

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ALEKSANDR MITERIN,

Plaintiff,

v.

GLOBAL PAYMENT CHECK SERVICES,
INC.,

Defendant.

CIVIL COMPLAINT

CASE NO. 1:22-cv-00241

DEMAND FOR JURY TRIAL

COMPLAINT

NOW comes ALEKSANDR MITERIN (“Plaintiff”), by and through the undersigned, complaining as to the conduct of GLOBAL PAYMENT CHECK SERVICES, INC. (“Defendant”), as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action for damages pursuant to the Fair Debt Collection Practices Act (“FDCPA”) under 15 U.S.C. §1692 *et seq.* for Defendant’s unlawful conduct.

JURISDICTION AND VENUE

2. This action arises under and is brought pursuant to the FDCPA. Subject matter jurisdiction is conferred upon this Court by 15 U.S.C §1692, 28 U.S.C. §§1331 and 1337, as the action arises under the laws of the United States.

3. Venue is proper in this Court pursuant to 28 U.S.C. §1391 as Defendant resides within the Northern District of Illinois, conducts business in the Northern District of Illinois, and a substantial portion the events or omissions giving rise to the claims occurred within the Northern District of Illinois.

PARTIES

4. Plaintiff is a consumer over 18 years-of-age.

5. Defendant is a third party payment processor and debt collector who, in connection with the nature of its business, regularly collects or attempts to collect debts originally owed to others. Defendant is a corporation organized under the laws of the state of Illinois with its principal place of business located at 3550 Lenox Road, Suite 2800, Atlanta, Georgia.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers at all times relevant to the instant action.

FACTS SUPPORTING CAUSES OF ACTION

7. The instant action stems from Defendant's attempt to collect upon a purported obligation ("subject debt") Plaintiff is said to owe in connection with a purported online casino debt.

8. Plaintiff incurred the purported subject debt for personal purposes.

9. Upon information and belief, after Plaintiff's purported default on the subject debt, the subject debt was placed with Defendant for collection purposes.

10. In approximately the winter of 2021, Plaintiff began receiving phone calls to his cellular phone, (973) XXX-3434, from Defendant attempting to collect upon the subject debt.

11. Defendant has primarily used the phone number (877) 215-8120 when placing calls to Plaintiff's cellular phone, but upon belief, it has used other numbers as well.

12. Upon speaking with Defendant, Plaintiff was informed that it was calling to collect upon the subject debt.

13. Plaintiff informed Defendant of his inability to pay the subject debt as his hours had been cut and it was the holiday season, further demanding that Defendant cease placing phone calls to Plaintiff's cellular phone.

14. Rather than abide by Plaintiff's wishes, Defendant instead persisted in placing repeated phone calls to Plaintiff's cellular phone.

15. Defendant has placed not less than 15 phone calls to Plaintiff's cellular phone after Plaintiff told Defendant of his inability to pay and since repeatedly demanding that Defendant's phone calls cease.

16. Defendant's repeated contacts included placing repeated numerous phone calls to Plaintiff despite already having spoken to Plaintiff within 7 days of such repeated and voluminous phone calls.

17. The FDCPA prohibits debt collectors from harassing consumers through repeated phone calls, and Defendant's phone calls violate the specific rules regarding what constitutes harassing phone calls in violation of the FDCPA.

18. Frustrated, distressed, and concerned over Defendant's conduct, Plaintiff spoke with the undersigned regarding his rights, resulting in expenses.

19. Plaintiff has been unfairly and unnecessarily harassed by Defendant's actions.

20. Plaintiff has suffered concrete harm as a result of Defendant's actions, including but not limited to, invasion of privacy, being harassed in contravention of a consumer protection statute preventing abusive debt collection practices, emotional distress, and a material risk of harm to Plaintiff's concrete interests protected by the FDCPA.

COUNT I – VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

21. Plaintiff repeats and realleges paragraphs 1 through 20 as though fully set forth herein.

22. Plaintiff is a “consumer” as defined by 15 U.S.C. §1692a(3) of the FDCPA.

23. Defendant is a “debt collector” as defined by §1692a(6) of the FDCPA, because it regularly use the mail and/or the telephone to collect, or attempt to collect, delinquent consumer accounts originally owed to others.

24. Upon information and belief, Defendant works on collecting payments for a number of different casinos and, in connection therewith, regularly collects or attempts to collect debts owed to its casino clients.

25. The subject consumer debt is a “debt” as defined by FDCPA §1692a(5) as it arises out of a transaction due or asserted to be due to another for personal, family, or household purposes.

a. Violations of the FDCPA, §1692c and §1692d

26. The FDCPA, pursuant to 15 U.S.C. §1692d, prohibits a debt collector from engaging “in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.” §1692d(5) further prohibits, “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.”

27. Defendant violated §1692c(a)(1), d, and d(5) when it repeatedly called Plaintiff after being notified to stop. Defendant called Plaintiff dozens of times after he demanded that it stop. This repeated behavior of systematically calling Plaintiff’s phone in spite of his demands was harassing and abusive. The frequency and nature of calls shows that Defendant willfully ignored Plaintiff’s pleas with the goal of annoying and harassing Plaintiff. Furthermore, the nature and pattern of Defendant’s phone calls are in direct violation of the regulations governing debt collectors’ ability to contact consumers via phone calls pursuant to 12 C.F.R. § 1006 *et seq.*

b. Violations of the FDCPA, §1692e

28. The FDCPA, pursuant to 15 U.S.C. §1692e, prohibits a debt collector from using “any false, deceptive, or misleading representation or means in connection with the collection of any debt.”

29. In addition, this section enumerates specific violations, such as:

“The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.” 15 U.S.C. §1692e(10).

30. Defendant violated §1692e and e(10) when it used deceptive means to collect and/or attempt to collect the subject consumer debt. Defendant deceptively skirted the regulations and strictures governing its ability to contact Plaintiff in a deceptive attempt to convince Plaintiff that he had to either pay the debt or continue to be subjected to repeated calls. Defendant was explicitly prevented from communicating with Plaintiff in the manner it did, and its decision to violate such clear prohibitions was deceptive and misleading.

c. Violations of FDCPA § 1692f

31. The FDCPA, pursuant to 15 U.S.C. §1692f, prohibits a debt collector from using “unfair or unconscionable means to collect or attempt to collect any debt.”

32. Defendant violated §1692f when it unfairly and unconscionably attempted to collect on a debt by continuously calling Plaintiff after being notified to stop. Attempting to coerce Plaintiff into payment by placing voluminous phone calls without his permission is unfair and unconscionable behavior. These means employed by Defendant only served to worry and confuse Plaintiff, and were unfairly engaged in in direct contravention of relevant regulations.

WHEREFORE, Plaintiff, ALEKSANDR MITERIN, respectfully requests that this Honorable Court enter judgment in her favor as follows:

- a. Declaring that the practices complained of herein are unlawful and violate the aforementioned bodies of law;

- b. Awarding Plaintiff statutory damages of \$1,000.00 as provided under 15 U.S.C. §1692k(a)(2)(A);
- c. Awarding Plaintiff actual damages, in an amount to be determined at trial, as provided under 15 U.S.C. §1692k(a)(1);
- d. Awarding Plaintiff costs and reasonable attorney fees as provided under 15 U.S.C. §1692k(a)(3);
- e. Enjoining Defendant from further contacting Plaintiff; and
- f. Awarding any other relief as this Honorable Court deems just and appropriate.

Dated: January 14, 2022

Respectfully submitted,

s/ Nathan C. Volheim

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