

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELISA BROOKS  
982 Anchor Street  
Philadelphia, PA 19124-1036,

Plaintiff,

vs.

CIVIL ACTION NO.

PFS GROUP  
7670 Woodway Drive, Suite 250  
Houston, TX 77063-1519,

Defendant.

**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (‘FDCPA’).

2. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

**II. JURISDICTION**

3. Subject matter jurisdiction of this Court arises under 15 U.S.C § 1692k and 28 U.S.C. §1331, 1337.

**III. PARTIES**

4. Plaintiff is Elisa Brooks (‘Plaintiff’), a consumer who resides in Philadelphia, Pennsylvania at the address captioned.

5. Defendant PFS Group is believed to be a Texas corporation with a mailing address as captioned (herein referred to as ‘PFS’).

6. PFS regularly conducts business in this District.

7. PFS regularly uses the mail and telephone to attempt to collect consumer debts alleged to be due another.

8. PFS is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

#### **IV. STATEMENT OF CLAIM**

9. On February 11, 2010, PFS sent Plaintiff a communication in connection with a consumer debt alleged due. A copy of the February 11, 2010 letter is attached hereto as Exhibit “A” (redacted for privacy per Fed. R. Civ. Pro. 5.2).

10. Defendant’s February 11, 2010 letter states in part as follows:

“Unless, you, within (30) thirty-days of the date of this notice, dispute the validity of this debt, or any portion thereof, the debt will be assumed to be valid.” [emphasis added].

11. Section 1692g(a) of the FDCPA requires a debt collector to provide a consumer with a Validation Notice containing information about the alleged debt and a consumer’s rights as more specifically set forth in subsections (a)(1)-(5).

12. More particularly, Section 1692g(a)(3) provides:

“.. unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector.” [emphasis added].

13. The Validation Notice is an important statutory right which must be provided fully and accurately.

14. Here, defendant’s February 11, 2010 letter improperly states that Plaintiff must dispute within thirty days of the date of the notice, as opposed to receipt of the notice as required under Section 1692g, thereby shortening the period in which a consumer has the right to dispute a debt claimed due.

**COUNT I - FAIR DEBT COLLECTION PRACTICES ACT**

15. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

16. The February 11, 2010 collection letter from defendant PFS violates the Fair Debt Collection Practices Act by failing to fully and clearly give Plaintiff the statutory Notice required by 15 U.S.C. § 1692g.

**WHEREFORE**, Plaintiff Elisa Brooks demands judgment against Defendant PFS Group for:

- (a) Damages;
- (b) Attorney's fees and costs;
- (c) Such other and further relief as the Court shall deem just and proper.

**V. DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: 07/22/10

/s/Theodore E. Lorenz (TEL5114)  
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