

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

KIMBERLY MCBROOM,

Plaintiff,

-vs-

JANUARY TECHNOLOGIES, INC.,

Defendant.

CASE NO.

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, KIMBERLY MCBROOM (hereinafter “Plaintiff”), by and through her undersigned counsel, for her cause of action against Defendant, JANUARY TECHNOLOGIES, INC. (“January”), and in support thereof respectfully alleges violations of the Fair Debt Collection Practices Act (“FDCPA”) 15 U.S.C. § 1692 *et seq.*

PRELIMINARY STATEMENT

1. This is an action for actual damages, statutory damages, compensatory damages, punitive damages, costs, and attorney’s fees brought pursuant to the FDCPA.

JURISDICTION, VENUE, AND PARTIES

2. Jurisdiction for this Court is conferred by 28 U.S.C. § 1331, Federal Question Jurisdiction, as this action involves violations of the FDCPA.

3. Venue is proper for this Court pursuant to 28 U.S.C. § 1391(b)(2), as this is the judicial district in which a substantial part of the events or omissions giving rise to the claims occurred.

4. Venue is proper in this District as Plaintiff is a natural person and resident of Grady County, Georgia; a substantial portion of the violations described in this Complaint occurred in this District; and January transacts business within this District.

5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

6. January is a corporation with its principal place of business located at 176 Grand Street, 4th Floor, New York, NY 10013 that conducts business within the State of Georgia.

7. January is a “debt collector” as defined by 15 U.S.C. § 1692a(6). Upon information and belief, January is regularly engaged in the business of collecting or attempting to collect debts owed or due or asserted to be owed or due another.

8. January attempted numerous times to collect a debt which did not belong to Plaintiff.

FACTUAL ALLEGATIONS

9. Plaintiff is alleged to owe a debt in the amount of \$718, in relation to a Fortiva credit card, to original creditor, non-party, The Bank of Missouri, partial account number x1633. Upon information and belief, the alleged balance originated on July 1, 2020.

10. Plaintiff never applied or gave permission to anyone to apply using her information for the Bank of Missouri/Fortiva, partial account number x1633.

11. Upon information and belief, the current owner of the Bank of Missouri/Fortiva, partial account number x1633, is Galaxy International Purchasing, LLC.

12. Upon information and belief, January was hired by Galaxy International Purchasing, LLC to collect the alleged balance of \$718.

13. On or about June 2, 2023, Plaintiff received an email from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

14. On or about June 6, 2023, Plaintiff received an email from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

15. On or about June 10, 2023, Plaintiff received an email from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

16. On or about June 14, 2023, Plaintiff received an email from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

17. On or about June 17, 2023, Plaintiff received an email from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

18. On or about June 18, 2023, Plaintiff received an email from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

19. On or about June 23, 2023, Plaintiff emailed January to inquire as to why they were attempting to collect this debt which was not hers.

20. On or about June 23, 2023, January responded to Plaintiff's inquiry with a form response that only provided the same account information and balance provided in all the prior emails sent to Plaintiff.

21. On or about June 30, 2023, Plaintiff received an email from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

22. On or about July 7, 2023, Plaintiff received an email from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

23. On or about August 8, 2023, Plaintiff received a text message from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

24. On or about August 13, 2023, Plaintiff received a text message from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

25. On or about August 13, 2023, Plaintiff received an email from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

26. On or about August 20, 2023, Plaintiff received a text message from January attempting to collect the alleged debt owed in the amount of \$718.00 from Plaintiff.

27. To date, within approximately two and a half months, Plaintiff has received at least twelve (12) total communications, comprised of nine (9) emails and three (3) text messages, from January attempting to collect a debt.

28. January was attempting to collect from Plaintiff a debt that did not belong to her.

29. January was attempting to collect a debt that was illegitimate.

30. Due to the actions and/or inactions of January, Plaintiff suffered from unnecessary and unwanted stress, anxiety, worry, fear, frustration, sleeplessness, nervousness, embarrassment, and humiliation.

COUNT I
Violation of 15 U.S.C §1692f(1) as to
Defendant, January Technologies, Inc.

31. Plaintiff re-alleges and reincorporates paragraphs one (1) through thirty (30) above as if fully stated herein.

32. January has repeatedly attempted to collect a debt from Plaintiff that it knew or had reason to know was illegitimate.

33. January violated 15 U.S.C. § 1692f(1) by attempting to collect a debt not authorized by agreement or otherwise permitted by law.

34. January had all the information it needed to determine that the debt did not belong to Plaintiff, yet repeatedly attempted to collect that debt regardless.

35. As a result of the conduct, action and inaction of January, Plaintiff suffered from stress, anxiety, worry, fear, frustration, sleeplessness, nervousness, embarrassment, and humiliation, and the damages otherwise outlined in this Complaint. Plaintiff is in fear that the collection notices January has sent will harm her credit reputation.

36. Plaintiff is entitled to recover actual, statutory, compensatory, and punitive damages from January pursuant to the FDCPA.

37. Plaintiff is entitled to recover reasonable attorney's fees and costs from January in the amount to be determined by the Court pursuant to the FDCPA.

WHEREFORE, Plaintiff, KIMBERLY MCBROOM, respectfully requests that this Court award actual, statutory, compensatory, and punitive damages against Defendant, JANUARY TECHNOLOGIES, INC., jointly and severally; award Plaintiff her attorney's fees and costs; award pre-judgment and post-judgment

interest at the legal rate, and grant all such additional relief as the Court deems just, equitable, and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by jury of all issues triable by jury.

DATED this 25th day of August 2023.

Respectfully submitted,

/s/ Octavio Gomez

Octavio "Tav" Gomez, Esq.

Florida Bar #: 0338620

Georgia Bar #: 617963

Pennsylvania Bar #: 325066

The Consumer Lawyers PLLC

412 E. Madison St. Ste 916

Tampa, Florida 33602

Cell: (813) 299-8537

Facsimile: (844) 951-3933

Primary Email:

Tav@theconsumerlawyers.com

Secondary Email:

Lisa@theconsumerlawyers.com