



the public policies and protect the civil rights expressed therein. *Crabill v. Trans Union, LLC*, 259 F.3d 662, 666 (7th Cir. 2001).

6. Plaintiff seeks to enforce those policies and civil rights which are expressed through the FDCPA, 15 U.S.C. §1692 *et seq.*

### **VENUE AND JURISDICTION**

7. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA), 28 U.S.C. §1331 and 28 U.S.C. §1337.

8. Venue and personal jurisdiction in this District are proper because:

- a. Defendant's collection communications were received by plaintiff within this District;
- b. Defendant does or transacts business within this District.

9. Article III is satisfied by the receipt of unwanted text messages in violation of a legal prohibition against their transmission. *Gadelbak v. AT&T Servs.*, 950 F.3d 458 (7th Cir. 2020).

### **PARTIES**

10. Plaintiff Andre Clark is an individual who resides in the Northern District of Illinois.

11. Defendant Global Solution Biz LLC is a limited liability company organized under the law of Georgia with its principal office at 400 Galleria Parkway, Suite 1500, Atlanta, GA 30339. Its registered agent is Collins Enakpoke at that address.

12. Global Solution Biz LLC is engaged in the business of using the mails and telephone to collect consumer debts owed to others.

13. Global Solution Biz LLC is a debt collector as defined in the FDCPA.

### **FACTS**

14. Defendant has been attempting to collect from Plaintiff an alleged health care debt incurred, if at all, for personal, family or household purposes.

15. Between October 22, 2021 and November 24, 2021, Defendant sent a total of at least 13 text messages to Plaintiff's cell phone.

16. On November 24, 2021, Plaintiff asked Defendant to stop sending text messages to his cell phone.

17. Defendant responded that “I do apologize I can not stop communication efforts you owe a debt in our office.”

18. Defendant sent further text messages after being told to stop.

19. Plaintiff was harassed and aggravated by unwanted text messages and the threat of further text messages that could not be stopped.

**COUNT I – FDCPA**

20. Plaintiff incorporates paragraphs 1-19.

21. Defendant violated 15 U.S.C. §§1692c, 1692d and 1692e by (a) sending repeated text messages after being told to stop and (b) insisting that Defendant had the right to do so unless Plaintiff paid.

22. Section 1692c provides:

(a) Communication with the consumer generally

Without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, a debt collector may not communicate with a consumer in connection with the collection of any debt—

- (1) at any unusual time or place or a time or place known or which should be known to be inconvenient to the consumer. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8 o'clock antemeridian and before 9 o'clock postmeridian, local time at the consumer's location; . . .

23. Section 1692c prohibits “(5) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.”

24. Section 1692e provides that “A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.”

25. Calling or texting a cell phone, which is normally on the consumer's person, is disruptive of everyday activities to an extent that calling a home phone or sending a letter is not.

26. Once the consumer tells the collector not to send text messages to his or her cell phone, the collector knows such “place” of communication is inconvenient to the consumer.

27. In issuing Regulation F, which took effect November 30, 2021, the Consumer Financial Protection Bureau treats electronic messages to a cell phone as a “time or place” of communication and recognizes the consumer’s right to require cessation of that and similar communications. 12 C.F.R. § 1006.6(e) states:

(e) Opt-out notice for electronic communications or attempts to communicate. A debt collector who communicates or attempts to communicate with a consumer electronically in connection with the collection of a debt using a specific email address, telephone number for text messages, or other electronic-medium address must include in such communication or attempt to communicate a clear and conspicuous statement describing a reasonable and simple method by which the consumer can opt out of further electronic communications or attempts to communicate by the debt collector to that address or telephone number. The debt collector may not require, directly or indirectly, that the consumer, in order to opt out, pay any fee to the debt collector or provide any information other than the consumer’s opt-out preferences and the email address, telephone number for text messages, or other electronic-medium address subject to the opt-out request.

WHEREFORE, the Court should enter judgment in favor of Plaintiff and against defendant for:

- i. Statutory damages;
- ii. Actual damages;
- iii. Attorney’s fees, litigation expenses and costs of suit;
- iv. Such other and further relief as the Court deems proper.

/s/ Daniel A. Edelman  
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**NOTICE OF LIEN AND ASSIGNMENT**

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

/s/ Daniel A. Edelman  
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