

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

DEVONNA HOLT) JURY TRIAL DEMANDED
Plaintiff,)
)
v.) Case No.
)
LVNV FUNDING LLC., DBA RESURGENT)
CAPITAL SERVICES)
Defendant.)
)

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory brought by Plaintiff Devonna Holt an individual consumer, against Defendant, LVNV Funding LLC., 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 LVNV Funding LLC., transact business in Madison, Tennessee and the conduct complained of occurred in Madison, Tennessee.

III. PARTIES

3. Plaintiff Devonna Holt (hereinafter “Ms. Holt”) is a natural person residing in Clarksville, Tennessee. Ms. Holt is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Upon information and belief, Defendant LVNV Funding LLC. is a debt collection agency with its principal place of business located at 6801 S. Cimarron Rd STE 424J Las Vegas, NV 89113.
5. Defendant LVNV Funding LLC. is engaged in the collection of debt from consumers using mail and telephone. Defendant regularly attempt to collect consumers’ debts alleged to be due to another. 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 LVNV Funding LLC., (hereinafter referred to as “Debt Collector”) is a “debt collector” as defined by the FDCPA, 15 U.S.C 1692a(6).
7. On or about June 13th, 2023, the Plaintiff wrote the Debt Collector disputing the alleged debt allegedly owed to Wayfair Credit requesting validation of the debt. The Plaintiff notified the Debt Collector in their letter that the only convenient way to contact the consumer was via email.
8. On or about June 16th, 2023, the letter was delivered via certified mail to the Debt Collector. The tracking number for this letter sent by the consumer is 70222410000144824638.
9. On or about June 29th, 2023, the debt collector responded to that letter in a way that they knew or should’ve know was inconvenient to the consumer by sending mail to the

consumer's address stating "This is an attempt to collect a debt and any information will be used for that purpose". This response was in violation of 15 U.S.C. §1692c(a)(1) by communicating with the consumer "at any unusual time or place or a time or place known, or which should be known to be inconvenient to the consumer.

10. Plaintiff has suffered actual damages because of the illegal debt collection communications by Defendant in the form of anger, anxiety, decreased ability to focus on tasks while at work, frustration, amongst other negative emotions, as well as damages to FICO scores.

**V. FIRST CLAIM FOR RELIEF
(Defendant LVNV Funding LLC.,)
15 U.S.C. §1692c(a)(1)**

11. All preceding paragraphs are re-alleged.
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.
14. As a result of the above violations of the FDCPA, the Defendant is liable to the Plaintiff for actual damages, statutory damages, and cost.


VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff Ms. Holt 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 deletion of tradeline
- F. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:



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