

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----	X
EVELIN OCAMPO, individually and on behalf of all similarly situated,	:
Plaintiff,	:
-against-	:
TRS RECOVERY SERVICES, INC.	:
Defendant.	:
-----	X

Case No. 2:23-cv-2422

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant TRS Recovery Services, Inc. (“TRS”) removes to this Court the state court action styled *Evelin Ocampo, individually and on behalf of all similarly situated, Plaintiff, v. TRS Recovery Services, Inc.*, Case No. 603150/2023, Nassau County Supreme Court, New York (the “State Court Action”). The grounds for removal are as follows:

I. The State Court Action

1. The State Court Action is a civil case filed by Plaintiff on February 23, 2023, asserting that Defendant TRS violated two provisions of the Fair Debt Collections Practices Act (the “FDCPA”). The State Court Action included a demand for a jury trial. TRS was served via its registered agent, TRS Recovery Services, Inc. c/o Corporation Service Company, 80 State Street, Albany, New York 12207 on February 27, 2023.

II. Documents from the State Court Action

2. Pursuant to 28 U.S.C. § 1446(a), TRS includes as **Exhibit 1** a true and correct copy of all process, pleadings, and other orders served on it in the State Court Action, which consist of copies of the Complaint and Summons.

III. Removal is Timely

3. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it was filed within thirty (30) days of service of the Complaint. Specifically, the Complaint was served upon TRS on February 27, 2023. Therefore, thirty (30) days thereafter is March 29, 2023.

IV. Consent to Removal

4. TRS is the only named Defendant in this action.

V. The Venue Requirement is Satisfied

5. The venue requirement is met under 28 U.S.C. § 1446(a) because this Court is the United States District Court for the district and division encompassing the location where the State Court Action has been pending.

VI. Jurisdiction

6. Pursuant to 28 U.S.C. § 1441, removal of an action from state to federal court is permitted when the federal court has “original jurisdiction” over the action. When a federal cause of action is presented on the face of the plaintiff’s complaint, the action is properly removable. *Gully v. First National Bank*, 299 U.S. 109 (1936). Pursuant to the Complaint, this action alleges a claim under the federal FDCPA. Thus, as this action raises a federal question, this Court has original jurisdiction under 28 U.S.C. § 1331, and, thus, this action is properly removable under 28 U.S.C. § 1441.

VII. Non-Waiver of Defenses

7. By removing this action, TRS does not waive any available defenses and does not admit any allegations made in Plaintiff’s Complaint.

VIII. Filing and Service of Removal Papers

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of the State Court Action will be given to Plaintiff and a Notice to Clerk of Filing of Notice of Removal will be filed in the State Court Action.

9. This action is not an action described in 28 U.S.C. § 1445.

WHEREFORE, TRS removes the above-captioned State Court Action from the Nassau County Supreme Court in New York to this Court.

Dated this 29th day of March, 2023.

Respectfully submitted,

s/ Joseph B. Crace, Jr.
Joseph B. Crace, Jr. (Bar No. JC6557)
BASS, BERRY & SIMS PLC
150 Third Avenue South, Suite 2800
Nashville, Tennessee 37201
Telephone: (615) 742-6200
Facsimile: (615) 742-6293
jcrace@bassberry.com

*Counsel for Defendant
TRS Recovery Services, Inc.*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
EVELIN OCAMPO, individually and
on behalf of all similarly situated
(b) County of Residence of First Listed Plaintiff Nassau
(c) Attorneys (Firm Name, Address, and Telephone Number)
Robert T. Yusko, Stein Saks, PLLC
One University Plaza, Suite 620, Hackensack, NJ 07601
(201) 282-6500

DEFENDANTS
TRS RECOVERY SERVICES, INC.
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
Joseph B. Crace Jr., BASS, BERRY & SIMS PLC
150 Third Avenue South, Suite 2800, Nashville, Tennessee 37201
(615) 742-6293

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)
Does this action include a motion for temporary restraining order or order to show cause? Yes No

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
110 Insurance
120 Marine
130 Miller Act
140 Negotiable Instrument
150 Recovery of Overpayment & Enforcement of Judgment
151 Medicare Act
152 Recovery of Defaulted Student Loans (Excludes Veterans)
153 Recovery of Overpayment of Veteran's Benefits
160 Stockholders' Suits
190 Other Contract
195 Contract Product Liability
196 Franchise
REAL PROPERTY
210 Land Condemnation
220 Foreclosure
230 Rent Lease & Ejectment
240 Torts to Land
245 Tort Product Liability
290 All Other Real Property

FORFEITURE/PENALTY
625 Drug Related Seizure of Property 21 USC 881
690 Other
LABOR
710 Fair Labor Standards Act
720 Labor/Management Relations
740 Railway Labor Act
751 Family and Medical Leave Act
790 Other Labor Litigation
791 Employee Retirement Income Security Act
IMMIGRATION
462 Naturalization Application
465 Other Immigration Actions
BANKRUPTCY
422 Appeal 28 USC 158
423 Withdrawal 28 USC 157
PROPERTY RIGHTS
820 Copyrights
830 Patent
835 Patent - Abbreviated New Drug Application
840 Trademark
880 Defend Trade Secrets Act of 2016
SOCIAL SECURITY
861 HIA (1395ff)
862 Black Lung (923)
863 DIWC/DIWW (405(g))
864 SSID Title XVI
865 RSI (405(g))
FEDERAL TAX SUITS
870 Taxes (U.S. Plaintiff or Defendant)
871 IRS—Third Party 26 USC 7609
OTHER STATUTES
375 False Claims Act
376 Qui Tam (31 USC 3729(a))
400 State Reapportionment
410 Antitrust
430 Banks and Banking
450 Commerce
460 Deportation
470 Racketeer Influenced and Corrupt Organizations
480 Consumer Credit (15 USC 1681 or 1692)
485 Telephone Consumer Protection Act
490 Cable/Sat TV
850 Securities/Commodities/Exchange
890 Other Statutory Actions
891 Agricultural Acts
893 Environmental Matters
895 Freedom of Information Act
896 Arbitration
899 Administrative Procedure Act/Review or Appeal of Agency Decision
950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Fair Debt Collection Practices Act, 15 U.S.C. Section 1692, et seq. ("FDCPA")
Brief description of cause:
Claim for damages arising from alleged violations of FDCPA.

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ Unspecified
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE
DOCKET NUMBER

DATE 3/29/2023
SIGNATURE OF ATTORNEY OF RECORD s/ Joseph B. Crace, Jr.

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I, _____, counsel for _____, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, the undersigned counsel for Defendant TRS Recovery Services Inc. ("TRS") certifies that TRS is a privately held, non-governmental party. TRS is a subsidiary of First Data Corporation and Fiserv, Inc.

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 1(c)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? Yes No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? Yes No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes No
 - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received: _____

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? Yes No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature: 

EXHIBIT 1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
EVELIN OCAMPO, individually and on behalf of all others

similarly situated,

Plaintiff,

Index No.:

**Plaintiff designates Nassau
County as the place of trial.
The basis of venue is
Plaintiff's residence.**

-against-

TRS RECOVERY SERVICES, INC.,

Defendant.

SUMMONS

-----X

To the above-named Defendant:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a Notice of Appearance on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Hackensack, New Jersey

February 23, 2023

Sincerely,

Stein Saks, PLLC
/s/ Robert T. Yusko
Robert T. Yusko, Esq.
One University Plaza, Suite 620
Hackensack, NJ 07601
P. (201) 282-6500
ryusko@steinsakslegal.com
Counsel for Plaintiff

Defendant's Address for service of process:

TRS RECOVERY SERVICES, INC.
C/O CORPORATION SERVICE COMPANY
80 STATE STREET
ALBANY, NEW YORK 12207

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
EVELIN OCAMPO, individually and on behalf of all others
similarly situated,

Index No.:

Plaintiff,

**CLASS ACTION
COMPLAINT**

-against-

TRS RECOVERY SERVICES, INC.,

Defendant.

-----X
Plaintiff Evelin Ocampo (hereinafter, "Plaintiff") brings this Class Action Complaint by and through her attorneys, Stein Saks, PLLC, against the Defendant TRS Recovery Services, Inc. ("TRS" or "Defendant") individually and on behalf of a class of all others similarly situated, pursuant to Article 9 of the New York Laws of Civil Practice Law & Rules, based upon information and belief of the Plaintiff's counsel, except for allegations specifically pertaining to the Plaintiff, which are based upon the Plaintiff's personal knowledge.

INTRODUCTION/PRELIMINARY STATEMENT

1. Congress enacted the Fair Debt Collection Practices Act (the "FDCPA" or "Act") in 1977 in response to the "abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors." 15 U.S.C. §1692(a). At that time, Congress was concerned that "abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy." *Id.* Congress concluded that "existing laws...[we]re inadequate to protect consumers," and that "the effective collection of debts" does not require "misrepresentation or other abusive debt collection practices." 15 U.S.C. §§ 1692(b) & (c).

2. Congress explained that the purpose of the Act was not only to eliminate abusive debt collection practices, but also to “[e]nsure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged.” *Id.* § 1692(e). After determining that the existing consumer protection laws were inadequate *Id.* § 1692(b), Congress gave consumers a private cause of action against debt collectors who fail to comply with the Act. *Id.* § 1692k.

JURISDICTION AND VENUE

3. The Court has jurisdiction over this class action as the Plaintiff was and is a resident of the County of Nassau, State of New York.

4. Venue is proper in this judicial district as this is where the Plaintiff resides.

NATURE OF THE ACTION

5. Plaintiff brings this class action on behalf of a class of New York consumers under § 1692 et seq. of Title 15 of the United States Code, also known as the FDCPA, and

6. Plaintiff is seeking damages and declaratory relief.

PARTIES

7. Plaintiff is a resident of the State of New York, County of Nassau.

8. Defendant is a “debt collector” as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA with an address for service of process care of Corporation Service Company, 80 State Street, Albany, New York 12207.

9. Upon information and belief, Defendant is a company that uses the mail, telephone, and facsimile and regularly engages in business the principal purpose of which is to attempt to collect debts alleged to be due another.

CLASS ALLEGATIONS

10. Plaintiff brings this claim on behalf of the following class, pursuant to Article 9 of the New York Laws of Civil Practice Law & Rules.

11. The Class consists of:

- a. all individuals with addresses in the State of New York;
- b. to whom the Defendant sent collection letters;
- c. attempting to collect a consumer debt;
- d. wherein the letters set forth different amounts due for the same debt despite being issued on the same day; and
- e. which letters were sent on or after a date one (1) year prior to the filing of this action and on or before a date twenty-one (21) days after the filing of this action.

12. The identities of all class members are readily ascertainable from the records of the Defendant and those companies and entities on whose behalf they attempt to collect and/or have purchased debts.

13. Excluded from the Plaintiff Class are the Defendant and all officers, members, partners, managers, directors and employees of the Defendant and their respective immediate families, and legal counsel for all parties to this action, and all members of their immediate families.

14. There are questions of law and fact common to the Plaintiff Class, which common issues predominate over any issues involving only individual class members. The principal issue is whether the Defendant's written communications to consumers, in the form attached as Exhibit A, violate 15 U.S.C. §§ 1692e and/or 1692g.

15. Plaintiff's claims are typical of the class members, as all are based upon the same facts and legal theories. Plaintiff will fairly and adequately protect the interests of the Plaintiff

Class defined in this complaint. Plaintiff has retained counsel with experience in handling consumer lawsuits, complex legal issues, and class actions, and neither the Plaintiff, nor her attorneys, have any interests that might cause them not to vigorously pursue this action.

16. This action has been brought, and may properly be maintained, as a class action pursuant to the provisions of Article 9 because there is a well-defined community interest in the litigation:

- a. **Numerosity:** Plaintiff is informed and believes, and on that basis alleges, that the Plaintiff Class defined above is so numerous that joinder of all members would be impractical.
- b. **Common Questions Predominate:** Common questions of law and fact exist as to all members of the Plaintiff Class and those questions predominate over any questions or issues involving only individual class members. The principal issue is whether the Defendant’s written communications to consumers, in the form attached as Exhibit A, violate 15 U.S.C. §§ 1692e and/or 1692g.
- c. **Typicality:** Plaintiff’s claims are typical of the claims of the class members. Plaintiff and all members of the Plaintiff Class have claims arising out of the Defendant’s common uniform course of conduct complained of herein.
- d. **Adequacy:** Plaintiff will fairly and adequately protect the interests of the class members insofar as the Plaintiff has no interests that are averse to the absent class members. Plaintiff is committed to vigorously litigating this matter. Plaintiff has also retained counsel experienced in handling consumer lawsuits, complex legal issues, and class actions. Neither the Plaintiff, nor her counsel, have any interests that might cause them not to vigorously pursue the instant class action lawsuit.

- e. **Superiority:** A class action is superior to the other available means for the fair and efficient adjudication of this controversy because individual joinder of all members would be impracticable. Class action treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum efficiently and without unnecessary duplication of effort and expense that individual actions would engender.

17. Certification of a class under Article 9 is also appropriate in that the questions of law and fact common to members of the Plaintiff Class predominate over any questions affecting an individual member, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

18. Depending on the outcome of further investigation and discovery, Plaintiff may, at the time of class certification motion, seek to certify a class(es) only as to particular issues.

FACTUAL ALLEGATIONS

19. Plaintiff repeats, reiterates, and incorporates the allegations contained in paragraphs numbered above with the same force and effect as if the same were set forth at length herein.

20. Some time prior to December 26, 2022, Plaintiff allegedly incurred an obligation to non-party original creditor Draftkings.

21. The obligation arose out of a transaction involving a debt to Draftkings in which money, property, insurance or services, that are the subject of the transaction(s), were incurred primarily for personal, family, or household purposes.

22. The alleged Draftkings obligation is a "debt" as defined by 15 U.S.C. § 1692a (5).

23. Draftkings is a "creditor" as defined by 15 U.S.C. § 1692a (4).

24. Upon information and belief, Draftkings hired the Defendant to collect the alleged debt.

25. Thereafter, through one or more transactions, non-party TeleCheck Services, LLC (“TeleCheck”) acquired the ownership rights to the debt and retained the Defendant to continue its collection of the subject debt.

26. Defendant collects and attempts to collect debts incurred or alleged to have been incurred for personal, family or household purposes on behalf of creditors using the United States Postal Services, telephone and internet.

Violations – Letters

27. On or about December 26, 2022, Defendant sent the Plaintiff two initial collection letters (the “First Letters”) regarding the alleged debt owed. (True and accurate copies of the First Letters mailed to the Plaintiff is attached hereto as Exhibit A.)

28. The First Letters set forth the same Draftkings account number.

29. However, the First Letters set forth conflicting amounts due, despite being issued on the same day referencing the same account number.

30. Specifically, the First Letters quote the amount due as \$750.00 and \$250.00, without explanation concerning the \$500.00 discrepancy on the same account.

31. Thus, Defendant quotes the same debt twice, at least one quote of which is inaccurate by \$500.00.

32. Moreover, on or about January 23, 2023, Defendant issued another letter to the Plaintiff (“Second Notice”) advising that the subject debt is now owned by TeleCheck (First Letters and Second Notice collectively, the “Letters”). (A true and accurate copy of the Second Notice mailed to the Plaintiff is attached hereto as Exhibit B.)

33. The Second Notice exponentially complicates the already contradictory information provided in the First Letters.

34. Specifically, the Second Notice was issued during the Plaintiff's dispute period as provided in the First Letters.

35. Thus, the Second Notice overshadowed the Plaintiff's rights to dispute the debt.

36. For the same reason, the Second Notice included an element of deception instead of clarity.

37. As a result of the Letters, Plaintiff was unable to determine precisely what amount was due and/or her dispute period, which the FDCPA determined was necessary to have a fully informed consumer.

38. Defendant's omissions and deceptions cast a negative shadow over its debt collection practice in general.

39. When they go astray, debt collectors often introduce a tacit element of confusion into their dunning letter to leave the consumer somewhat uninformed.

40. This strategy helps debt collectors to achieve leverage over consumers by keeping key pieces of information away from them.

41. To that end, one important element of consumer protection revolves around keeping the consumer informed.

42. When a consumer has as much information as the debt collector, they are most capable of handling repayment in full or part, disputing the debt, or otherwise communicating with the debt collector on a more equal playing field.

43. However, when a debt collector withholds key information about a debt from the consumer, they encourage rash decision-making and consumers are left without any power to face a debt collector in a meaningful way.

44. Accordingly, when a consumer is faced with something less than the total story behind owing a debt, they often give up and choose to pay an unwarranted debt to avoid further trouble.

45. As a result of the Defendant's multiple FDCPA violations, Plaintiff was unable to evaluate her options of how to handle this debt.

46. Because of this, Plaintiff expended time, money, and effort in determining the proper course of action.

47. In reliance on the Letters, Plaintiff spent time and money in an effort to mitigate the risk of financial harm in the form of dominion and control over her funds.

48. In reliance on the Letters, Plaintiff also spent time and money in an effort to mitigate the risk of further financial and reputational harm caused by the Defendant's negative credit informational furnishment concerning the collection to third parties.

49. Defendant's improper acts caused the Plaintiff to suffer reputational harm.

50. Defendant's improper acts caused the Plaintiff emotional harm with physical manifestations.

51. These violations by the Defendant were knowing, willful, negligent, and/or intentional, and the Defendant did not maintain procedures reasonably adopted to avoid such violations.

52. Knowing the state of affairs and the swift tricks that debt collectors attempt against consumers, Congress passed laws to protect consumers.

53. As it relates to this case, the common-law analogues are to the traditional torts of fraud, negligent misrepresentation, negligent infliction of emotional distress, defamation and conversion.

54. Defendant's debt collection efforts with respect to this alleged debt from the Plaintiff caused the Plaintiff to suffer concrete and particularized harm, inter alia, because the FDCPA provides the Plaintiff with the legally protected right to not be misled or treated unfairly with respect to any action regarding the collection of any consumer debt.

55. Defendant's violations are material deceptions because they are likely to affect the Plaintiff's choice or conduct regarding how to respond to an outstanding debt claim and are likely to mislead the Plaintiff, who was acting reasonably under the circumstances.

56. Specifically, Defendant's careless, misleading, and unfair representations and/or omissions with respect to its collection efforts were material deceptions that affected and frustrated the Plaintiff's ability to intelligently respond to the Defendant's collection efforts.

57. Plaintiff was misled to her detriment by the statements in the Letters and relied on the contents of the Letters to her detriment.

58. Because of the Defendant's actions, the funds the Plaintiff could have used to pay all or part of the alleged debt were prioritized elsewhere.

59. As described above, Plaintiff would have pursued a different course of action were it not for the Defendant's violations.

60. Plaintiff has suffered emotional distress, including, but not limited to, stress and restlessness, because of the Defendant's deceptions and omissions, as described above.

61. Plaintiff has suffered wasted time and annoyance because of the Defendant's deceptions and omissions, as described above.

62. Plaintiff has expended, and continues to expend, time and money because of the Defendant's deceptions and omissions, as described above.

63. As a result of the Defendant's deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §1692e et seq.

64. Plaintiff repeats the above allegations as if set forth herein.

65. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e.

66. Defendant violated § 1692e:

- a. As the Letters are open to more than one reasonable interpretation, at least one of which is inaccurate;
- b. Because the Letters falsely represent the character, amount and/or legal status of the debt in violation of § 1692e(2)(A); and
- c. By making misleading representation(s) in violation of §1692e(10).

67. By reason thereof, Defendant is liable to the Plaintiff for judgment that the Defendant's conduct violated Section 1692e et seq. of the FDCPA, and that the Plaintiff is entitled to actual damages, statutory damages, costs and attorneys' fees.

COUNT II
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §1692g et seq.

68. Plaintiff repeats the above allegations as if set forth herein.

69. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692g.

70. Pursuant to 15 U.S.C. § 1692g:

Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing –

1. The amount of the debt;
2. The name of the creditor to whom the debt is owed;
3. A statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt-collector;
4. A statement that the consumer notifies the debt collector in writing within thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and
5. A statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

71. Defendant violated this section by providing conflicting amounts due and by overshadowing the dispute information within the Letters.

72. Defendant, in turn, continued to collect the debt from the Plaintiff without providing a valid "G Notice."

73. By reason thereof, Defendant is liable to the Plaintiff for judgment that the Defendant's conduct violated Section 1692g et seq. of the FDCPA, and that the Plaintiff is entitled to actual damages, statutory damages, costs and attorneys' fees.

DEMAND FOR TRIAL BY JURY

74. Pursuant to CPLR 4102(a), Plaintiff hereby requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Evelin Ocampo, individually and on behalf of all others similarly situated, demands judgment from the Defendant for a sum within the jurisdictional limits of this Court and for an amount in excess of the jurisdictional limits of the lower Courts of the State of New York with the costs and disbursements of this action and relief as follows:

1. Declaring that this action is properly maintainable as a Class Action and certifying the Plaintiff as Class representative, and Robert Yusko, Esq. as Class Counsel;
2. Awarding the Plaintiff and the Class statutory damages;
3. Awarding the Plaintiff and the Class actual damages;
4. Awarding the Plaintiff costs, including reasonable attorneys' fees and expenses;
5. Awarding pre-judgment interest and post-judgment interest; and

6. Awarding such other and further relief as this Court may deem just and proper.

Dated: February 23, 2023

Respectfully Submitted,

Stein Saks, PLLC

/s/ Robert Yusko

Robert Yusko, Esq.

One University Plaza, Suite 620

Hackensack, NJ 07601

P. (201) 282-6500

ryusko@steinsakslegal.com

Counsel for Plaintiff

EXHIBIT A

NYSCEF DOC. NO. 2

RECEIVED NYSCEF: 02/23/2023



December 26, 2022

To: OCAMPO EVELIN

TRS RECOVERY SERVICES, INC.
1600 TERRELL MILL RD.
MARIETTA, GA 30067
1-800-366-1048, 8am -10pm Mon - Thur ET, 8am - 5pm ET Fri

Reference:

TRS RECOVERY SERVICES, INC. is a debt collector. We are trying to collect a debt that originated with Draftkings. We will use any information you give us to help collect that debt.

Our information shows:

You have or had an unpaid balance with Draftkings under your Account Number

CURRENT CREDITOR: Draftkings

Table with 2 columns: Description and Amount. Rows include: As of December 26, 2022 you owed: \$750.00; Between 12/18/22 and today, you were charged: This amount in interest: \$0.00; This amount in fees: \$0.00; Between 12/18/22 and today, you paid or were credited toward the debt: \$0.00; Total amount of the debt now: \$750.00

How can you dispute the debt?

- Call or write to us by February 9, 2023 to dispute all or part of the debt. If you do not, we will assume that our information is correct.
If you write to us by February 9, 2023 we must stop collection on any amount you dispute until we send you information that shows you owe the debt. You may use the form below or write to us without the form. You may also include supporting documents. We accept disputes electronically at www.trсреcoveryservices.com.

What else can you do?

- Write to ask for the name and address of the original creditor, if different from the current creditor. If you write by February 9, 2023, we must stop collection until we send you that information. You may use the form below or write to us without the form. We accept such requests electronically at www.trсреcoveryservices.com.
Go to www.cfpb.gov/debt-collection to learn more about your rights under federal law. For instance, you have the right to stop or limit how we contact you.
Contact us about your payment options.

Notice: See reverse side for important information

Return Mail Processing Center
P.O. Box 674229
Marietta, GA 30006
ELECTRONIC SERVICE REQUESTED

How do you want to respond?

Check all that apply:

- I want to dispute the debt because I think:
This is not my debt.
The amount is wrong
Other (please describe on reverse or attach additional information).
I want you to send me the name & address of the original creditor.
I enclose this amount \$

Make your check payable to TRS Recovery Services. Include the Ref. Number or visit www.trсреcoveryservices.com for payment options.

MDG2022 00001415 00



OCAMPO EVELIN

TRS Recovery Services, Inc
Payment Processing Center
PO BOX 60022
City of Industry, CA 91716-0022

NYSCEF DOC. NO. 2

RECEIVED NYSCEF: 02/23/2023



December 26, 2022

To: OCAMPO EVELIN

TRS RECOVERY SERVICES, INC.
1600 TERRELL MILL RD.
MARIETTA, GA 30067
1-800-366-1048, 8am -10pm Mon - Thur ET, 8am - 5pm ET Fri

[Redacted address and reference information]

TRS RECOVERY SERVICES, INC. is a debt collector. We are trying to collect a debt that originated with Draftkings. We will use any information you give us to help collect that debt.

Our information shows:

You have or had an unpaid balance with Draftkings under your Account Number [Redacted]

CURRENT CREDITOR: Draftkings

As of December 26, 2022 you owed: \$250.00

Between 12/18/22 and today, you were charged:

This amount in interest: \$0.00

This amount in fees: \$0.00

Between 12/18/22 and today, you paid or were credited toward the debt: \$0.00

Total amount of the debt now: \$250.00

How can you dispute the debt?

- Call or write to us by February 9, 2023 to dispute all or part of the debt. If you do not, we will assume that our information is correct.
If you write to us by February 9, 2023 we must stop collection on any amount you dispute until we send you information that shows you owe the debt. You may use the form below or write to us without the form. You may also include supporting documents. We accept disputes electronically at www.trсреcoveryservices.com.

What else can you do?

- Write to ask for the name and address of the original creditor, if different from the current creditor. If you write by February 9, 2023, we must stop collection until we send you that information. You may use the form below or write to us without the form. We accept such requests electronically at www.trсреcoveryservices.com.
Go to www.cfpb.gov/debt-collection to learn more about your rights under federal law. For instance, you have the right to stop or limit how we contact you.
Contact us about your payment options.

Notice: See reverse side for important information

Return Mail Processing Center
P.O. Box 674229
Marietta, GA 30006
ELECTRONIC SERVICE REQUESTED

[Redacted return address]

MDG2022 00001413 00



OCAMPO EVELIN

How do you want to respond?

Check all that apply:

- I want to dispute the debt because I think:
This is not my debt.
The amount is wrong
Other (please describe on reverse or attach additional information).
I want you to send me the name & address of the original creditor.
I enclose this amount \$ [Redacted]

Make your check payable to TRS Recovery Services. Include the Ref. Number [Redacted] or visit www.trсреcoveryservices.com for payment options.

TRS Recovery Services, Inc
Payment Processing Center
PO BOX 60022
City of Industry, CA 91716-0022

FILED: NASSAU COUNTY CLERK 02/23/2023 11:56 AM

NYSCEF DOC. NO. 3

RECEIVED NYSCEF: 02/23/2023

EXHIBIT B

NYSCEF DOC. NO. 3

SECOND NOTICE

RECEIVED NYSCEF 02/23/2023
1600 Terrell Mill Road
Marietta, GA 30067

Telephone:
678-255-2828
800-366-1048



Original Creditor: Draftkings
Current Creditor: TeleCheck Services, LLC
Principal Amount: \$750.00
Returned Item Fee: \$0.00
Total Amount Due: \$750.00

Transaction Date: December 18, 2022
Transaction Number: [REDACTED]
Return Reason: Stop Pay - Casino only
Reference Number: [REDACTED]

January 23, 2023

This is a communication from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

The item above was returned by your financial institution unpaid and is now owned by TeleCheck Services, LLC (TeleCheck). TeleCheck has placed this item with TRS Recovery Services, Inc. (TRS) for collection.

Our records indicate that the item has not yet been resolved. This debt remains in the national database of TeleCheck. As a result, until this matter is resolved, TeleCheck may not approve your checks, including electronic checks, or the opening of a new checking account at over 300,000 merchants and financial institutions who use TeleCheck's check acceptance and new account screening services nationally.

If you do not dispute or require validation of this debt, please send a cashier's check or money order for the Total Amount Due in the enclosed envelope using the attached payment coupon below. Do not send cash. Your failure to respond to this request for payment may result in further collection efforts.

For faster service in updating your account you may pay online by Visa or MasterCard at www.trсреcovery.com or by phone at 800-366-1048. You may call us at that same number if you have any questions regarding this debt.

Pay with your smartphone in seconds!
 Search Papaya Payments in the App Store or pay online at www.ppaya.com/pay
 Download on the App Store | GET IT ON Google Play

RECS3

SEE REVERSE SIDE FOR VALIDATION NOTICE AND OTHER IMPORTANT INFORMATION (NOTHING ABOVE INTERFERES WITH ANY RIGHT YOU MAY HAVE TO HAVE THIS DEBT VALIDATED)

--- Detach and return bottom portion with payment

Returned Mail Processing Center
P.O. Box 674229
Marietta, GA 30006
ELECTRONIC SERVICE REQUESTED

Amount Paid: _____

[REDACTED]

-RECS3-January 23, 2023

MDG2023 00004172 00
[Barcode]

OCAMPO, EVELIN

[REDACTED]

TRS Recovery Services, Inc.
Payment Processing Center
PO BOX 60022
City of Industry, CA 91716-0022



**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

-----X

EVELIN OCAMPO, et al.

Plaintiff/Petitioner,

- against -

Index No. 603150/2023

TRS RECOVERY SERVICES, INC.

Defendant/Respondent.

-----X

**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The **benefits of participating in e-filing** include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: nyscef@nycourts.gov).

Dated: 2/23/23

Robert Yusko

 Name
 Stein Saks, PLLC

 Firm Name

One University Plaza, Suite 620

 Hackensack, NJ 07601

 Address
 (201) 282-6500

 Phone
 ryusko@steinsakslegal.com

 E-Mail

To: TRS RECOVERY SERVICES/c
CORPORATION SERVICE CO
80 STATE ST, ALBANY, NY 12207

2/24/20