

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF SOUTH CAROLINA

WILLIAM CHILDS)	JURY TRIAL DEMANDED
Plaintiff,)	
)	
v.)	Case No.
)	
ADVANCED CAPITAL SOLUTIONS,)	
INC.,)	
Defendant.)	
)	

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COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory brought by Plaintiff William Childs an individual consumer, against Defendant, Advanced Capital Solutions, INC., (“ACS”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) 28 U.S.C 1331. Venue in this District is proper in that the Defendant transacts

business in Columbia, Richland County, South Carolina, and the conduct complained of occurred in Columbia, Richland County, South Carolina.

III. PARTIES

3. Plaintiff William Childs (hereinafter “Mr. Childs”) is a natural person residing in Columbia, Richland County, South Carolina. Mr. Childs is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Upon information and belief, Defendant Advanced Capital Solutions, INC., is an Ohio corporation with its principal place of business located at 555 Market Ave N, Canton, OH 44702 .
5. Defendant Advance Capital Solutions, INC., is engaged in the collection of debt from consumers using the mail and telephone. Defendant regularly attempt to collect consumers’ debts alleged to be due to another’s. Plaintiff alleged “debt” as defined by the FDCPA, 15 U.S.C 1692a(5) this alleged debt at issue arose from a transaction entered into primarily for personal, family or household purposes.

IV. FACTS OF THE COMPLAINT

6. Defendant Advanced Capital Solutions, INC., (hereinafter referred to as “Debt Collector”) is a “debt collector” as defined by the FDCPA, 15 U.S.C 1692a(6).
7. Defendant Advanced Capital Solutions, INC., has been calling Plaintiff for a while (6 Months or more).
8. On or about February 25, 2023 11:45am, Mr. Childs started receiving phone calls from Defendant attempting to collect on an alleged debt from Cash Net USA in the amount of \$1,947.49. Mr. Childs missed the call but returned the call and informed the representative “The reason I missed your call is cause I’m at work” Defendant quickly responded and said “Are you able to discuss now that you called back”
9. On March 1, 2023 2:41pm Defendant called Plaintiff again while at work but Plaintiff missed the call and called Defendant back and Plaintiff stated “The reason I missed your phone call cause I’m at work” and “My boss won’t allow me to take personal phone calls I had to step out real quick” Defendant also said on the phone call “we been calling for a while now.” The phone call was in violation of 15 U.S.C 1692c(a)(1) and 15 U.S.C 1692c(a)(3).
10. Plaintiff has suffered actual damages as a result of these illegal collection communications by this Defendant in the form of anger,

anxiety, decreased ability to focus on task while at work, frustration, amongst other negative emotions, as well as suffering from unjustified abusive invasions of personal privacy.

V. FIRST CLAIM FOR RELIEF
(Defendant Advance Capital Solutions, INC.,)
15 U.S.C. §1692c(a)(1)

11. Mr. Childs re-alleges and reincorporates all previous paragraphs as if fully set out herein.
12. The Debt Collector violated the FDCPA.
13. The Debt Collector's violations include, but are not limited to, the following:

The Debt Collector violated 15 U.S.C § 1692c(a)(1) of the FDCPA by intentionally communicating in connection with collection of a debt from Plaintiff at time and place known by Defendant to be inconvenient to Plaintiff.

VI. SECOND CLAIM FOR RELIEF
(Defendant Advance Capital Solutions, INC.,)
15 U.S.C. §1692c(a)(3)

14. Mr. Childs re-alleges and reincorporates all previous paragraphs as if fully set out herein.
15. The Debt Collector violated the FDCPA.

16. The Debt Collector's violations include, but are not limited to, the following:

The Debt Collector violated 15 U.S.C § 1692c(a)(3) of the FDCPA by intentionally communicating in connection with collection of a debt from Plaintiff at Plaintiffs employment after Defendant knew or had reason to know that Plaintiffs employer prohibited Plaintiff from receiving such communications.

17. As a result of the above violations of the FDCPA, the Defendant are liable to the Mr. Childs actual damages, statutory damages and cost.

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mr. Childs respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against the Debt Collector for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C 1692k(2);
- D. Cost pursuant to 15 U.S.C 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

William Childs

William Childs

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