

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

**CHLOE RAFER,**

**Plaintiff,**

**v.**

**Case No:**

**INTERNAL CREDIT SYSTEMS, INC.  
and ANYTIME FITNESS, LLC ,**

**DEMAND FOR JURY TRIAL**

**Defendants.**

\_\_\_\_\_ /

**PLAINTIFF’S COMPLAINT WITH INJUNCTIVE RELIEF SOUGHT**

**COMES NOW**, Plaintiff, **CHLOE RAFER** (“Ms. Rafer” or “Plaintiff”), by and through the undersigned counsel, and hereby sues and files this Complaint and Demand for Jury Trial with Injunctive Relief Sought against Defendants, **INTERNAL CREDIT SYSTEMS, INC.** (“Debt Collector”) and **ANYTIME FITNESS, LLC** (“Debt Owner”) (collectively “Defendants”), and in support thereof states as follows:

**Introduction**

1. This action arises out of an alleged “Debt” or “Consumer Debt” as defined by Fla. Stat. § 559.55 (6) and Defendants’ violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et. seq.* (“FDCPA”) and the Florida Consumer Collection Practices Act, Fla. Stat. § 559.72 *et. seq.* (“FCCPA”), in attempting to collect such Debt by continuing to call Ms. Rafer’s Cellular Telephone after Ms. Rafer demanded that Defendant stop calling her Cellular Telephone, by misrepresenting the amount and legal status of the alleged Debt when Defendants knew Ms. Rafer had cancelled her account

and should not owe the alleged Debt, by misrepresenting that Debt Collector was an attorney, and by using obscene and profane language when speaking to Ms. Rafer and Ms. Rafer's mother in attempts to collect the alleged Debt, which can all reasonably be expected to harass Ms. Rafer.

**Jurisdiction and Venue**

2. This Court has subject matter jurisdiction over the instant case arising under the federal question presented in the FDCPA pursuant to 28 U.S.C. § 1331.

3. Venue lies in this District pursuant to 28 U.S.C. § 1391 (b) and 15 U.S.C. § 1692k (d) and Fla. Stat. § 559.77 (1), as a substantial part of the events or omissions giving rise to the claims occurred in this judicial district.

**Parties**

4. Plaintiff, Ms. Rafer, was and is a natural person and, at all times material hereto, is an adult, a resident of Pinellas County, Florida, a "consumer" as defined by 15 U.S.C. § 1692a (3), and a "debtor" or "consumer" as defined by Fla. Stat. § 559.55 (8).

5. At all times material hereto, Debt Collector was and is a corporation with its principle place of business in the State of NC and its registered agent, Theodore B. Lachman, located at 3622 Lyckan Parkway, Durham, North Carolina 27707.

6. Further, at all times material hereto, Debt Collector is a "Consumer Collection Agency" as defined by Fla. Stat. § 559.55 (3) and/or a "Debt Collector" as defined by Fla. Stat. § 559.55 (7) and 15 U.S.C. § 1692a (6).

7. At all times material hereto, Debt Owner was and is a corporation with its principle place of business in the State of MN and its registered agent, Corporation

Creations Network Inc., located at 11380 Prosperity Farms Road, #221E, Palm Beach Gardens, Florida 33410.

8. At all times material hereto, Debt Collector was performing debt collection owed to Debt Owner to satisfy Ms. Rafer's alleged debt.

9. At all times material hereto, Debt Collector was acting within the scope of an employee, representative, or agent on behalf of Debt Owner for purposes of collecting Ms. Rafer's alleged debt for Debt Owner.

10. As such, Debt Owner is responsible for the conduct of Debt Collector as its employee, representative, or agent.

11. Under information and belief, Debt Owner granted Debt Collector access to information and systems that normally would be within Debt Owner's exclusive control, including, but not limited to Ms. Rafer's information.

12. Under information and belief, Debt Owner allowed Debt Collector to enter Ms. Rafer's information into Debt Owner's sales or customer systems.

13. Under information and belief, Debt Owner gave Debt Collector authority to use the principal's trade name, trademark, or service mark.

14. Under information and belief, Debt Owner approved, wrote, or reviewed a transcript for Debt Collector to use when calling Ms. Rafer.

15. Under information and belief, Debt Owner had actual knowledge of Debt Collector's FDCPA and FCCPA violations when calling Ms. Rafer's cellular telephone and Debt Owner failed to stop such violations by Debt Collector.

16. Under information and belief, via a contractual relationship between the parties, Debt Owner had control or the ability to control Debt Collector's actions in attempting to collect Ms. Rafer's debt on behalf of Debt Owner.

**Statements of Fact**

17. Ms. Rafer opened a gym membership with Debt Owner that was assigned a unique account under Ms. Rafer's name ("Account").

18. Sometime thereafter, Ms. Rafer moved so she properly cancelled her gym membership with Debt Owner via email.

19. Despite Ms. Rafer's proper cancellation of the Account, Debt Owner continued to improperly charge Ms. Rafer's Account, which incurred an alleged outstanding balance owed thereunder ("Debt").

20. Thereafter, Debt Owner sold, assigned, or transferred servicing rights to the Account, including debt collection, to Debt Collector.

21. On or around May 2, 2019, Debt Collector sent a collection letter directly to Ms. Rafer in connection with the collection of the alleged Debt ("Collection Letter 1").

**See Exhibit A.**

22. Collection Letter 1 was individually addressed to Ms. Rafer, demanded a total amount due of \$228.36, disclosed that "this is an attempt to collect the debt and any information will be used for that purpose," and offered options for payment that included pay by phone, pay via credit card or debit card, or pay by mail using the payment coupon included therein. **See Exhibit A.**

23. Debt Collector also began placing calls to Ms. Rafer's cellular telephone number 727-\*\*\*-9951 ("Ms. Rafer's Cellular Telephone") in attempts to collect the Debt.

24. In early May 2019, Ms. Rafer spoke with Debt Collector, wherein Debt Collector represented itself as an attorney and threatened to pursue legal action against Ms. Rafer if she did not satisfy the alleged Debt.

25. In that same call, Debt Collector used obscene and profane language when demanding that Ms. Rafer pay the alleged Debt.

26. During that same May 2019 call, Ms. Rafer's mother got on the call and demanded that Debt Collector stop calling Ms. Rafer's Cellular Telephone.

27. Debt Collector called Ms. Rafer's Cellular Telephone a week later and left a voicemail stating that it was calling in regards to a legal matter.

28. Defendant called Ms. Rafer's Cellular Telephone from several different telephone numbers, including, but not limited to: 877-405-1900.

29. All of Defendant's calls to Ms. Rafer's Cellular Telephone were placed in an attempt to collect the alleged Debt.

30. Ms. Rafer has been harassed due to the content and timing of Debt Collector's calls.

31. Debt Collector is not registered to conduct debt collection activity in the state of Florida.

**Count 1: Violation of the Fair Debt Collection Practices Act ("FDCPA")**  
**(as against Debt Collector)**

32. Ms. Rafer re-alleges paragraphs 1-31 and incorporates the same herein by reference.

33. Ms. Rafer is a “consumer” within the meaning of the FDCPA.

34. The subject debt is a “consumer debt” within the meaning of the FDCPA.

35. Debt Collector is a “debt collector” within the meaning of the FDCPA.

36. Debt Collector violated the FDCPA. Debt Collector’s violations include,

but are not limited to, the following:

- a. Debt Collector violated 15 U.S.C. § 1692d (1) by threatening to sue Ms. Rafer if she did not satisfy the alleged Debt.
- b. Debt Collector violated 15 U.S.C. § 1692d (2) by using obscene or profane language in the course of collecting the alleged Debt.
- c. Debt Collector violated 15 U.S.C. § 1692d (5) by continuing to call Ms. Rafer’s Cellular Telephone after she demanded it stop calling her.
- d. Debt Collector violated 15 U.S.C. § 1692e (2)(A) by misrepresenting the legal status of the alleged Debt as collectible and owing when Ms. Rafer had properly cancelled the Account.
- e. Debt Collector violated 15 U.S.C. § 1692e (3) by the falsely representing itself as an attorney when Debt Collector told Ms. Rafer and her mother that Debt Collector

was an attorney when in fact Debt Collector was not an attorney.

- f. Debt Collector violated 15 U.S.C. § 1692e(2)(a) by misrepresenting the legal right to collect on the alleged Debt when no such right existed because Debt Collector is not a registered Debt Collector in the state of Florida.

37. As a result of the above violations of the FDCPA, Ms. Rafer has been subjected to illegal collection activities for which she has been damaged.

38. Debt Collector's actions have damaged Ms. Rafer by causing her embarrassment.

39. Debt Collector's actions have damaged Ms. Rafer by causing her emotional distress.

40. Debt Collector's actions have damaged Ms. Rafer by causing her to lose sleep.

41. Debt Collector's actions have damaged Ms. Rafer by causing her stress.

42. Debt Collector's actions have damaged Ms. Rafer by causing her anxiety.

43. Debt Collector's actions have damaged Ms. Rafer by causing aggravation.

44. Debt Collector's actions have damaged Ms. Rafer by being an annoyance.

45. Debt Collector's actions have damaged Ms. Rafer by invading her privacy.

46. Debt Collector's actions have damaged Ms. Rafer by harming her reputation.

47. It has been necessary for Ms. Rafer to retain the undersigned counsel to prosecute the instant action, for which she is obligated to pay a reasonable attorney's fee.

48. All conditions precedent to this action have occurred.

**WHEREFORE**, Plaintiff respectfully requests this Court to enter a judgment against Debt Collector as follows:

- a. Awarding statutory damages as provided by 15 U.S.C. § 1692k(a)(2)(A);
- b. Awarding actual damages;
- c. Awarding costs and attorneys' fees; and
- d. Any other and further relief as this Court deems just and equitable.

**Count 2: Violation of the Florida Consumer Collection Practices Act ("FCCPA")**  
**(as against Debt Collector)**

49. Ms. Rafer re-alleges paragraphs 1-31 and incorporates the same herein by reference.

50. Debt Collector violated the FCCPA. Debt Collector's violations include, but are not limited to, the following:

- a. Debt Collector violated Fla. Stat. § 559.72(7) by continuing to call Ms. Rafer's Cellular Telephone despite Ms. Rafer's demand that Debt Collector stop calling her, which can reasonably be expected to harass Ms. Rafer.



- b. Debt Collector violated Fla. Stat. § 559.72(8) by using obscene, profane, and abusive language in the course of collecting the alleged Debt.
- c. Debt Collector violated Fla. Stat. § 559.72(9) by misrepresenting the Debt as collectible and owing when Ms. Rae had properly cancelled the Account.
- d. Debt Collector violated Fla. Stat. § 559.72(9) by misrepresenting intent to pursue legal action when no such intent existed.
- e. Debt Collector violated Fla. Stat. § 559.72(9) by misrepresenting the legal right to collect on the alleged Debt when no such right existed because Debt Collector is not a registered Debt Collector in the state of Florida.
- g. Debt Collector violated Fla. Stat. § 559.72(10) by falsely representing itself as an attorney when Debt Collector told Ms. Rafer and her mother that Debt Collector was an attorney when in fact Debt Collector was not an attorney.
- h. Debt Collector violated Fla. Stat. § 559.72(12) by the falsely representing itself as an attorney when Debt Collector told Ms. Rafer and her mother that Debt Collector was an attorney when in fact Debt Collector was not an attorney.

51. As a result of the above violations of the FCCPA, Ms. Rafer has been subjected to unwarranted and illegal collection activities and harassment for which she has been damaged.

52. Debt Collector's actions have damaged Ms. Rafer by causing her embarrassment.

53. Debt Collector's actions have damaged Ms. Rafer by causing her emotional distress.

54. Debt Collector's actions have damaged Ms. Rafer by causing her to lose sleep.

55. Debt Collector's actions have damaged Ms. Rafer by causing her stress.

56. Debt Collector's actions have damaged Ms. Rafer by causing her anxiety.

57. Debt Collector's actions have damaged Ms. Rafer by causing aggravation.

58. Debt Collector's actions have damaged Ms. Rafer by being an annoyance.

59. Debt Collector's actions have damaged Ms. Rafer by invading her privacy.

60. Debt Collector's actions have damaged Ms. Rafer by harming her reputation.

61. It has been necessary for Ms. Rafer to retain the undersigned counsel to prosecute the instant action, for which she is obligated to pay a reasonable attorney's fee.

62. All conditions precedent to this action have occurred.

**WHEREFORE**, Plaintiff respectfully requests this Court to enter a judgment against Debt Collector as follows:

- a. Awarding statutory damages as provided by Fla. Stat. § 559.77;

- b. Awarding actual damages;
- c. Awarding punitive damages;
- d. Awarding costs and attorneys' fees;
- e. Ordering an injunction preventing further wrongful contact by the Defendant; and
- f. Any other and further relief as this Court deems just and equitable.

**Count 3: Violation of the Florida Consumer Collection Practices Act ("FCCPA")**  
**(as against Debt Owner)**

63. Plaintiff re-alleges paragraphs 1-31 and incorporates the same herein by reference.

64. At all times relevant hereto, Debt Owner was vicariously liable for the actions of Debt Collector.

65. Debt Collector violated the FCCPA. Debt Collector's violations include, but are not limited to, the following:

- a. Debt Collector violated Fla. Stat. § 559.72(7) by continuing to call Ms. Rafer's Cellular Telephone despite Ms. Rafer's demand that Debt Collector stop calling her, which can reasonably be expected to harass Ms. Rafer.
- b. Debt Collector violated Fla. Stat. § 559.72(8) by using obscene, profane, and abusive language in the course of collecting the alleged Debt.

- c. Debt Collector violated Fla. Stat. § 559.72(9) by misrepresenting the Debt as collectible and owing when Ms. Rae had properly cancelled the Account.
- d. Debt Collector violated Fla. Stat. § 559.72(9) by misrepresenting intent to pursue legal action when no such intent existed.
- e. Debt Collector violated Fla. Stat. § 559.72(9) by misrepresenting the legal right to collect on the alleged Debt when no such right existed because Debt Collector is not a registered Debt Collector in the state of Florida.
- f. Debt Collector violated Fla. Stat. § 559.72(10) by the falsely representing itself as an attorney when Debt Collector told Ms. Rafer and her mother that Debt Collector was an attorney when in fact Debt Collector was not an attorney.
- g. Debt Collector violated Fla. Stat. § 559.72(12) by falsely representing itself as an attorney when Debt Collector told Ms. Rafer and her mother that Debt Collector was an attorney when in fact Debt Collector was not an attorney.

66. As a result of the above violations of the FCCPA, Ms. Rafer has been subjected to unwarranted and illegal collection activities and harassment for which she has been damaged.

67. Debt Collector's actions have damaged Ms. Rafer by causing her embarrassment.

68. Debt Collector's actions have damaged Ms. Rafer by causing her emotional distress.

69. Debt Collector's actions have damaged Ms. Rafer by causing her to lose sleep.

70. Debt Collector's actions have damaged Ms. Rafer by causing her stress.

71. Debt Collector's actions have damaged Ms. Rafer by causing her anxiety.

72. Debt Collector's actions have damaged Ms. Rafer by causing aggravation.

73. Debt Collector's actions have damaged Ms. Rafer by being an annoyance.

74. Debt Collector's actions have damaged Ms. Rafer by invading her privacy.

75. Debt Collector's actions have damaged Ms. Rafer by harming her reputation.

76. It has been necessary for Ms. Rafer to retain the undersigned counsel to prosecute the instant action, for which she is obligated to pay a reasonable attorney's fee.

77. All conditions precedent to this action have occurred.

**WHEREFORE**, Plaintiff respectfully requests this Court to enter a judgment against Debt Owner as follows:

- a. Awarding statutory damages as provided by Fla. Stat. § 559.77;
- b. Awarding actual damages;
- c. Awarding punitive damages;
- d. Awarding costs and attorneys' fees;

e. Ordering an injunction preventing further wrongful contact by the Defendant; and

g. Any other and further relief as this Court deems just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff, Chloe Rafer, demands a trial by jury on all issues so triable.

Respectfully submitted this **May 31, 2019**,

/s/ Michael A. Ziegler  
Michael A. Ziegler, Esq.  
Florida Bar No. 74864  
[mike@zieglerlawoffice.com](mailto:mike@zieglerlawoffice.com)

/s/ Kaelyn Steinkraus  
Kaelyn Steinkraus, Esq.  
Florida Bar No. 125132  
[kaelyn@zieglerlawoffice.com](mailto:kaelyn@zieglerlawoffice.com)

Law Office of Michael A. Ziegler, P.L.  
2561 Nursery Road, Suite A  
Clearwater, FL 33764  
(p) (727) 538-4188  
(f) (727) 362-4778  
Attorneys and Trial Counsel for Plaintiff

# **EXHIBIT A**



# Internal Credit Systems, Inc.

PO BOX 52088  
Durham, NC 27717

May 2, 2019

#: 336932

CHLOE RAFFER  
12800 VONN RD APT 7054  
LARGO, FL 33774

Toll Free: 1-877-405-1900

NC Dept. of Insurance Permit #101394

LOCAL NUMBER : 919-401-1900

Please do not send cash

Make Check or Money Order Payable To:

INTERNAL CREDIT SYSTEMS, INC.

PO BOX 52088

DURHAM, NC 27717

**Amount Due: \$228.36**

Amount Enclosed: \_\_\_\_\_

DEAR CHLOE,

Internal Credit Systems, Inc. is a debt collector. Be advised that Anytime Fitness has requested my office to collect this matter.



RE: Our Client/Creditor:

**File #: 336932**

**Amount Due: \$228.36**

**Agreement #: 2363-04999**

Regarding to the above-captioned claim, note the following:

1. Anytime Fitness has forwarded your account information to our office
2. After reviewing the account we advised our client we are pursuing full payment for them.

This letter is to provide you with an opportunity to resolve this matter expeditiously. Pursuant to the Fair Debt Collection Practices Act requires that we inform you that: unless you, within thirty days (30) after receipt of this initial notice, dispute the validity of the debt, or any portion thereof, the debt will be assumed valid by the debt collector. If you notify the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of judgment against you and mail it to you. If requested in writing within thirty days, the debt collector will also provide you with the name and address of the original creditor, if different from the current creditor. If you have any questions regarding this matter, you should contact us directly between 10 am-6 pm Monday-Saturday.

To set up a payment plan or make a payment via credit card or debit card call toll free 1-877-405-1900.

**WARNING: THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**



JS 44 (Rev. 02/19)

**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**

CHLOE RAFER

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

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Law Office of Michael A. Ziegler, P.L.  
2561 Nursery Road, Suite A  
Clearwater, FL 33764

**DEFENDANTS**

INTERNAL CREDIT SYSTEMS, INC. and ANYTIME FITNESS, LLC

County of Residence of First Listed Defendant  
(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
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 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)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State 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 and Fla. Stat. § 559.72

Brief description of cause:

Fair Debt Collection Practices Act and Florida Consumer Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

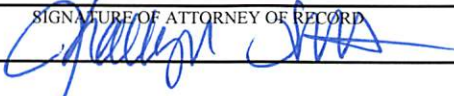
(See instructions):

JUDGE

DOCKET NUMBER

DATE  
05/31/2019

SIGNATURE OF ATTORNEY OF RECORD



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.  
 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.



*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Middle District of Florida

CHLOE RAFER

*Plaintiff(s)*

v.

INTERNAL CREDIT SYSTEMS, INC.  
and ANYTIME FITNESS, LLC

*Defendant(s)*

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ANYTIME FITNESS, LLC  
c/o Corporation Creations Network Inc.  
11380 Prosperity Farms Road, #221E  
Palm Beach Gardens, Florida 33410

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kaelyn Steinkraus, Esq.  
Michael A. Ziegler, Esq.  
Law Office of Michael A. Ziegler, P.L.  
2561 Nursery Road, Suite A  
Clearwater, FL 33764  
(p) (727) 538-4188

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 05/31/2019

*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: