Paul Mankin (SBN 264038) LAW OFFICE OF PAUL MANKIN, APC 4655 Cass St., Ste. 410 San Diego, CA 92109 3 Phone: (800) 219-3577 Fax: (323)-207-3885 5 pmankin@paulmankin.com 6 Attorneys for Plaintiff 7 UNITED STATES DISTRICT COURT 8 9 CENTRAL DISTRICT OF CALIFORNIA 10 BRANDON FIELDS, Case No. 11 Plaintiff, **COMPLAINT** 12 13 1. Violations of the Rosenthal Fair VS. Debt Collection Practices Act 14 [Cal. Civ. Code § 1788 et. seq.]; NATIONWIDE RECOVERY **SYSTEMS, LTD.; PENDRICK** 15 and CAPITAL PARTNERS, LLC; and 2. Violations of the Fair Debt 16 DOES 1 through 10, inclusive, Collection Practices Act [15 17 U.S.C. § 1692 et. seq.]. Defendants. 18 19 20 21 I. INTRODUCTION 22 1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 23 24 U.S.C. § 1692 et seq., and the Rosenthal Fair Debt Collection Practices Act 25 ("RFDCPA") Cal. Civ. Code §1788, et seq. The FDCPA and RFDCPA prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. 26 27

II. PARTIES

- 2. Plaintiff, Brandon Fields ("Plaintiff"), is a natural person residing in the City of Los Alamitos, County of County of Orange, and State of California. Plaintiff is a "debtor" as defined by Cal. Civ. Code § 1788.2(h) and is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).
- 3. At all relevant times herein, Defendant, Nationwide Recovery Systems, LTD. ("Defendant Nationwide"), was a company engaged, by use of the mails, and telephone, in the business of collecting debts. Defendant Nationwide's principal place of business is located at 501 Shelley Drive, #300, Tyler, TX 75701.
- 4. Defendant Nationwide primary business purpose is to regularly attempts to collect debts. Defendant Nationwide is a "debt collector" as defined by 15 U.S.C. § 1692a(6) and California Civil Code § 1788.2(c). Defendant Nationwide is a "person" as defined by California Civil Code § 1788.2(c).
- 5. Defendant Pendrick Capital Partners, LLC ("Defendant Pendrick") primary business purpose is to purchase and collect debts. Defendant Pendrick is a "debt collector" as defined by 15 U.S.C. § 1692a(6) and California Civil Code § 1788.2(c). Defendant Pendrick is a "person" as defined by California Civil Code § 1788.2(c). Defendant Pendrick's principal place of business is located at 1714 Hollinwood Drive, Alexandria, VA 22307.
- 6. Does 1-10, fictious names of individuals and businesses alleged for purposes of substituting names of Defendants whose identities will be disclosed in discovery and should be made parties to this action.

III. JURISDICTION AND VENUE

- 7. This Court has original jurisdiction over Plaintiff's Federal claims arising under 47 U.S.C. § 227, *et seq*. The court has supplement jurisdiction over the state law claim(s) pursuant to 28 U.S.C. § 1367.
- 8. Venue is proper in the Central District of California pursuant to 15 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim occurred in that district.

IV. FACTUAL ALLEGATIONS

- 9. In the twelve months prior to the date of this Complaint, Defendant Nationwide contacted Plaintiff on behalf of Defendant Pendrick on several occasions in an attempt to collect two medical debts it alleges Plaintiff owes. The alleged debts in question arose on credit primarily for personal, family, or household purposes. Moreover, the alleged debt(s) are "consumer credit transaction(s)", as defined by Cal. Civ. Code §1788.2(e), and the alleged debt(s) are a "consumer debt", as defined by Cal. Civ. Code §1788.2(f).
- 10. On at least one occasion, Defendant Nationwide contacted Plaintiff on his cellular telephone prior to 8:00 a.m. and before 9:00 a.m. Specifically, Defendant Nationwide contacted Plaintiff at 5:13 a.m. by telephone attempting to collect the alleged debts in violation of the FDCPA and RFDCPA.
- 11. On information and belief, Defendants Nationwide and Pendrick also knew Plaintiff was represented by an attorney with respect to these alleged debts and contacted Plaintiff directly regarding the alleged debts despite this knowledge.
- 12. On or about March 2021, Plaintiff filed a claim under the FDCPA against Defendant Nationwide alleging that it violated the FDCPA in its attempt(s) to collect payment for the same two alleged medical debts that Defendants are attempting to currently collect.

- 13. On information and belief, at the conclusion of the previously mentioned case, Defendant Nationwide returned the collection files to Defendant Pendrick.
- 14. On information and belief, Defendant Nationwide noted in the collection file that Plaintiff was/is represented by an attorney with respect to the two alleged medical debts previously mentioned.
- 15. On information and belief, Defendant Pendrick received the collection file note that Plaintiff was/is represented by an attorney respect to these two medical accounts.
- 16. On information and belief, sometime in 2023, Defendant Pendrick re-assigned the collection of these two alleged medical accounts to Defendant Nationwide and instructed Defendant Nationwide to contact Plaintiff in an attempt to collect a debt knowing Plaintiff was/is represented by an attorney.
- 17. On information and belief, the collection account file(s) Defendant Pendrick provided Defendant Nationwide when it re-assigned the accounts for collection contained the original note from Defendant Nationwide stating that Plaintiff was/is represented by an attorney with respect to these two medical accounts.
- 18. Thereafter, Defendant Nationwide began contacting Plaintiff again with respect to these two medical accounts in an attempt to collect a debt.
- 19. As a result of the above violations of the FDCPA and RFDCPA, Plaintiff has suffered economic harm and emotional harm from Defendants repeated unlawful collection attempts. As such, Defendant are liable to Plaintiff for Plaintiff's actual damages, statutory damages, costs and attorney's fees.

COUNT I: VIOLATIONS OF THE

ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT,

CAL. CIV. CODE §1788, et seq.,

- 20. Plaintiff repeats and re-alleges and incorporates by reference the preceding paragraphs.
- 21. § 1788.17 of the RFDCPA mandates that every debt collector collecting or attempting to collect a consumer debt shall comply with the provisions of Sections 1692b to 1692j, inclusive, of, and shall be subject to the remedies in Section 1692k of, Title 15 of the United States Code statutory regulations contained within the FDCPA, 15 U.S.C. § 1692d, and § 1692d(5).
- 22. Defendant's conduct violated the RFDCPA in multiple ways, including but not limited to:
 - a) Communicating, by telephone or in person, with plaintiff with such frequency as to be unreasonable and to constitute a harassment to Plaintiff under the circumstances (Cal. Civ. Code §1788.11(c));
 - b) Causing a telephone to ring repeatedly or continuously to annoy Plaintiff (Cal. Civ. Code §1788.11(d));
 - c) Committed any conduct the natural consequence of which is to harass, oppress, or abuse any person (Cal. Civ. Code § 1788.11(e));
 - d) With anyone except the consumer, consumer's attorney, or the credit bureaus concerning the alleged debt (15 U.S.C. § 1692c(b); and
 - e) Contacting a consumer before 8:00am and/or after 9:00pm in an attempt to collect a debt (15 U.S.C. § 1692c(a)(1).
- 23. As a result of the above violations of the RFDCPA, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and

Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

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

- 24. Plaintiff repeats and re-alleges and incorporates by reference the preceding paragraphs.
 - 25. Defendants and each of their conduct violated the FDCPA by:
 - a) With anyone except the consumer, consumer's attorney, or the credit bureaus concerning the alleged debt (15 U.S.C. § 1692c(b));
 - b) Any conduct the natural consequence of which is to harass, oppress, or abuse any person (§ 1692d);
 - c) Caused the telephone to ring or engaged any person in telephone conversations repeatedly (§ 1692d(5));
 - d) Any false, deceptive, or misleading representation or means in connection with the debt collect (§ 1692e(10)); and
 - e) Any unfair or unconscionable means to collect or attempt to collect the alleged debt (§ 1692f); and
 - f) Contacting a consumer before 8:00am and/or after 9:00pm in an attempt to collect a debt (15 U.S.C. § 1692c(a)(1).
- 26. As a result of the above violations of the FDCPA, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and Defendant are liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

PRAYER FOR RELIEF 1 WHEREFORE, Plaintiff respectfully pray that judgment be entered 2 against Defendant for the following: 3 4 5 A. Actual damages; B. Statutory damages; 6 Costs and reasonable attorney's fees; and, 7 C. 8 D. For such other and further relief as may be just and proper. 9 10 PLAINTIFF DEMANDS A JURY TRIAL 11 12 Dated: February 1, 2024 LAW OFFICE OF PAUL MANKIN, APC 13 14 /s/ Paul Mankin By: Paul Mankin, Esq. 15 Attorney for Plaintiff 16 17 18 19 20 21 22 23 24 25 26 27