

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

NATALIE RIVERO, *individually and on behalf of
all those similarly situated*,

Plaintiff,

vs.

UNITED COLLECTION BUREAU, INC.,

Defendant.

Civil Action No.

[Circuit Court Case No. CACE-23-
016624]

Complaint Filed: August 8, 2023

**NOTICE OF REMOVAL UNDER 28 U.S.C. § 1441 (A)
(FEDERAL QUESTION)**

Defendant UNITED COLLECTION BUREAU, INC. (hereinafter referred to as “Defendant”), respectfully submits this Notice of Removal in this civil action from the Circuit Court of the 17th Judicial Circuit in Broward County, Florida, to the United States District Court for the Southern District of Florida, pursuant to 28 U.S.C. §§ 1441 and 1446, based on federal question jurisdiction. Specifically, Plaintiff NATALIE RIVERO (hereinafter referred to as “Plaintiff”), asserts a claim for damages, both individually and on behalf of a putative class, against Defendant arising out of alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (“FDCPA”).

In support of this Notice of Removal, Defendant, through its counsel, states as follows:

PROCEDURAL BACKGROUND

1. Plaintiff commenced this action by filing a Complaint in the Circuit Court of the 17th Judicial Circuit in Broward County, Florida on August 8, 2023, styled *Natalie Rivero v. United*

Collection Bureau, Inc., Case No.: CACE-23-016624 (the “State Court Action”). *See* Complaint, attached hereto as Ex. A.

2. The Complaint alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* *See* Ex. A, ¶¶ 44-62.

3. The Complaint was served on Defendant on August 14, 2023.

BASIS FOR REMOVAL – FEDERAL QUESTION JURISDICTION

4. Under 28 U.S.C. § 1441(a), any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where state court action is pending.

5. Further, 28 U.S.C. § 1441(b) provides that any civil action for which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties.

6. This Court has federal question jurisdiction over this action under the provisions of 28 U.S.C. § 1331, and the matter is removable pursuant to 28 U.S.C. § 1441 because the Complaint alleges that Defendant violated the FDCPA by not providing one of the five permitted Itemization Dates as set forth in C.F.R. § 1006.34(b)(3). *See* Ex. A, ¶¶ 47-61.

7. The Complaint also alleges that Defendant is a “debt collector” as defined by the FDCPA. *See* Ex. A, ¶ 19.

8. Based on the foregoing alleged conduct, Plaintiff represents that the value of this case is over \$100,000. *See*, State Court Civil Case Coversheet, § II Amount of Claim, attached hereto as Ex. B.

9. Accordingly, this action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(b).

TIMELINESS OF REMOVAL

10. As noted above, the Complaint was served on Defendant on August 14, 2023.

11. Defendant's Notice of Removal is timely because Defendant filed this Notice "within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable." 28 U.S.C. § 1446(b)(3).

VENUE

12. Venue is proper in this district and division because the State Court Action was filed and is pending in the Circuit Court of the 17th Judicial Circuit in Broward County, Florida, which is located within the United States District Court for the Southern District of Florida.

COMPLIANCE WITH REMOVAL PROCEDURES

13. Defendant has complied with all of the procedural requirements for removal set forth in 28 U.S.C. § 1446.

14. As noted above, the Notice of Removal is filed within 30 days of the service of the amended pleading from which it may first be ascertained that the case is one which is or has become removable.

15. Pursuant to § 1446(d), a copy of this Notice of Removal, including exhibits, is being served on Plaintiff.

16. Pursuant to § 1446(d), a copy of this Notice of Removal, including exhibits, will be filed in the State Court Action.

17. Copies of all process, pleadings and orders served on Defendant are attached hereto.
See Notice of Lodgment of State Court Pleadings, filed concurrently herewith.

WHEREFORE, for the foregoing reasons, Defendant removes this action from the Circuit Court of the 17th Judicial Circuit in Broward County, Florida to the United States District Court for the Southern District of Florida and respectfully requests that this Court exercise jurisdiction over this action.

DATE: September 13, 2023

Respectfully submitted,

GORDON REES SCULLY MANSUKHANI, LLP
100 S.E. Second Street, Suite 3900
Miami, Florida 33131
Telephone: (305) 428-5300
Facsimile: (877) 634-7245

/s/ Robert K. Tucker II
Robert K. Tucker II
Florida Bar No. 51641
rtucker@grsm.com
Attorneys for Defendant

EXHIBIT A

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

Case No.

NATALIE RIVERO,
*individually and on behalf of all
those similarly situated,*

Plaintiff,

v.

UNITED COLLECTION BUREAU, INC.

Defendant.

CLASS ACTION

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

Plaintiff Natalie Rivero (“Plaintiff”), *individually and on behalf of all those similarly situated*, sues Defendant United Collection Bureau, Inc., (“Defendant”) for violations of the Fair Debt Collection Practices Act (“FDCPA”).

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to Florida Rule of Civil Procedure 1.220 and Fla. Stat. § 26.012(2). The matter in controversy exceeds the sum or value of \$50,000 exclusive of interest, costs, and attorney’s fees.

2. Venue for this action is proper in this Court because all facts giving rise to this action occurred in this circuit.

3. Plaintiff has standing to maintain this action because Plaintiff suffered a legal injury as a result of Defendant’s violations of the FDCPA, and because Plaintiff is not requesting an advisory opinion from this Court. Thus, Plaintiff has a sufficient stake in a justiciable controversy and seeks to obtain judicial resolution of that controversy.

PARTIES

4. Plaintiff is a natural person, and a citizen of the State of Florida, residing in Broward County, Florida.

5. Defendant is an Ohio Corporation, with its principal place of business located in Toledo, Ohio.

DEMAND FOR JURY TRIAL

6. Plaintiff, respectfully, demands a trial by jury on all counts and issues so triable.

ALLEGATIONS

7. On a date better known by Defendant, Defendant began attempting to collect a debt (the "Consumer Debt") from Plaintiff.

8. The Consumer Debt is an obligation allegedly had by Plaintiff to pay money arising from a transaction between the creditor of the Consumer Debt, Citibank, N.A., and Plaintiff (the "Subject Service").

9. The Subject Service was primarily for personal, family, or household purposes.

10. Defendant is a business entity engaged in the business of soliciting consumer debts for collection.

11. Defendant is a business entity engaged in the business of collecting consumer debts.

12. Defendant regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due to another.

13. Defendant is registered with the Florida Office of Financial Regulation as a "Consumer Collection Agency."

14. Defendant's "Consumer Collection Agency" license number is CCA0900690.

15. Defendant maintains all the records specified in Rule 69V-180.080, Florida Administrative Code.

16. The records specified by Rule 69V-180.080, Florida Administrative Code, of which Defendant does maintain, are current to within one week of the current date.

17. Defendant maintains and keeps updated within seven (7) days the records required by Florida Administrative Code Rule 180.080(1), (3), (6), (7), (9), (10), and (11).

18. Defendant has written policies and procedures for the secure handling of all consumer documents and information received in the course of collecting a debt from a consumer as required by Rule 69V-180.090(2).

19. Defendant is a “debt collector” within the meaning of 15 U.S.C. § 1692a(6).

20. On a date better known by Defendant, Defendant sent a letter to Plaintiff, of which was internally dated January 17, 2023, (the “Collection Letter”) in an attempt to collect the Consumer Debt.

21. Attached as Exhibit “A” is a copy of the Collection Letter.

22. Defendant is required by C.F.R. § 1006.34(b)(3) to provide an “itemization date” of the Consumer Debt in the Collection Letter.

23. The term “**itemization date**” is defined by C.F.R. § 1006.34(b)(3) to mean one of five specific dates, *namely*: (1) “[t]he last statement date, which is the date of the last periodic statement or written account statement or invoice provided to the consumer by a creditor,” (the “**Last Statement Date**”), *see* C.F.R. § 1006.34(b)(3)(i); (2) “[t]he charge-off date, which is the date the debt was charged off, (the “**Charge Off Date**”), *see* C.F.R. § 1006.34(b)(3)(ii); (3) “[t]he last payment date, which is the date the last payment was applied to the debt, (the “**Last Payment Date**”), *see* C.F.R. § 1006.34(b)(3)(iii); (4) “[t]he transaction date, which is the date of the

transaction that gave rise to the debt,” (the “**Transaction Date**”), *see* C.F.R. § 1006.34(b)(3)(iv); *or* (5) “[t]he judgment date, which is the date of a final court judgment that determines the amount of the debt owed by the consumer,” (the “**Judgment Date**”), *see* C.F.R. § 1006.34(b)(3)(v).

24. Defendant identifies January 2, 2023, as the itemization date of the Consumer Debt in the Collection Letter (the “Represented Itemization Date”). *See Exhibit A.*

25. The Represented Itemization Date is not the Last Statement Date associated with the Consumer Debt.

26. The Represented Itemization Date is not the Charge Off Date associated with the Consumer Debt.

27. The Represented Itemization Date is not the Last Payment Date associated with the Consumer Debt.

28. The Represented Itemization Date is not the Transaction Date associated with the Consumer Debt.

29. The Represented Itemization Date is not the Judgment Date associated with the Consumer Debt.

30. The Represented Itemization Date falsely represents the amount of the Consumer Debt because the Represented Itemization Date is not an itemization date permitted by C.F.R. § 1006.34(b)(3).

31. The Represented Itemization Date falsely represents the character of the Consumer Debt because the Represented Itemization Date is not an itemization date permitted by C.F.R. § 1006.34(b)(3), whereby the use of the Represented Itemization Date wrongfully causes the least sophisticated consumer to falsely believe that the Represented Itemization Date is the Last

Statement Date, the Charge Off Date, the Last Payment Date, the Transaction Date, or the Judgment Date.

CLASS ALLEGATIONS

PROPOSED CLASS

32. Plaintiff brings this lawsuit as a class action on behalf of Plaintiff, individually and on behalf of all other similarly situated persons as a class action. The “Class” that Plaintiff seeks to represent is the below defined “FDCPA Class.”

33. The “FDCPA Class” consists of: [1] all persons with Florida addresses [2] that were sent a letter [3] from and/or by Defendant, or someone on Defendant’s behalf [4] in an attempt to collect a debt [5] during the twelve [12] months preceding the filing of this Class Action Complaint [6] whereby said letter is required to provide an “itemization date” required by C.F.R. § 1006.34(b)(3) [7] and the “itemization date” provided is not Last Statement Date, the Charge Off Date, the Last Payment Date, the Transaction Date, or the Judgment Date associated with the underlying debt.

34. Defendant and its employees or agents are excluded from the Class.

35. Plaintiff does not know the number of members in the Class but believes the Class members number in the several thousands, if not more.

NUMEROSITY

36. Upon information and belief, Defendant has sent thousands of debt collection letters to thousands of consumers throughout the United States that are required to use one of five itemization dates set forth by C.F.R. § 1006.34(b), but which use a different, impermissible date instead. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

37. The exact number and identities of the Class members are unknown at this time and can be ascertained only through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant's e-mail records.

COMMON QUESTIONS OF LAW AND FACT

38. There are numerous questions of law and fact common to the Class which predominate over any questions affecting only individual members of the Class. Among the questions of law and fact common to the Class are: [1] Whether Defendant sent a letter to Plaintiff and members of the Class in an attempt to collect a debt; [2] Whether Defendant is a debt collector; [3] Whether Defendant's conduct was knowing and willful; [4] Whether Defendant is liable for damages, and the amount of such damages; and [5] Whether Defendant should be enjoined from such conduct in the future.

39. The common questions in this case are capable of having common answers. If Plaintiff's claim that Defendant routinely sends debt collection letters to consumers that violate C.F.R. § 1006.34(b) is accurate, Plaintiff and members of the Class will have identical claims capable of being efficiently adjudicated and administered in this case.

TYPICALITY

40. Plaintiff's claims are typical of the claims of the members of the Class, as they are all based on the same factual and legal theories.

PROTECTING THE INTERESTS OF THE CLASS MEMBERS

41. Plaintiff is a representative who will fully and adequately assert and protect the interests of the Class and has retained competent counsel. Accordingly, Plaintiff is an adequate representative and will fairly and adequately protect the interests of the Class.

SUPERIORITY

42. A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit because individual litigation of the claims of all members of the Class is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by members of the Class are in the millions of dollars, the individual damages incurred by each member of the Class resulting from Defendant's wrongful conduct are too small to warrant the expense of individual lawsuits. The likelihood of individual members of the Class prosecuting their own separate claims is remote, and, even if every member of the Class could afford individual litigation, the court system would be unduly burdened by individual litigation of such cases.

43. The prosecution of separate actions by members of the Class would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another may not. Additionally, individual actions may be dispositive of the interests of the Class, although certain class members are not parties to such actions.

COUNT 1
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

44. Plaintiff, individually and on behalf of the FDCPA Class, incorporates by reference ¶¶ 7-43 of this Class Action Complaint.

45. The Bureau of Consumer Financial Protection the administrative agency authorized to exercise its authorities under Federal consumer financial law to administer, enforce, and otherwise implement the provisions of Federal consumer financial law. *See* 12 U.S.C. § 5512; 15 U.S.C. § 1692l(d); *see also* 12 C.F.R. § 1006.1(a).

46. On November 30, 2020, the CFPB issued their final rule to revise Regulation F ("Reg F") of which contains, among other things, the CFPB's most recent interpretation of the

FDCPA. Reg F addresses, among other things, communications in connection with debt collection and prohibitions on harassment or abuse, false or misleading representations, and unfair practices in debt collection. *See generally* 85 FR 76734.

47. With respect to the purpose of Reg F, it is stated “[Reg F] carries out the purposes of the FDCPA, which include eliminating abusive debt collection practices by debt collectors, ensuring that debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and promoting consistent State action to protect consumers against debt collection abuses. 12 C.F.R. § 1006.1(b). Moreover, Reg F, **“prescribes requirements to ensure that certain features of debt collection are disclosed fully, accurately, and effectively to consumers in a manner that permits consumers to understand the costs, benefits, and risks associated with debt collection, in light of the facts and circumstances.”** *Id.* (emphasis added).

48. Pursuant to § 1006.34 of Reg F, a debt collector must provide a consumer with the validation information required by § 1006.34(c) of Reg F.

49. Pursuant to § 1006.34(c) of Reg F, a debt collector *must* provide certain validation information, of which includes, but is not limited to: (1) “debt collector communication disclosure;” (2) “information about the debt;” (3) “information about consumer protections;” and (4) “consumer-response information.”

50. Section 1006.34(c)(2) of Reg F, of which requires “information about the debt” to be disclosed, provides an explicit list information, of which includes: (i) “[t]he debt collector’s name and the mailing address at which the debt collector accepts disputes and requests for original-creditor information;” (ii) “[t]he consumer’s name and mailing address;” (iii) “the name of the creditor to whom the debt was owed on the itemization date;” (iv) “[t]he account number, if any, associated with the debt on the itemization date, or a truncated version of that number;” (v) “[t]he

name of the creditor to whom the debt currently is owed;” (vi) “[t]he **itemization date**;” (vii) “[t]he amount of the debt on the itemization date;” (viii) “[a]n itemization of the current amount of the debt reflecting interest, fees, payments, and credits since the itemization date;” and (iv) “[t]he current amount of the debt.”

51. Section 1006.34(b)(3) of Reg F defines the term “**itemization date**” to mean one of five specific dates, *namely*: (1) “[t]he last statement date, which is the date of the last periodic statement or written account statement or invoice provided to the consumer by a creditor,” (the “**Last Statement Date**”), *see* C.F.R. § 1006.34(b)(3)(i); (2) “[t]he charge-off date, which is the date the debt was charged off, (the “**Charge Off Date**”), *see* C.F.R. § 1006.34(b)(3)(ii); (3) “[t]he last payment date, which is the date the last payment was applied to the debt, (the “**Last Payment Date**”), *see* C.F.R. § 1006.34(b)(3)(iii); (4) “[t]he transaction date, which is the date of the transaction that gave rise to the debt,” (the “**Transaction Date**”), *see* C.F.R. § 1006.34(b)(3)(iv); *or* (5) “[t]he judgment date, which is the date of a final court judgment that determines the amount of the debt owed by the consumer,” (the “**Judgment Date**”), *see* C.F.R. § 1006.34(b)(3)(v).

52. Section 1692e of the FDCPA prohibits, among other things, “any false, deceptive, or misleading representation or means in connection with the collection of any debt.” 15 U.S.C. § 1692e.

53. Section 1692e(2)(A) of the FDCPA explicitly prohibits “[t]he false representation of the character, amount, or legal status of any debt.” 15 U.S.C. § 1692e(2).

54. Section 1692f of the FDCPA prohibits, among other things, “unfair or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. § 1692f.

55. Section 1692g of the FDCPA requires debt collectors to make certain disclosures, provide consumers with certain information, and to make such disclosures and provide such information within a specific timeframe. *See* 15 U.S.C. § 1692g(a)(1)-(5).

56. Here, as set forth above, the Collection Letter was a communication required to use of the five “itemization dates” set forth under § 1006.34(b)(3) of Reg F. The date used and/or otherwise represented in the Collection Letter as the “itemization date,” *namely*, the Represented Itemization Date: [1] is not the Last Statement Date associated with the Consumer Debt; [2] is not the Charge Off Date associated with the Consumer Debt; [3] is not the Last Payment Date associated with the Consumer Debt; [4] is not the Transaction Date associated with the Consumer Debt; and [5] is not the Judgment Date associated with the Consumer Debt.

57. Defendant violated § 1692e of the FDCPA by using the Represented Itemization Date in the Collection Letter because the Represented Itemization Date is not one of the five dates permitted by § 1006.34(b)(3) of Reg F and using the Represented Itemization Date as though it was one of the five dates permitted by § 1006.34(b)(3) of Reg F is false, deceptive, and/or otherwise misleading to the least sophisticated consumer.

58. Defendant violated § 1692e of the FDCPA by using the Represented Itemization Date in the Collection Letter because the Represented Itemization Date is not one of the five dates permitted by § 1006.34(b)(3) of Reg F and using the Represented Itemization Date as though it was one of the five dates permitted by § 1006.34(b)(3) of Reg F is false, deceptive, and/or otherwise misleading to the least sophisticated consumer.

59. Defendant violated § 1692e(2)(A) of the FDCPA with respect to the character and/or amount of the Consumer Debt by using the Represented Itemization Date in the Collection Letter because the Represented Itemization Date is not one of the five dates permitted by §

1006.34(b)(3) of Reg F. Here, using the Represented Itemization Date as though it was one of the five dates permitted by § 1006.34(b)(3) of Reg F wrongfully causes the least sophisticated consumer to falsely believe that the Represented Itemization Date is the Last Statement Date, the Charge Off Date, the Last Payment Date, the Transaction Date, or the Judgment Date.

60. Defendant violated § 1692f of the FDCPA by using the Represented Itemization Date in the Collection Letter because the Represented Itemization Date is not one of the five dates permitted by § 1006.34(b)(3) of Reg F and using the Represented Itemization Date as though it was one of the five dates permitted by § 1006.34(b)(3) of Reg F constitutes unfair and/or otherwise unconscionable means to collect the Consumer Debt.

61. Defendant violated § 1692g of the FDCPA and § 1006.34(b)(3) of Reg F by failing to use one of the five itemization dates permitted by § 1006.34(b)(3) of Reg F in the Collection Letter, as Defendant was required to use one of the five itemization dates set forth under § 1006.34(b)(3) in the Collection Letter, but instead, used the Represented Itemization Date in the Collection Letter, whereby the Represented Itemization Date is not one of the five dates permitted by § 1006.34(b)(3) of Reg F.

62. WHEREFORE, Plaintiff, individually and on behalf of the FDCPA Class, requests this Court to enter a judgment against Defendant, awarding Plaintiff and the FDCPA Class the following relief: **[1]** statutory damages as provided by 15 U.S.C. § 1692k; **[2]** costs and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k; and **[3]** any other relief that this Court deems appropriate under the circumstances.

Respectfully Submitted,

/s/ Shannon E. Gilvey

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COUNSEL FOR PLAINTIFF

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT A FINAL COPY

EXHIBIT “A”

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY

United Collection Bureau, Inc.
 5620 Southwyck Blvd
 Toledo OH 43614
 1-800-925-9018
www.payment.ucbinc.com

To: NATALIE RIVERO
 1911 NW 114th Ter
 Pembroke Pines FL 33026-2044

January 17, 2023

UCB Reference Number: 57058264

United Collection Bureau, Inc. is a debt collector. We are trying to collect a debt that you owe to CITIBANK, N.A. We will use any information you give us to help collect the debt.

Our information shows:

You have a MY BEST BUY CREDIT CARD credit card from CITIBANK, N.A. with account number ending in 0003.		
As of 01-02-23, you owed:		\$1505.87
Between 01-02-23 and today:		
You were charged this amount in interest:	+	\$0.00
You were charged this amount in fees:	+	\$0.00
You paid or were credited this amount toward the debt:	-	\$0.00
Total amount of the debt now:		\$1505.87
Minimum Payment Due:		\$226.00

How can you dispute the debt?

- **Call or write to us by 02-26-23 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 02-26-23, 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.requests.ucbinc.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 02-26-23, 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.requests.ucbinc.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.

Mail this form to:
 PO BOX 140310
 TOLEDO OH 43614
 ADDRESS SERVICE REQUESTED
 1-800-925-9018

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 or attach additional information).
- I want you to send me the name and address of the original creditor.**
- I enclosed this amount:**

Make your check payable to Citibank. Include the reference number 57058264.

NATALIE RIVERO
 1911 NW 114th Ter
 Pembroke Pines FL 33026-2044



UNITED COLLECTION BUREAU, INC.
5620 SOUTHWYCK BLVD SUITE 206
TOLEDO OH 43614

March 13, 2023

NATALIE RIVERO
1911 NW 114TH TER
PEMBROKE PINES FL 33026-2044

Creditor:	CITIBANK, N.A.
Regarding:	MY BEST BUY CREDIT CARD
Last Four Digits of Creditor Account Number:	0003
United Collection Bureau, Inc. Reference Number:	57058264
Account Balance:	\$1618.64

Dear NATALIE RIVERO:

This communication is in regard to your MY BEST BUY CREDIT CARD account.

On behalf of CITIBANK, N.A., United Collection Bureau, Inc. will accept a settlement in the amount of \$1,003.81 for the above referenced account. To take advantage of this offer please ensure the total payment is received in our office by March 27, 2023. We are not obligated to renew this offer and this agreement is contingent upon clearance of funds.

If you wish to accept this offer, please contact our office to establish a payment method and date, or mail a copy of this letter together with your payment to the remit address below. Please make your check or money order payable to Citibank. You may call our office toll free at 1-800-925-9018, or if you require Telecommunications Relay Service (TRS), please dial 711. Please refer to reference number 57058264.

This settlement offer does not in any way affect your right to dispute this debt and request validation of this debt. If you do not accept this settlement offer, you are not giving up any of your rights regarding this debt.

In the event you are unable to accept this offer, we encourage you to contact our office to establish a payment arrangement toward the full balance of the account.

As of the date of this letter, you owe the above Account Balance. Because of interest and/or other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after your payment is received. For further information, you may write to our office or call the telephone number within this communication.



Pay online: CONSUMERVUE.UCBINC.COM



Speak with a representative: 1-800-925-9018

Thank you for your prompt attention to this matter.

Sincerely,
United Collection Bureau, Inc.

This is an attempt to collect a debt by United Collection Bureau, Inc., a debt collector, and any information obtained will be used for that purpose.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

24CU027000CSIF

PLEASE RETURN THIS PORTION WITH PAYMENT DO NOT ATTACH CHECK TO STATE
PLEASE MAKE YOUR PAYMENT PAYABLE TO CITIBANK

Creditor:	CITIBANK, N.A.
Regarding:	MY BEST BUY CREDIT CARD

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 13, 2023, a true copy of the foregoing was electronically filed with the Clerk of Court by using the CM/ECF E-Filing Portal, which will serve a copy of this document by electronic notice to the attorneys identified on the following Service List.

Service List

Jibrael S. Hindi, Esq.
Jennifer G. Simil, Esq.
Shannon E. Gilvey, Esq.
The Law Offices of Jibrael S. Hindi
110 SE 6th Street, Suite 1744
Fort Lauderdale, FL 33301
jibrael@jibraellaw.com
jen@jibraellaw.com
shannon@jibraellaw.com

/s/ Robert K. Tucker II
Robert K. Tucker II

CIVIL COVER SHEET

JS 44 (Rev. 04/21)

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

Natalie Rivero

(b) County of Residence of First Listed Plaintiff Broward
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

The Law Offices of Jibrael S. Hindi
110 SE 6th Street, Suite 1744
Fort Lauderdale, Florida 33301
(954) 907-1136

DEFENDANTS

United Collection Bureau, Inc.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Gordon Rees Scully Mansukhani
100 SE Second Street, Suite 3900
Miami, FL 33131
(305) 428-5300

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities-Employment <input type="checkbox"/> 446 Amer. w/Disabilities-Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

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):
15 USC 1692 et seq.

Brief description of cause:
Violation of the Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 100,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 9/13/23

SIGNATURE OF ATTORNEY OF RECORD s/Robert K. Tucker

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____



INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT A

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

Case No.

NATALIE RIVERO,
*individually and on behalf of all
those similarly situated,*

Plaintiff,

v.

UNITED COLLECTION BUREAU, INC.

Defendant.

CLASS ACTION

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

Plaintiff Natalie Rivero (“Plaintiff”), *individually and on behalf of all those similarly situated*, sues Defendant United Collection Bureau, Inc., (“Defendant”) for violations of the Fair Debt Collection Practices Act (“FDCPA”).

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to Florida Rule of Civil Procedure 1.220 and Fla. Stat. § 26.012(2). The matter in controversy exceeds the sum or value of \$50,000 exclusive of interest, costs, and attorney’s fees.

2. Venue for this action is proper in this Court because all facts giving rise to this action occurred in this circuit.

3. Plaintiff has standing to maintain this action because Plaintiff suffered a legal injury as a result of Defendant’s violations of the FDCPA, and because Plaintiff is not requesting an advisory opinion from this Court. Thus, Plaintiff has a sufficient stake in a justiciable controversy and seeks to obtain judicial resolution of that controversy.

PARTIES

4. Plaintiff is a natural person, and a citizen of the State of Florida, residing in Broward County, Florida.

5. Defendant is an Ohio Corporation, with its principal place of business located in Toledo, Ohio.

DEMAND FOR JURY TRIAL

6. Plaintiff, respectfully, demands a trial by jury on all counts and issues so triable.

ALLEGATIONS

7. On a date better known by Defendant, Defendant began attempting to collect a debt (the "Consumer Debt") from Plaintiff.

8. The Consumer Debt is an obligation allegedly had by Plaintiff to pay money arising from a transaction between the creditor of the Consumer Debt, Citibank, N.A., and Plaintiff (the "Subject Service").

9. The Subject Service was primarily for personal, family, or household purposes.

10. Defendant is a business entity engaged in the business of soliciting consumer debts for collection.

11. Defendant is a business entity engaged in the business of collecting consumer debts.

12. Defendant regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due to another.

13. Defendant is registered with the Florida Office of Financial Regulation as a "Consumer Collection Agency."

14. Defendant's "Consumer Collection Agency" license number is CCA0900690.

15. Defendant maintains all the records specified in Rule 69V-180.080, Florida Administrative Code.

16. The records specified by Rule 69V-180.080, Florida Administrative Code, of which Defendant does maintain, are current to within one week of the current date.

17. Defendant maintains and keeps updated within seven (7) days the records required by Florida Administrative Code Rule 180.080(1), (3), (6), (7), (9), (10), and (11).

18. Defendant has written policies and procedures for the secure handling of all consumer documents and information received in the course of collecting a debt from a consumer as required by Rule 69V-180.090(2).

19. Defendant is a “debt collector” within the meaning of 15 U.S.C. § 1692a(6).

20. On a date better known by Defendant, Defendant sent a letter to Plaintiff, of which was internally dated January 17, 2023, (the “Collection Letter”) in an attempt to collect the Consumer Debt.

21. Attached as Exhibit “A” is a copy of the Collection Letter.

22. Defendant is required by C.F.R. § 1006.34(b)(3) to provide an “itemization date” of the Consumer Debt in the Collection Letter.

23. The term “**itemization date**” is defined by C.F.R. § 1006.34(b)(3) to mean one of five specific dates, *namely*: (1) “[t]he last statement date, which is the date of the last periodic statement or written account statement or invoice provided to the consumer by a creditor,” (the “**Last Statement Date**”), *see* C.F.R. § 1006.34(b)(3)(i); (2) “[t]he charge-off date, which is the date the debt was charged off, (the “**Charge Off Date**”), *see* C.F.R. § 1006.34(b)(3)(ii); (3) “[t]he last payment date, which is the date the last payment was applied to the debt, (the “**Last Payment Date**”), *see* C.F.R. § 1006.34(b)(3)(iii); (4) “[t]he transaction date, which is the date of the

transaction that gave rise to the debt,” (the “**Transaction Date**”), *see* C.F.R. § 1006.34(b)(3)(iv); *or* (5) “[t]he judgment date, which is the date of a final court judgment that determines the amount of the debt owed by the consumer,” (the “**Judgment Date**”), *see* C.F.R. § 1006.34(b)(3)(v).

24. Defendant identifies January 2, 2023, as the itemization date of the Consumer Debt in the Collection Letter (the “**Represented Itemization Date**”). *See Exhibit A.*

25. The Represented Itemization Date is not the Last Statement Date associated with the Consumer Debt.

26. The Represented Itemization Date is not the Charge Off Date associated with the Consumer Debt.

27. The Represented Itemization Date is not the Last Payment Date associated with the Consumer Debt.

28. The Represented Itemization Date is not the Transaction Date associated with the Consumer Debt.

29. The Represented Itemization Date is not the Judgment Date associated with the Consumer Debt.

30. The Represented Itemization Date falsely represents the amount of the Consumer Debt because the Represented Itemization Date is not an itemization date permitted by C.F.R. § 1006.34(b)(3).

31. The Represented Itemization Date falsely represents the character of the Consumer Debt because the Represented Itemization Date is not an itemization date permitted by C.F.R. § 1006.34(b)(3), whereby the use of the Represented Itemization Date wrongfully causes the least sophisticated consumer to falsely believe that the Represented Itemization Date is the Last

Statement Date, the Charge Off Date, the Last Payment Date, the Transaction Date, or the Judgment Date.

CLASS ALLEGATIONS

PROPOSED CLASS

32. Plaintiff brings this lawsuit as a class action on behalf of Plaintiff, individually and on behalf of all other similarly situated persons as a class action. The “Class” that Plaintiff seeks to represent is the below defined “FDCPA Class.”

33. The “FDCPA Class” consists of: [1] all persons with Florida addresses [2] that were sent a letter [3] from and/or by Defendant, or someone on Defendant’s behalf [4] in an attempt to collect a debt [5] during the twelve [12] months preceding the filing of this Class Action Complaint [6] whereby said letter is required to provide an “itemization date” required by C.F.R. § 1006.34(b)(3) [7] and the “itemization date” provided is not Last Statement Date, the Charge Off Date, the Last Payment Date, the Transaction Date, or the Judgment Date associated with the underlying debt.

34. Defendant and its employees or agents are excluded from the Class.

35. Plaintiff does not know the number of members in the Class but believes the Class members number in the several thousands, if not more.

NUMEROSITY

36. Upon information and belief, Defendant has sent thousands of debt collection letters to thousands of consumers throughout the United States that are required to use one of five itemization dates set forth by C.F.R. § 1006.34(b), but which use a different, impermissible date instead. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

37. The exact number and identities of the Class members are unknown at this time and can be ascertained only through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant's e-mail records.

COMMON QUESTIONS OF LAW AND FACT

38. There are numerous questions of law and fact common to the Class which predominate over any questions affecting only individual members of the Class. Among the questions of law and fact common to the Class are: [1] Whether Defendant sent a letter to Plaintiff and members of the Class in an attempt to collect a debt; [2] Whether Defendant is a debt collector; [3] Whether Defendant's conduct was knowing and willful; [4] Whether Defendant is liable for damages, and the amount of such damages; and [5] Whether Defendant should be enjoined from such conduct in the future.

39. The common questions in this case are capable of having common answers. If Plaintiff's claim that Defendant routinely sends debt collection letters to consumers that violate C.F.R. § 1006.34(b) is accurate, Plaintiff and members of the Class will have identical claims capable of being efficiently adjudicated and administered in this case.

TYPICALITY

40. Plaintiff's claims are typical of the claims of the members of the Class, as they are all based on the same factual and legal theories.

PROTECTING THE INTERESTS OF THE CLASS MEMBERS

41. Plaintiff is a representative who will fully and adequately assert and protect the interests of the Class and has retained competent counsel. Accordingly, Plaintiff is an adequate representative and will fairly and adequately protect the interests of the Class.

SUPERIORITY

42. A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit because individual litigation of the claims of all members of the Class is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by members of the Class are in the millions of dollars, the individual damages incurred by each member of the Class resulting from Defendant's wrongful conduct are too small to warrant the expense of individual lawsuits. The likelihood of individual members of the Class prosecuting their own separate claims is remote, and, even if every member of the Class could afford individual litigation, the court system would be unduly burdened by individual litigation of such cases.

43. The prosecution of separate actions by members of the Class would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another may not. Additionally, individual actions may be dispositive of the interests of the Class, although certain class members are not parties to such actions.

COUNT 1
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

44. Plaintiff, individually and on behalf of the FDCPA Class, incorporates by reference ¶¶ 7-43 of this Class Action Complaint.

45. The Bureau of Consumer Financial Protection the administrative agency authorized to exercise its authorities under Federal consumer financial law to administer, enforce, and otherwise implement the provisions of Federal consumer financial law. *See* 12 U.S.C. § 5512; 15 U.S.C. § 1692l(d); *see also* 12 C.F.R. § 1006.1(a).

46. On November 30, 2020, the CFPB issued their final rule to revise Regulation F ("Reg F") of which contains, among other things, the CFPB's most recent interpretation of the

FDCPA. Reg F addresses, among other things, communications in connection with debt collection and prohibitions on harassment or abuse, false or misleading representations, and unfair practices in debt collection. *See generally* 85 FR 76734.

47. With respect to the purpose of Reg F, it is stated “[Reg F] carries out the purposes of the FDCPA, which include eliminating abusive debt collection practices by debt collectors, ensuring that debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and promoting consistent State action to protect consumers against debt collection abuses. 12 C.F.R. § 1006.1(b). Moreover, Reg F, **“prescribes requirements to ensure that certain features of debt collection are disclosed fully, accurately, and effectively to consumers in a manner that permits consumers to understand the costs, benefits, and risks associated with debt collection, in light of the facts and circumstances.”** *Id.* (emphasis added).

48. Pursuant to § 1006.34 of Reg F, a debt collector must provide a consumer with the validation information required by § 1006.34(c) of Reg F.

49. Pursuant to § 1006.34(c) of Reg F, a debt collector *must* provide certain validation information, of which includes, but is not limited to: (1) “debt collector communication disclosure;” (2) “information about the debt;” (3) “information about consumer protections;” and (4) “consumer-response information.”

50. Section 1006.34(c)(2) of Reg F, of which requires “information about the debt” to be disclosed, provides an explicit list information, of which includes: (i) “[t]he debt collector’s name and the mailing address at which the debt collector accepts disputes and requests for original-creditor information;” (ii) “[t]he consumer’s name and mailing address;” (iii) “the name of the creditor to whom the debt was owed on the itemization date;” (iv) “[t]he account number, if any, associated with the debt on the itemization date, or a truncated version of that number;” (v) “[t]he

name of the creditor to whom the debt currently is owed;” (vi) “[t]he **itemization date**;” (vii) “[t]he amount of the debt on the itemization date;” (viii) “[a]n itemization of the current amount of the debt reflecting interest, fees, payments, and credits since the itemization date;” and (iv) “[t]he current amount of the debt.”

51. Section 1006.34(b)(3) of Reg F defines the term “**itemization date**” to mean one of five specific dates, *namely*: (1) “[t]he last statement date, which is the date of the last periodic statement or written account statement or invoice provided to the consumer by a creditor,” (the “**Last Statement Date**”), *see* C.F.R. § 1006.34(b)(3)(i); (2) “[t]he charge-off date, which is the date the debt was charged off, (the “**Charge Off Date**”), *see* C.F.R. § 1006.34(b)(3)(ii); (3) “[t]he last payment date, which is the date the last payment was applied to the debt, (the “**Last Payment Date**”), *see* C.F.R. § 1006.34(b)(3)(iii); (4) “[t]he transaction date, which is the date of the transaction that gave rise to the debt,” (the “**Transaction Date**”), *see* C.F.R. § 1006.34(b)(3)(iv); *or* (5) “[t]he judgment date, which is the date of a final court judgment that determines the amount of the debt owed by the consumer,” (the “**Judgment Date**”), *see* C.F.R. § 1006.34(b)(3)(v).

52. Section 1692e of the FDCPA prohibits, among other things, “any false, deceptive, or misleading representation or means in connection with the collection of any debt.” 15 U.S.C. § 1692e.

53. Section 1692e(2)(A) of the FDCPA explicitly prohibits “[t]he false representation of the character, amount, or legal status of any debt.” 15 U.S.C. § 1692e(2).

54. Section 1692f of the FDCPA prohibits, among other things, “unfair or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. § 1692f.

55. Section 1692g of the FDCPA requires debt collectors to make certain disclosures, provide consumers with certain information, and to make such disclosures and provide such information within a specific timeframe. *See* 15 U.S.C. § 1692g(a)(1)-(5).

56. Here, as set forth above, the Collection Letter was a communication required to use of the five “itemization dates” set forth under § 1006.34(b)(3) of Reg F. The date used and/or otherwise represented in the Collection Letter as the “itemization date,” *namely*, the Represented Itemization Date: [1] is not the Last Statement Date associated with the Consumer Debt; [2] is not the Charge Off Date associated with the Consumer Debt; [3] is not the Last Payment Date associated with the Consumer Debt; [4] is not the Transaction Date associated with the Consumer Debt; and [5] is not the Judgment Date associated with the Consumer Debt.

57. Defendant violated § 1692e of the FDCPA by using the Represented Itemization Date in the Collection Letter because the Represented Itemization Date is not one of the five dates permitted by § 1006.34(b)(3) of Reg F and using the Represented Itemization Date as though it was one of the five dates permitted by § 1006.34(b)(3) of Reg F is false, deceptive, and/or otherwise misleading to the least sophisticated consumer.

58. Defendant violated § 1692e of the FDCPA by using the Represented Itemization Date in the Collection Letter because the Represented Itemization Date is not one of the five dates permitted by § 1006.34(b)(3) of Reg F and using the Represented Itemization Date as though it was one of the five dates permitted by § 1006.34(b)(3) of Reg F is false, deceptive, and/or otherwise misleading to the least sophisticated consumer.

59. Defendant violated § 1692e(2)(A) of the FDCPA with respect to the character and/or amount of the Consumer Debt by using the Represented Itemization Date in the Collection Letter because the Represented Itemization Date is not one of the five dates permitted by §

1006.34(b)(3) of Reg F. Here, using the Represented Itemization Date as though it was one of the five dates permitted by § 1006.34(b)(3) of Reg F wrongfully causes the least sophisticated consumer to falsely believe that the Represented Itemization Date is the Last Statement Date, the Charge Off Date, the Last Payment Date, the Transaction Date, or the Judgment Date.

60. Defendant violated § 1692f of the FDCPA by using the Represented Itemization Date in the Collection Letter because the Represented Itemization Date is not one of the five dates permitted by § 1006.34(b)(3) of Reg F and using the Represented Itemization Date as though it was one of the five dates permitted by § 1006.34(b)(3) of Reg F constitutes unfair and/or otherwise unconscionable means to collect the Consumer Debt.

61. Defendant violated § 1692g of the FDCPA and § 1006.34(b)(3) of Reg F by failing to use one of the five itemization dates permitted by § 1006.34(b)(3) of Reg F in the Collection Letter, as Defendant was required to use one of the five itemization dates set forth under § 1006.34(b)(3) in the Collection Letter, but instead, used the Represented Itemization Date in the Collection Letter, whereby the Represented Itemization Date is not one of the five dates permitted by § 1006.34(b)(3) of Reg F.

62. WHEREFORE, Plaintiff, individually and on behalf of the FDCPA Class, requests this Court to enter a judgment against Defendant, awarding Plaintiff and the FDCPA Class the following relief: **[1]** statutory damages as provided by 15 U.S.C. § 1692k; **[2]** costs and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k; and **[3]** any other relief that this Court deems appropriate under the circumstances.

Respectfully Submitted,

/s/ Shannon E. Gilvey

JIBRAEL S. HINDI, ESQ.

Florida Bar No.: 118259

E-mail: jibrael@jibraellaw.com

JENNIFER G. SIMIL, ESQ.

Florida Bar No.: 1018195

E-mail: jen@jibraellaw.com

SHANNON E. GILVEY, ESQ.

Florida Bar No.: 1035934

E-mail: shannon@jibraellaw.com

The Law Offices of Jibrael S. Hindi

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Fort Lauderdale, Florida 33301

Phone: 954-907-1136

Fax: 855-529-9540

COUNSEL FOR PLAINTIFF

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EXHIBIT “A”

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United Collection Bureau, Inc.
 5620 Southwyck Blvd
 Toledo OH 43614
 1-800-925-9018
www.payment.ucbinc.com

To: NATALIE RIVERO
 1911 NW 114th Ter
 Pembroke Pines FL 33026-2044

January 17, 2023

UCB Reference Number: 57058264

United Collection Bureau, Inc. is a debt collector. We are trying to collect a debt that you owe to CITIBANK, N.A. We will use any information you give us to help collect the debt.

Our information shows:

You have a MY BEST BUY CREDIT CARD credit card from CITIBANK, N.A. with account number ending in 0003.		
As of 01-02-23, you owed:		\$1505.87
Between 01-02-23 and today:		
You were charged this amount in interest:	+	\$0.00
You were charged this amount in fees:	+	\$0.00
You paid or were credited this amount toward the debt:	-	\$0.00
Total amount of the debt now:		\$1505.87
Minimum Payment Due:		\$226.00

How can you dispute the debt?

- **Call or write to us by 02-26-23 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 02-26-23, 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.requests.ucbinc.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 02-26-23, 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.requests.ucbinc.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.

Mail this form to:
 PO BOX 140310
 TOLEDO OH 43614
 ADDRESS SERVICE REQUESTED
 1-800-925-9018

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 or attach additional information).
- I want you to send me the name and address of the original creditor.**
- I enclosed this amount:**

Make your check payable to Citibank. Include the reference number 57058264.

NATALIE RIVERO
 1911 NW 114th Ter
 Pembroke Pines FL 33026-2044



UNITED COLLECTION BUREAU, INC.
5620 SOUTHWYCK BLVD SUITE 206
TOLEDO OH 43614

March 13, 2023

NATALIE RIVERO
1911 NW 114TH TER
PEMBROKE PINES FL 33026-2044

Creditor: CITIBANK, N.A.
Regarding: MY BEST BUY CREDIT CARD
Last Four Digits of Creditor Account Number: 0003
United Collection Bureau, Inc. Reference Number: 57058264
Account Balance: \$1618.64

Dear NATALIE RIVERO:

This communication is in regard to your MY BEST BUY CREDIT CARD account.

On behalf of CITIBANK, N.A., United Collection Bureau, Inc. will accept a settlement in the amount of \$1,003.81 for the above referenced account. To take advantage of this offer please ensure the total payment is received in our office by March 27, 2023. We are not obligated to renew this offer and this agreement is contingent upon clearance of funds.

If you wish to accept this offer, please contact our office to establish a payment method and date, or mail a copy of this letter together with your payment to the remit address below. Please make your check or money order payable to Citibank. You may call our office toll free at 1-800-925-9018, or if you require Telecommunications Relay Service (TRS), please dial 711. Please refer to reference number 57058264.

This settlement offer does not in any way affect your right to dispute this debt and request validation of this debt. If you do not accept this settlement offer, you are not giving up any of your rights regarding this debt.

In the event you are unable to accept this offer, we encourage you to contact our office to establish a payment arrangement toward the full balance of the account.

As of the date of this letter, you owe the above Account Balance. Because of interest and/or other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after your payment is received. For further information, you may write to our office or call the telephone number within this communication.



Pay online: CONSUMERVUE.UCBINC.COM



Speak with a representative: 1-800-925-9018

Thank you for your prompt attention to this matter.

Sincerely,
United Collection Bureau, Inc.

This is an attempt to collect a debt by United Collection Bureau, Inc., a debt collector, and any information obtained will be used for that purpose.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

24CU027000CSIF

PLEASE RETURN THIS PORTION WITH PAYMENT DO NOT ATTACH CHECK TO STUB
PLEASE MAKE YOUR PAYMENT PAYABLE TO CITIBANK

Creditor: CITIBANK, N.A.
Regarding: MY BEST BUY CREDIT CARD

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 13, 2023, a true copy of the foregoing was electronically filed with the Clerk of Court by using the CM/ECF E-Filing Portal, which will serve a copy of this document by electronic notice to the attorneys identified on the following Service List.

Service List

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Jennifer G. Simil, Esq.
Shannon E. Gilvey, Esq.
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/s/ Robert K. Tucker II
Robert K. Tucker II