

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

STEPHANIE KLEIN,

Plaintiff,

v.

Case No.:

FINANCIAL BUSINESS AND
CONSUMER SOLUTIONS,
INC. d/b/a FBCS, and
JEFFERSON CAPITAL
SYSTEMS, LLC,

Defendants.

_____ /

NOTICE OF REMOVAL

To: Judges of the United States District Court for the Middle District of Florida

Defendants, Financial Business and Consumer Solutions, Inc. d/b/a FBCS (“FBCS”) and Jefferson Capital Systems, LLC (“Jefferson Capital”), by and through their attorney, Ruel W. Smith, file their Notice of Removal pursuant to 28 U.S.C. §§ 1441(a) and 1446, and in support thereof, state as follows:

1. On or about December 2, 2020, Plaintiff, Stephanie Klein, filed a complaint against FBCS and Jefferson Capital in the Sixth Judicial Circuit in and for Pinellas County, Florida.

2. Process was served upon Defendant Jefferson Capital on or about February 11, 2021. Process was served upon Defendant FBCS on or about June 11, 2021. Jefferson Capital has consented to the removal, as in multi-defendant cases, the last defendant served can remove an action even if thirty days have passed for all other defendants. 28 U.S.C. § 1446(b)(2)(C). A copy of the summons to Jefferson Capital is attached hereto as Exhibit A. A copy of the summons to FCBS is attached hereto as Exhibit B.

3. Defendants file with this Notice true and correct copies of all pleadings filed in the above-referenced State action.

4. The complaint asserts a federal cause of action against Defendants for purported violations of the Fair Debt Collection Practices Act (“FDCPA”).¹

5. This Notice was filed with the Clerk of the United States District Court within thirty (30) days after service of the complaint upon the Defendants. 28 U.S.C. 1446(b).

6. 28 U.S.C. § 1441(b) provides as follows:

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the state in which such action is brought.

¹ The Complaint also asserts a cause of action under the Florida Consumer Collection Practices Act (“FCCPA”).

7. The United States District Court for the Middle District of Florida has jurisdiction over the plaintiff's claim due to the fact that the allegations against Defendants contained in her complaint arise under the Constitution, laws or treaties of the United States. 28 U.S.C. § 1331.

8. In the complaint, plaintiff alleges that FBCS was acting as a debt collector and Jefferson Capital was acting as a debt owner in attempting to collect a debt from the plaintiff.

9. Plaintiff claims Defendants violated §§ 1692e, 1692e(10), 1692f, and 1692(g) of the FDCPA in their attempted collection of plaintiff's debt. Plaintiff seeks recovery under the FDCPA of statutory damages, actual damages, and costs and reasonable attorney fees.

10. Therefore, the plaintiff's complaint invokes federal question jurisdiction, as the allegations involve claims under the FDCPA, 15 U.S.C. § 1692 *et seq.*

11. This Court has and should exercise supplemental jurisdiction over plaintiff's state law FCCPA claims by virtue of the Court's original jurisdiction over plaintiff's FDCPA claim. 28 U.S.C. § 1367(a).

12. This Court should exercise supplemental jurisdiction over plaintiff's FCCPA claims because they arise from the same core of (alleged) operative facts and involve substantially similar questions of law as plaintiff's FDCPA claim. 28

U.S.C. § 1367(a). Indeed, all of the claims asserted in Plaintiff’s Complaint arise from Defendant’s allegedly improper debt collection activity, and therefore form part of the same case or controversy. Moreover, Plaintiff’s FCCPA claims do not involve novel or complex issues of Florida law or substantially predominate over the federal claims, and there are no other “compelling” reasons for declining supplemental jurisdiction in this case. See 28 U.S.C. §§ 1367(a); (c).

WHEREFORE, the Defendants, Financial Business and Consumer Solutions, Inc. and Jefferson Capital Systems, respectfully request that this case proceed in this court as an action properly removed to it.

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2021, a true and correct copy of the foregoing was furnished via electronic mail to counsel for Plaintiff, Kaelyn Diamond, Esquire, Law Office of Michael A. Ziegler, P.L., 2561 Nursery Road, Suite A, Clearwater, FL 33764, kaelyn@attorneydebtfighters.com.

Respectfully submitted,

/s/ Ruel W. Smith, Esq.

FBN 36548

rsmith@hinshawlaw.com

Hinshaw & Culbertson LLP

100 South Ashley Drive, Suite 500

Tampa, FL 33602

T – 813-868-8831; F – 813-436-8738

Attorney for Defendants Financial Business
and Consumer Solutions, Inc. and Jefferson
Capital Systems



Notice of Service of Process

Transmittal Number: 22758734
Date Processed: 02/14/2021

Primary Contact: Sharon Sauer
Jefferson Capital International
16 McLeland Rd
Saint Cloud, MN 56303-2198

Electronic copy provided to: Diana Orellana
Joe Fejes
Donielle Lambert
Chris Brixius

Entity: Jefferson Capital Systems, LLC
Entity ID Number 2793010

Entity Served: Jefferson Capital Systems LLC

Title of Action: Stephanie Klein vs. Financial Business and Consumer Solutions, Inc. d/b/a FBCS

Document(s) Type: Summons/Complaint

Nature of Action: Violation of State/Federal Act

Court/Agency: Pinellas County Court, FL

Case/Reference No: 20-008943-SC

Jurisdiction Served: Florida

Date Served on CSC: 02/11/2021

Answer or Appearance Due: 02/23/2021

Originally Served On: CSC

How Served: Personal Service

Sender Information: Kaelyn Diamond
727-538-4188

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

County Court, Pinellas County, Florida
Small Claims Division

(727) 464-7000 – www.mypinellasclerk.org

REF: 20-008943-SC North

STEPHANIE KLEIN Vs. FINANCIAL BUSINESS AND CONSUMER SOLUTIONS INC, DOING
BUSINESS AS FBBS, JEFFERSON CAPITAL SYSTEMS LLC

TO: DEFENDANT/DEFENDANT ATTORNEY
JEFFERSON CAPITAL SYSTEMS LLC
1201 HAYS STREET
C/O CORPORATION SERVICE COMPANY
TALLAHASSEE FL 32301

TIME: 11/202

DATE: FEB 11 2021

SERVER: Ch

SUMMONS/NOTICE TO APPEAR REMOTELY FOR PRETRIAL CONFERENCE

ID #: 237

THE STATE OF FLORIDA

NOTICE TO PLAINTIFF(S) AND DEFENDANT(S)

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney via the Zoom platform on **Tuesday, February 23, 2021 at 11:30 AM** for a PRE-TRIAL CONFERENCE before a judge of the court.

To attend this meeting by video go to:

<https://www.zoom.us/join>

If you are unable to appear by video, call:

1 786 635 1003

1 470 250 9358

Meeting ID: 961 8996 9763 Password 447189

Instructions for Zoom hearings:

- The Court has multiple hearings scheduled at this time. Join the Zoom meeting promptly at the designated time and wait to be admitted into the hearing.
- If you are using the video conferencing, be sure your profile name is your first and last name. If this is not your default, you will have the option to change it after you join the meeting.
- Although the hearing is conducted virtually, proper decorum should be maintained. Appropriate attire is required of all participants. Participants should be in a quiet setting and minimize any external distractions.
- Mute your microphone when you are not required to speak.

IMPORTANT – READ CAREFULLY

THIS CASE WILL NOT BE TRIED AT THAT TIME.

DO NOT BRING WITNESSES – APPEAR IN PERSON OR BY ATTORNEY

The defendant(s) **must** appear in court on the date specified in order to avoid a default judgment. The Plaintiff(s) **must** appear to avoid having the case dismissed for lack of prosecution. A written MOTION or ANSWER to the court by the plaintiff(s) or defendant(s) shall not excuse the personal appearance of a party or its attorney in the pre-trial conference. The date and time of the PRE-TRIAL CONFERENCE CANNOT be rescheduled without good cause and prior court approval.

Any business entity recognized under Florida law may be represented at any stage of the trial court proceedings by any principal of the business entity who has legal authority to bind the business entity or any employee authorized in writing by a principal of the business entity. A principal is defined as being an officer, member, managing member, or partner of the business entity. Written authorization must be brought to the Pre-Trial Conference.

Upon service of this summons/notice, if you are unrepresented, please complete a Designation of E-Mail Address for Party Not Represented by an Attorney form and file it with the Clerk of Court. This form may be found on www.mypinellasclerk.org/Forms and may be filed electronically via the Florida

Courts E-Filing Portal at www.myflcourts.com or by mail or hand-delivery to an office of the Clerk of Court.

The purpose of the pre-trial conference is to record your appearance, to determine the nature of the case, and to set the case for trial if the case cannot be resolved at the pre-trial conference.

You may be ordered to mediate at the pre-trial conference. Mediation means "A process whereby a neutral third person called a Mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement." You or your attorney must have full authority to settle without further consultation at pre-trial mediation.

You or your attorney should be prepared to confer with the court and to explain briefly the nature of your dispute, state what efforts have been made to settle the dispute, exhibit any documents necessary to prove the case, state names and addresses of your witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long it will take to try the case.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the court. The court may or may not approve a payment plan and withhold judgment, execution, or levy.

RIGHT TO VENUE. The law gives the person or company who has sued you the right to file in any one of several places as listed below. However, if you have been sued in any place other than one of these places, you, as the defendant(s), have the right to request that the case be moved to a proper location or venue. A proper location or venue may be one of the following: (1) where the contract was entered into; (2) if the suit is on an unsecured promissory note, where the note is signed or where the maker resides; (3) if the suit is to recover property or to foreclose a lien, where the property is located; (4) where the event giving rise to the suit occurred; (5) where any one or more of the defendants sued reside; (6) any location agreed to in a contract; (7) in an action for money due, if there is no agreement as to where suit may be filed, where payment is to be made.

If you, as the defendant(s), believe the plaintiff(s) has/have not sued in one of these correct places, you must appear on your court date and orally request a transfer, or you must file a WRITTEN request for transfer in affidavit form (sworn to under oath) with the court seven days prior to your first court date and send a copy to the plaintiff(s) or plaintiff's (s') attorney, if any.

A copy of the statement of claim shall be served with the original, alias and pluries summons.

Dated on January 15, 2021, in Clearwater, Florida



KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD), at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

COUNTY COURT, PINELLAS COUNTY, FLORIDA
SMALL CLAIMS DIVISION

(727) 464-7000 - www.mypinellasclerk.org
REF: 20-008943-SC - North

STEPHANIE KLEIN Vs. FINANCIAL BUSINESS AND
CONSUMER SOLUTIONS INC, DOING BUSINESS AS FBCS,
JEFFERSON CAPITAL SYSTEMS LLC

TIME: 11:00p

DATE: JUN 11 2021

TO : DEFENDANT/DEFENDANT ATTORNEY
FINANCIAL BUSINESS AND CONSUMER SOLUTION
1201 HAYS STREET
C/O CORPORATION SERVICE COMPANY
TALLAHASSEE, FL 32301

SERVER: CX

ID #: 137

ALIAS SUMMONS/NOTICE TO APPEAR REMOTELY FOR PRE-TRIAL CONFERENCE

THE STATE OF FLORIDA :

NOTICE TO PLAINTIFF(S) AND DEFENDANT(S)

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney via the Zoom platform on **Monday, September 13, 2021 at 1:00 PM.** for a PRE-TRIAL CONFERENCE before a judge of the court.

To attend this meeting by video go to:

<https://www.zoom.us/join>

If you are unable to appear by video, call:

1 786 635 1003 or 1 470 250 9358

Meeting ID: 922 0085 8141 Password 083909

Instructions for Zoom hearings:

- The Court has multiple hearings scheduled at this time. Join the Zoom meeting promptly at the designated time and wait to be admitted into the hearing.
- If you are using the video conferencing, be sure your profile name is your first and last name. If this is not your default, you will have the option to change it after you join the meeting.
- Although the hearing is conducted virtually, proper decorum should be maintained. Appropriate attire is required of all participants. Participants should be in a quiet setting and minimize any external distractions.
- Mute your microphone when you are not required to speak.

IMPORTANT - READ CAREFULLY

THIS CASE WILL NOT BE TRIED AT THAT TIME.

DO NOT BRING WITNESSES- APPEAR IN PERSON OR BY ATTORNEY

The defendant(s) **must** appear in court on the date specified in order to avoid a default judgment. The Plaintiff(s) **must** appear to avoid having the case dismissed for lack of prosecution. A written MOTION or ANSWER to the court by the plaintiff(s) or defendant(s) shall not excuse the personal appearance of a party or its attorney in the pre-trial conference. The date and time of the PRE-TRIAL CONFERENCE CANNOT be rescheduled without good cause and prior court approval.

Any business entity recognized under Florida law may be represented at any stage of the trial court proceedings by any principal of the business entity who has legal authority to bind the business entity or any employee authorized in writing by a principal of the business entity. A principal is defined as being an officer, member, managing member, or partner of the business entity. Written authorization must be brought to the Pre-Trial Conference.

Upon service of this summons/notice, if you are unrepresented, please complete a Designation of E-Mail Address for Party Not Represented by an Attorney form and file it with the Clerk of Court. This form may be found on www.mypinellasclerk.org/Forms and may be filed electronically via the Florida Courts E-Filing Portal at www.myflcourtagency.com or by mail or hand-delivery to an office of the Clerk of Court.

The purpose of the pre-trial is to record your appearance, to determine the nature of the case, and to set the case for trial if the case cannot be resolved at the pre-trial conference.

You may be ordered to mediate at the pre-trial conference. Mediation means "A process whereby a neutral third person called a Mediator acts to encourage and facilitate the resolution of the dispute between two or more parties. It is an informal process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement." You or your attorney must have full authority to settle without further consultation at pre-trial mediation.

You or your attorney should be prepared to confer with the court and to explain briefly the nature of your dispute, state what efforts have been made to settle the dispute, exhibit any documents necessary to prove the case, state names and addresses of your witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long it will take to try the case.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the court. The court may or may not approve a payment plan and withhold judgment, execution, or levy.

RIGHT TO VENUE. The law gives the person or company who has sued you the right to file in any one of several places as listed below. However, if you have been sued in any place other than one of these places, you, as the defendant(s), have the right to request that the case be moved to a proper location or venue. A proper location or venue may be one of the following: (1) where the contract was entered into; (2) if the suit is on an unsecured promissory note, where the note is signed or where the maker resides; (3) if the suit is to recover property or to foreclose a lien, where the property is located; (4) where the event giving rise to the suit occurred; (5) where any one or more of the defendants sued reside; (6) any location agreed to in a contract; (7) in an action for money due, if there is no agreement as to where suit may be filed, where payment is to be made.

If you, as the defendant(s), believe the plaintiff(s) has/have not sued in one of these correct places, you must appear on your court date and orally request a transfer, or you must file a WRITTEN request for transfer in affidavit form (sworn to under oath) with the court seven days prior to your first court date and send a copy to the plaintiff(s) or plaintiff's (s') attorney, if any.


A copy of the statement of claim shall be served with the original, alias and pluries summons.

Dated at Clearwater, Florida on 03 June, 2021.

Small Claims Deft Pre-Trial Notice

Page 2 of 2




KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.