

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

VELVET NAILER,)	
)	CIVIL COMPLAINT
Plaintiff,)	
)	
v.)	Case No. 1:22-cv-1177
)	
RECEIVABLES MANAGEMENT)	
PARTNERS, LLC,)	
)	
Defendant.)	JURY DEMAND
)	
)	

COMPLAINT

Now comes Velvet Nailer (“Plaintiff”), complaining as to Receivables Management Partners, LLC (“Defendant”), as follows:

NATURE OF THE ACTION

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

JURISDICTION AND VENUE

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

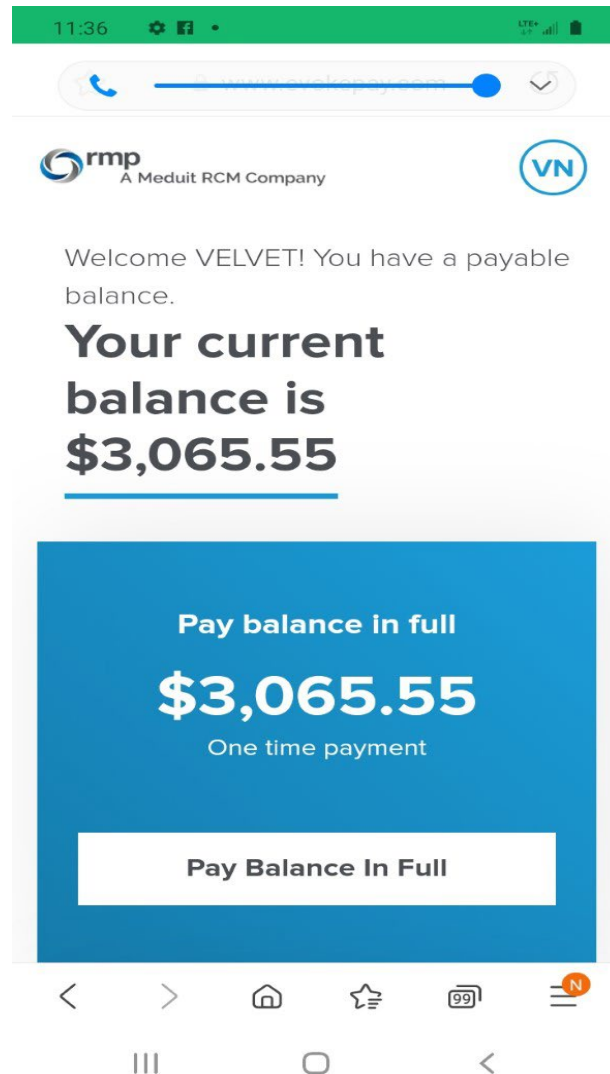
3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1) as Defendant resides in this District.

PARTIES

4. Plaintiff is a natural person residing in Illinois.
5. Defendant is a third-party debt collector located in New York.
6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principles, trustees, sureties, subrogees, representatives, and insurers at all times relevant to the instant action.

BACKGROUND

7. Plaintiff incurred a medical debt (the “debt” or the “account”).
8. Plaintiff was over the age of 18 at the time, and her mother, Deborah Nailer, had no reason to know of the debt.
9. The debt was incurred for personal reasons, namely, personal medical treatment.
10. After Plaintiff defaulted on this debt, Defendant received the debt and began to collect on it.
11. Defendant was, at the same time, also attempting to collect from Plaintiff’s mother, Deborah Nailer.
12. Deborah Nailer made a payment to Defendant that was intended to cover Deborah Nailer’s own debts.
13. After making a payment, Deborah Nailer received the following text message from Defendant for an account in Plaintiff’s name.



14. Plaintiff was upset, embarrassed, and humiliated to learn that Defendant, through this text message, had revealed to Plaintiff's mother that Plaintiff owed a debt.

15. Plaintiff was further upset that her mother was alerted to the balance of Plaintiff's debt.

16. Plaintiff's privacy was invaded as a result of Defendant's actions.

17. This action follows.

COUNT I – VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

18. Plaintiff realleges the paragraphs above as though fully set forth herein.

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

20. Defendant is a “debt collector” as defined by § 1692a(6) of the FDCPA

because the principal purpose of its business is the collection of debts, and because it uses the instrumentalities of interstate commerce to do so.

21. In the alternative, Defendant is a “debt collector” under § 1692(a)(6) because it regularly collects or attempt to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.

22. Defendant’s actions violated the following provisions of the FDCPA:

- a. 15 U.S.C 1692c(b) Communication with third parties: “a debt collector may not communicate, in connection with the collection of any debt, with any person other than the consumer, [her] attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector.”

23. Defendant is directly and/or vicariously liable for the actions of its employees.

24. As a result of Defendant’s conduct, Plaintiff’s rights were violated.

25. The cause of action laid out in 15 U.S.C 1692c(b) is analogous to common law torts based on the invasion of privacy, and Plaintiff therefore has standing under Article III of the Constitution to pursue this action.

WHEREFORE, Plaintiff respectfully requests judgment as follows:

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

A TRIAL BY JURY IS DEMANDED.

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