

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

<p>Torey Bennett & Megan Welch,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>IQ Data International, Inc.; and DOES 1-10, inclusive,</p> <p style="text-align: center;">Defendants.</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>Civil Action No.: <u>2:11-CV-0257-WCO</u></p> <p>COMPLAINT</p> <p>JURY TRIAL DEMANDED</p>
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For this Complaint, Plaintiffs, Torey Bennett & Megan Welch, by undersigned counsel, state as follows:

JURISDICTION

1. This action arises out of Defendants’ repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), and the invasions of Plaintiffs’ personal privacy by the Defendants and its agents in their illegal efforts to collect a consumer debt.
2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

4. Plaintiff, Torey Bennett (“Plaintiffs”), is an adult individual residing in Gainesville, Georgia, and is a “consumer” as the term is defined by 15 U.S.C. § 1692a(3).

5. Plaintiff, Megan Welch (“Plaintiffs”), is an adult individual residing in Gainesville, Georgia, and is a “consumer” as the term is defined by 15 U.S.C. § 1692a(3).

6. Defendant IQ Data International, Inc., is a Washington corporation with an address of 1010 Southeast Everett Mall Way, Suite 100, Everett, Washington 98208, operating as a collection agency, and is a “debt collector” as the term is defined by 15 U.S.C. § 1692a(6).

7. Does 1-10 (the “Collectors”) are individual collectors employed by IQ Data and whose identities are currently unknown to the Plaintiffs. One or more of the Collectors may be joined as parties once their identities are disclosed through discovery.

8. IQ Data at all times acted by and through one or more of the Collectors.

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

9. The Plaintiffs incurred a financial obligation (the “Debt”) to their landlord (the “Creditor”).

10. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

11. The Debt was purchased, assigned or transferred to IQ Data for collection, or IQ Data was employed by the Creditor to collect the Debt.

12. The Defendants attempted to collect the Debt and, as such, engaged in “communications” as defined in 15 U.S.C. § 1692a(2).

B. IQ Data Engages in Harassment and Abusive Tactics

13. Within the past year, IQ Data called Plaintiffs in an attempt to collect the Debt.

14. On or about June 20, 2011, Nicholas Rode, a representative for IQ Data, contacted Plaintiffs by Plaintiff and stated that Plaintiffs owed \$1,315.00. Rode also stated that Plaintiffs had until the end of June of 2011 to dispute the Debt.

15. IQ Data threatened to file immediate lawsuit against Plaintiffs if the Debt was not immediately paid. Based upon the threat of immediate litigation, Plaintiffs felt coerced into entering into a payment arrangement with Defendant.

16. On or around June 23, 2011, IQ Data sent a letter to both Plaintiffs stating they owed \$1,833.78.

17. Thereafter, IQ Data sent a debt validation letter dated July 12, 2011, addressed only to Plaintiff, Torey Bennett, with a new account number and a different total amount of the Debt.

18. Thereafter, IQ Data sent a third letter, dated July 13, 2011, addressed only to Plaintiff, Megan Welch, with a third account number and a third different amount of the Debt.

19. The amounts stated in the three letters were different than the amount demanded in the aforementioned telephone communication(s). This caused great confusion and distress for Plaintiffs.

20. Defendants failed to inform Plaintiffs of their rights under the state and federal laws by written correspondence within 5 days after the initial communication, including the right to dispute the Debt.

C. Plaintiffs Suffered Actual Damages

21. The Plaintiffs have suffered and continue to suffer actual damages as a result of the Defendants' unlawful conduct.

22. As a direct consequence of the Defendants' acts, practices and conduct, the Plaintiffs suffered and continue to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

COUNT I
VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692, et seq.

23. The Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

24. The Defendants' conduct violated 15 U.S.C. § 1692d in that Defendants engaged in behavior the natural consequence of which was to harass, oppress, or abuse the Plaintiffs in connection with the collection of a debt.

25. The Defendants' conduct violated 15 U.S.C. § 1692e(2) in that Defendants misrepresented the character, amount and legal status of the Debt.

26. The Defendants' conduct violated 15 U.S.C. § 1692e(5) in that Defendants threatened to take legal action, without actually intending to do so.

27. The Defendants' conduct violated 15 U.S.C. § 1692e(10) in that Defendants employed false and deceptive means to collect a debt.

28. The Defendants' conduct violated 15 U.S.C. § 1692g(a)(1) in that Defendants failed to send the Plaintiffs a validation notice stating the amount of the Debt.

29. The Defendants' conduct violated 15 U.S.C. § 1692g(a)(2) in that Defendants failed to send the Plaintiffs a validation notice stating the name of the original creditor to whom the Debt was owed.

30. The Defendants' conduct violated 15 U.S.C. § 1692g(a)(3) in that Defendants failed to send the Plaintiffs a validation notice stating the Plaintiffs' right to dispute the Debt within thirty days.

31. The Defendants' conduct violated 15 U.S.C. § 1692g(a)(4) in that Defendants failed to send the Plaintiffs a validation notice informing the Plaintiffs of a right to have verification and judgment mailed to the Plaintiffs.

32. The Defendants failed to send the Plaintiffs a validation notice stating the Plaintiffs' right to request the name and address of the original creditor, in violation of 15 U.S.C. § 1692g(a)(5).

33. The foregoing acts and omissions of the Defendants constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

34. The Plaintiffs are entitled to damages as a result of Defendants' violations.

COUNT II
VIOLATION OF THE GEORGIA FAIR BUSINESS PRACTICES ACT,
O.C.G.A. § 10-1-390, et seq.

35. The Plaintiffs incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

36. The Plaintiffs are "consumers" as the term is defined by O.C.G.A. § 10-1-392(6).

37. The Plaintiffs incurred a Debt as a result of engaging into "consumer transactions" as the term is defined by O.C.G.A. § 10-1-392(10).

38. The Defendants' unfair or deceptive acts to collect the Debt occurred in commerce, in violation of O.C.G.A. § 10-1-393(a).

39. The Plaintiffs suffered mental anguish, emotional distress and other damages in an amount to be proven at trial.

40. Defendant's failure to comply with these provisions constitutes an unfair or deceptive act under O.C.G.A. § 10-1-393(a) and, as such, the Plaintiffs are entitled to damages plus reasonable attorney's fees.

COUNT III
INVASION OF PRIVACY BY INTRUSION UPON SECLUSION

41. The Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

42. The Restatement of Torts, Second, § 652(b) defines intrusion upon seclusion as, “One who intentionally intrudes...upon the solitude or seclusion of another, or his private affairs or concerns, is subject to liability to the other for invasion of privacy, if the intrusion would be highly offensive to a reasonable person.”

43. Georgia further recognizes the Plaintiffs’ right to be free from invasions of privacy, thus Defendant violated Georgia state law.

44. The Defendant intentionally intruded upon Plaintiffs’ right to privacy by continually harassing the Plaintiffs with telephone calls.

45. The conduct of the Defendant in engaging in the illegal collection activities resulted in multiple invasions of privacy in such a way as would be considered highly offensive to a reasonable person.

46. As a result of the intrusions and invasions, the Plaintiffs are entitled to actual damages in an amount to be determined at trial from Defendant.

47. All acts of Defendant and its agents were committed with malice, intent, wantonness, and recklessness, and as such, Defendant is subject to punitive damages.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray that judgment be entered against Defendants:

1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) and O.C.G.A. § 10-1-399(a) against Defendants;
2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against Defendants;
3. Treble damages pursuant to O.C.G.A. § 10-1-399(c) against Defendants;
4. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) and O.C.G.A. § 10-1-399(d) against Defendants;
5. Actual damages from Defendants for the all damages including emotional distress suffered as a result of the intentional, reckless, and/or negligent FDCPA violations and intentional, reckless,

and/or negligent invasions of privacy in an amount to be determined at trial for the Plaintiffs;

6. Punitive damages pursuant to O.C.G.A. § 10-1-399(a) against Defendants; and
7. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: September 21, 2011

By: /s/ Cara Hergenroether, Esq.
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