

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Shabora Jones,

Plaintiff,

v.

Midland Credit Management, Inc.,

Defendant.

Case No.

**COMPLAINT FOR DAMAGES
UNDER THE FAIR DEBT
COLLECTION PRACTICES ACT
AND OTHER EQUITABLE
RELIEF**

JURY TRIAL DEMANDED

PARTIES

1. Plaintiff, Shabora Jones (“Shabora”), is a natural person who resided in Harper Woods, Michigan, at all times relevant to this action.
2. Defendant, Midland Credit Management, Inc. (“MCM”), is a Kansas corporation that maintained its principal place of business in San Diego, California, at all times relevant to this action.

JURISDICTION AND VENUE

3. Pursuant to 28 U.S.C. §1331, this Court has federal question jurisdiction over this matter as it arises under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 et seq.
4. Pursuant to 28 U.S.C. § 1391(b), venue is proper because a substantial part of the events giving rise to this claim occurred in this judicial district.

STATEMENT OF FACTS

5. At all times relevant to this action, MCM collected consumer debts.
6. MCM regularly uses instrumentalities of interstate commerce and the mails to collect consumer debts owed or due or asserted to be owed or due another.
7. The principal source of MCM's revenue is debt collection.
8. MCM is a "debt collector" as defined by 15 U.S.C. § 1692a(6).
9. As described, *infra*, MCM contacted Shabora to collect a debt ("The Debt") that was incurred primarily for personal, family, or household purposes.
10. This alleged obligation is a "debt" as defined by 15 U.S.C. § 1692a(5).
11. Shabora is a "consumer" as defined by 15 U.S.C. § 1692a(3).
12. Shabora is the victim of prior continued extreme, outrageous and severe abuse from her ex-boyfriend ("Abuser").
13. Abuser's behavior towards Shabora was extreme and outrageous and on more than one occasion involved discharging a firearm in her presence.
14. Luckily, several years ago, Shabora's family members were able to finally convince Abuser to cease all contact with Shabora.
15. Since the date Abuser ceased communication with Shabora years ago, Shabora and Abuser have had zero contact.
16. On or around February 20, 2023, MCM telephoned Abuser in connection with the collection of The Debt.

17. During this communication, MCM disclosed to Abuser that Shabora owed The Debt and also told Abuser the amount of The Debt.
18. In addition to disclosing Shabora's financial information to Abuser, MCM also disclosed sensitive, previously unknown personal details to Abuser, for example Shabora's date of birth.
19. At the time of this communication, MCM already had Shabora's location information.
20. As a result of MCM's telephone call, Abuser resumed aggressively placing telephone calls, text messaging and leaving voice messages for Shabora.
21. At the time of filing, Abuser has resumed its prior conduct towards Shabora causing Shabora to be humiliated and terrified for her physical safety.
22. But for MCM's conduct, Shabora would still be free from Abuser.

COUNT ONE

Violation of the Fair Debt Collection Practices Act

23. Plaintiff re-alleges and incorporates by reference Paragraphs 5 through 22 above as if fully set forth herein.
24. Defendant violated 15 U.S.C. § 1692c(b) by communicating with a third party in connection with the collection of the debt without Plaintiff's consent.

COUNT TWO

Violation of the Fair Debt Collection Practices Act

25. Plaintiff re-alleges and incorporates by reference Paragraphs 5 through 22 above as if fully set forth herein.
26. In order to establish a violation of Section 1692d of the FDCPA, a consumer need not prove intentional conduct by the debt collector. *See Ellis v. Solomon & Solomon, P.C.*, 591 F.3d 130, 135 (2nd Cir. 2010); *Horkey v. J.V.D.B. & Assocs., Inc.*, 333 F.3d 769, 774 (7th Cir. 2013) (“[Plaintiff] points to no evidence in the record regarding [Defendant’s] intent, which is just as well, because intent is irrelevant” in a § 1692d claim).
27. “Instead, applying an objective standard, as measured by the ‘least sophisticated consumer,’ the consumer need only show that the likely effect of the debt collector’s communication or conduct could be construed as harassment, oppression or abuse.” *See Lee v. Credit Mgmt., LP*, 846 F. Supp. 2d 716, 721 (S.D. Tex. 2012).
28. The likely effect of Defendant’s debt collection efforts, as measured by the “least sophisticated consumer” standard, was “to harass, oppress, or abuse” Plaintiff.

29. Defendant violated 15 U.S.C. § 1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of the debt.

COUNT THREE

Violation of the Fair Debt Collection Practices Act

30. Plaintiff re-alleges and incorporates by reference Paragraphs 5 through 22 above as if fully set forth herein.

31. Defendant violated 15 U.S.C. § 1692f by using unfair or unconscionable means to collect the debt.

JURY DEMAND

32. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

33. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Date: February 20, 2023

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