

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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Tatyana Shulman, *on behalf of herself and all  
others similarly situated,*

Plaintiff,

v.

American Medical Collection Agency d/b/a  
AMCA,

Defendant.

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: Civil Action No.: \_\_\_\_\_  
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: **COMPLAINT**  
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For this Class Action Complaint, the Plaintiff, Tatyana Shulman, by and through her undersigned counsel, pleading on her own behalf and on behalf of others similarly situated, states as follows:

**INTRODUCTION**

1. Plaintiff, Tatyana Shulman (“Plaintiff”), brings this class action for damages arising from the illegal actions of Defendant American Medical Collection Agency d/b/a AMCA (“Defendant” or “AMCA”).

2. Massachusetts law provides that “No person shall directly or indirectly engage in the commonwealth in the business of a debt collector, or engage in the commonwealth in soliciting the right to collect or receive payment for another of an account, bill or other indebtedness, or advertise for or solicit in print the right to collect or receive payment for another of an account, bill or other indebtedness, without first obtaining from the commissioner a license to carry on the business, nor unless the person or the person for whom he or it may be acting as agent has on file with the state treasurer a good and sufficient bond.” M.G.L. c. 93, § 24A(a).

3. Defendant regularly engages in debt collection within Massachusetts, including with respect to Plaintiff, despite not being registered as a debt collector in Massachusetts, in violation of the Fair Debt Collection Practices Act (the “FDCPA”), 15 U.S.C. § 1692, et seq.

4. As a consumer who was on the receiving end of AMCA’s illegal Massachusetts debt collection activities, Plaintiff sues AMCA for its FDCPA violations individually and on behalf of all others similarly situated.

**JURISDICTION AND VENUE**

5. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331. *Mims v. Arrow Fin. Serv., LLC*, 132 S. Ct. 740, 751-53 (2012).

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391, because Plaintiff resides in this District and because a substantial part of the events giving rise to the claim occurred in this District.

**PARTIES**

7. Plaintiff is, and at all times mentioned herein was, an adult individual residing in Mashpee, Massachusetts.

8. Defendant AMCA is a New York corporation headquartered at 4 Westchester Plaza, Building 4, Elmsford, New York 10523.

**ALLEGATIONS APPLICABLE TO PLAINTIFF**

9. Plaintiff incurred an alleged medical bill to Laboratory Corporation of America (the “Original Creditor”).

10. The medical bill meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

11. Thereafter, the Original Creditor sold the medical bill to AMCA or otherwise enlisted AMCA to collect the medical bill on its behalf.

12. On December 27, 2017, AMCA sent Plaintiff a letter attempting to collect the medical bill. The sender of the letter was listed as “AMERICAN MEDICAL COLLECTION AGENCY” and elsewhere as “AMCA COLLECTION AGENCY.”

13. Moreover, the letter demanded that Shulman pay it and threatened that “[i]f you fail to resolve this debt, you will be subjected to additional collection efforts.”

14. However, AMCA is not registered as a debt collector in Massachusetts, and as a result, it is not allowed to engage in debt collection within Massachusetts and its actions directed at Plaintiff and other Massachusetts residents are unlawful. *See* M.G.L. c. 93, § 24A(a); <https://www.mass.gov/lists/download-a-list-of-approved-licensees> (last visited Jan. 15, 2018).

15. Upon learning that AMCA cannot legally engage in debt collection in Massachusetts, Plaintiff was frustrated, alarmed, and concerned that illegal debt collection activities were being directed at her.

### **CLASS ACTION ALLEGATIONS**

#### **A. The Class**

16. Plaintiff brings this case as a class action pursuant to Fed. R. Civ. P. 23 on behalf of himself and all others similarly situated.

17. Plaintiff represents, and is a member of the following class (the “Class”):

**All natural persons whom AMCA sought to collect consumer debts from, who resided within Massachusetts at the time of such collection efforts**

18. Defendant and its employees or agents are excluded from the Class. Plaintiff does not know the number of members in the Class, but believes the class members number in the several thousands, if not more. Thus, this matter should be certified as a class action to assist in the expeditious litigation of this matter.

**B. Numerosity**

19. Upon information and belief, Defendant sought to collect consumer debts from thousands of consumers throughout Massachusetts. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

20. The exact number and identities of the Class members are unknown at this time and can only be ascertained through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant's records.

**C. Common Questions of Law and Fact**

21. There are questions of law and fact common to the Class that predominate over any questions affecting only individual Class members. These questions include:

- a. Whether Defendant sought to collect consumer debts from consumers residing within Massachusetts;
- b. Whether Defendant was permitted to engage in debt collection within Massachusetts;
- c. Whether Defendant's Massachusetts-based debt collection activities violated the FDCPA;
- d. Whether Defendant is liable for damages, and the amount of such damages; and
- e. Whether Defendant should be enjoined from such conduct in the future.

22. The common questions in this case are capable of having common answers. If Plaintiff's claim that Defendant was not permitted to engage in any debt collection within Massachusetts, and that such Massachusetts-based debt collection activities violated the FDCPA,

then Plaintiff and the Class members will have identical claims capable of being efficiently adjudicated and administered in this case.

**D. Typicality**

23. Plaintiff's claims are typical of the claims of the Class members, as they are all based on the same factual and legal theories.

**E. Protecting the Interests of the Class Members**

24. Plaintiff will fairly and adequately protect the interests of the Class and has retained counsel experienced in handling class actions and claims involving unlawful business practices. Neither Plaintiff nor his counsel has any interests which might cause them not to vigorously pursue this action.

**F. Proceeding Via Class Action is Superior and Advisable**

25. A class action is superior to other available methods for the fair and efficient adjudication of the controversy. Congress specifically provided, at 15 U.S.C. 1692k, for the commencement of class actions as a principal means of enforcing the FDCPA.

26. Absent a class action, most members of the class would find the cost of litigating their claims to be prohibitive and, therefore, would have no effective remedy at law.

27. The members of the class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class action.

28. The class treatment of common questions of law and fact is also superior to multiple individual actions or piecemeal litigation in that it conserves the resources of the court and the litigants and promotes consistency and efficiency of adjudication.

29. Prosecution of separate actions could result in inconsistent or varying adjudications with respect to individual class members that would establish incompatible

standards of conduct for Defendant and other debt collectors. Conversely, adjudications with respect to individual class members would be dispositive of the interest of all other class members.

30. The amount of money at issue is such that proceeding by way of a class action is the only economical and sensible manner in which to vindicate the injuries sustained by Plaintiff and the other members of the Class.

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

31. Plaintiff repeats and realleges the above paragraphs of this Complaint and incorporates them herein by reference.

32. Defendant's illegal Massachusetts-based debt collection activities violate the FDCPA's broad prohibition on a debt collector's "use [of] any false, deceptive, or misleading representation or means in connection with the collection of any debt," 15 U.S.C. § 1692e, including but not limited to "[t]he threat to take any action that cannot legally be taken or that is not intended to be taken," 15 U.S.C. § 1692e(5), and "[t]he false representation of (A) the character, amount of legal status of any debt . . . ." 15 U.S.C. § 1692e(2)(A).

33. Defendant's illegal Massachusetts-based debt collection activities violates the FDCPA's subsection requiring that a "debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt." 15 U.S.C. § 1692f.

34. By virtue of the foregoing, Plaintiff is entitled to recover damages as prayed for herein.

**COUNT II**  
**VIOLATION OF THE MASSACHUSETTS CONSUMER PROTECTION ACT,**  
**M.G.L. c. 93A § 2, et seq.**

35. Plaintiff repeats and realleges the above paragraphs of this Complaint and incorporates them herein by reference.

36. 209 C.M.R. 18.16 broadly requires that “A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt,” including “(2) The false representation of --(a) the character, amount, or legal status of any debt,” 209 C.M.R. 18.16(2)(a), and “(5) The threat to take any action that cannot legally be taken or that is not intended to be taken.” 209 C.M.R. 18.16(5).

37. 209 C.M.R. 18.17 broadly provides that “A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.”

38. Defendant’s illegal Massachusetts-based debt collection activities violates 209 C.M.R. 18.16’s prohibition on the use of any false, deceptive or misleading representations in connection with the collection of any debt as well as 209 C.M.R. 18.17’s prohibition on the use of any unfair or unconscionable means to collect or attempt to collect any debt.

39. 209 C.M.R. 18.22, in turn, provides that “A violation of the provisions of 209 CMR 18.00 shall be considered an unfair or deceptive act or practice under M.G.L. c. 93A, § 2 and subject to the penalties contained in M.G.L. c. 93A.”

40. By virtue of the foregoing, Plaintiff is entitled to recover damages as prayed for herein.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff prays that judgment be entered against Defendant:

1. Awarding statutory damages as provided under the FDCPA, pursuant to 15 U.S.C. § 1692k;

2. Awarding statutory and actual damages as provided under M.G.L. c. 93A, § 9(3);
3. Equitable relief pursuant to M.G.L. c. 93A § 9(3);
4. Double or treble damages pursuant to M.G.L. c. 93A, § 9(3)
5. Awarding reasonable attorney's fees, litigation expenses and costs incurred pursuant to 15 U.S.C. § 1692k(a)(3) and M.G.L. c. 93A, § 9(4); and
6. Such other and further relief as the Court deems just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: May 29, 2018

Respectfully submitted,

By  /s/ Sergei Lemberg

Sergei Lemberg (BBO# 650671)  
LEMBERG LAW, L.L.C.  
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Attorneys for Plaintiff





CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Tatyana Shulman, on behalf of herself and all others similarly situated

(b) County of Residence of First Listed Plaintiff County of Barnstable (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) LEMBERG LAW, L.L.C. 43 Danbury Road, 3rd Floor Wilton, CT 06897(203) 653-2250

DEFENDANTS

American Medical Collection Agency d/b/a AMCA,

County of Residence of First Listed Defendant State of New York (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation).

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. § 1692, et seq. Brief description of cause: VIOLATIONS OF THE FDCPA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 1,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: X Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 05/29/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Sergei Lemberg

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Shulman v. American Medical Collection Agency d/b/a AMCA

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 410, 441, 470, 535, 830\*, 835\*, 891, 893, 895, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 110, 130, 140, 160, 190, 196, 230, 240, 290,320,362, 370, 371, 380, 430, 440, 442, 443, 445, 446, 448, 710, 720, 740, 790, 820\*, 840\*, 850, 870, 871.
- III. 120, 150, 151, 152, 153, 195, 210, 220, 245, 310, 315, 330, 340, 345, 350, 355, 360, 365, 367, 368, 375, 376, 385, 400, 422, 423, 450, 460, 462, 463, 465, 480, 490, 510, 530, 540, 550, 555, 625, 690, 751, 791, 861-865, 890, 896, 899, 950.

\*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES  NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES  NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES  NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES  NO

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES  NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division  Central Division  Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division  Central Division  Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES  NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Sergei Lemberg, Esq.

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TELEPHONE NO. (203) 653-2250