as disputed.

11. Nonetheless, Defendant continued to communicate account information without marking the account as disputed.

12. Plaintiff's credit score suffered as a result of the misleading information communicated by Defendant, and Plaintiff has been forced to deal with the aggravation and humiliation of a poor credit score.

CAUSES OF ACTION

COUNT I

Against Defendant for Violation of the FDCPA, 15 U.S.C. § 1692e

13. Plaintiff repeats and realleges the foregoing allegations if set forth in full herein.

14. 15 U.S.C. § 1692e prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt. Subsection (8) of that provision specifically states that “the failure to communicate that a disputed debt is disputed” is a violation of this section, as follows:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

* * *

(8) Communicating or threatening to communicate to any person credit information which is known or which should be known to be false, *including the failure to communicate that a disputed debt is disputed.*

(emphasis added).

15. Defendant received a debt validation letter from Plaintiff stating that the information on the account was disputed.

16. Nonetheless, Defendant continued to report the details of Plaintiff’s account to the credit reporting agencies without marking the account as disputed.

17. Plaintiff has been forced to deal with the aggravation and humiliation of a poor credit score.

18. Accordingly, Plaintiff is entitled to damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands a judgment:

- a) awarding Plaintiff statutory money damages, actual damages, and punitive damages;
- b) awarding attorney's fees and costs, and other relief; and
- c) awarding such other relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury.

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COHEN & MIZRAHI LLP

/s/ Yosef Steinmetz

YOSEF STEINMETZ

Florida Bar No.: 119968

300 Cadman Plaza West, 12th Floor

Brooklyn, NY 11201

Telephone: 929/575-4175

929/575-4195 (fax)

ysteinmetz@cmlattorneys.com

Attorney for Plaintiff