

**THE UNITED STATES DISTRICT COURT MIDDLE
DISTRICT OF GEORGIA**

EDRICK HARDRICK
Plaintiff,

) **JURY TRIAL DEMANDED**

)

)

v.

) **Case No. 1:24 cv 43**

)

NATIONAL CREDIT SYSTEMS, INC.

)

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Defendant.

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COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Edrick Hardrick, respectfully alleges the following:

PRELIMINARY STATEMENT

The Fair Debt Collection Practices Act, also referred to as the FDCPA, was established in 1977 to prevent abusive practices in consumer debt collection. However, it has some limitations, such as not accounting for new forms of communication like email and social media. To address this, the Consumer Financial Protection Bureau (CFPB) introduced Regulation F as a supplement to the FDCPA. The purpose of Regulation F is to update and strengthen the FDCPA rather than replace it. By adapting to technological advancements and providing clear guidelines, Regulation F aims to empower consumers in dealing with debt collectors while ensuring that the collection industry can still operate effectively.

I. INTRODUCTION

1. This is an action brought by the Plaintiff, Edrick Hardrick, a natural person and individual consumer, seeking actual and statutory damages, in addition to the costs of the action against the Defendant, NATIONAL CREDIT SYSTEMS, INC. (hereinafter “NCS”) 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) and 28 U.S.C. § 1331 because the complaint alleges a federal claim and requires the resolution of substantial questions of federal law.
3. Venue is proper before the court pursuant to 28 U.S.C. § 1391(b)(2), wherein a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, where the Plaintiff resides, and or where the Defendant transacts business.
4. The Court has supplemental jurisdiction of any state law claims pursuant to 28 U.S.C. §1367.

III. PARTIES

5. Plaintiff, Edrick Hardrick, is a natural person residing in Leesburg, Georgia. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. §1692a(3).

6. Plaintiff is allegedly obligated to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for family, personal, or household purposes.
7. The Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C § 1692a(6).
8. Upon information and belief, NCS has a principal place of business that is located at 1775 The Exchange SE Suite 300, Atlanta, GA, 30339, USA, and is authorized to do business in the state of Georgia, from which the conduct complained of occurred in Leesburg, Georgia.
9. NCS collects consumer debts using the mail, telephone, and other instrumentalities of interstate commerce. NCS regularly attempts to collect consumers’ debts allegedly due to another. The alleged debt arose from a financial obligation that was primarily for personal, family, or household purposes and is therefore a “debt” as that term is defined by 15 U.S.C. §1692a(5).

IV. FACTS OF THE COMPLAINT

10. NCS is attempting to collect \$1,162.63, allegedly owed to Azalea Ridge Apartments.
11. The alleged debt arose from a financial obligation primarily for personal, family, or household purposes.

12. On or about February 27, 2024, Plaintiff received an email from the Defendant NCS attempting to collect a debt for a debt allegedly owed to Azalea Ridge Apartments in the amount of \$1,162.63.
13. On or about March 2, 2024, Plaintiff responded to the email. Plaintiff specifically stated within the email, "I am not going to render a payment for this debt or any debt you claim I owe." Pursuant to 15 § U.S.C 1692c(c) once a consumer sends a communication to a debt collector that the consumer refuses to pay a debt, the debt collector must cease all communications.
14. Defendant's actions are barred by Regulation F § 1006.14(h)(1), which prohibits a debt collector from communicating or attempting to communicate with a person in connection with the collection of any debt through a medium of communication if the person has requested that the debt collector not use that medium to communicate with the person.
15. On or about March 22, 2024, Plaintiff received another email from Defendant NCS in an attempt to collect a debt. This was illegal contact by Defendant after Plaintiff sent an email that he would not render payment for the debt.
16. Defendant contacted the Plaintiff after receiving his refusal pay notice in a second attempt to collect a debt on the grounds of extending the previous offer, "You may satisfy your account in full for ****50.00%**** of the balance," that was subsequently rejected by the Plaintiff in his first response.

17. Violations thereto are documented by written communication that are in the possession of Plaintiff.
18. In contradiction to the aforementioned actions of Defendant NCS, may assert a defense of Bona Fide Error, claiming that any alleged violation of the Fair Debt Collection Practices Act was the result of a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error, pursuant to 15 U.S.C. § 1692k(c). However, the continual nature of Defendant's violations and its persistence in attempting to collect the alleged debt after Plaintiff's clear communication of refusal to pay, strongly suggests a willful disregard for the FDCPA, rather than a bona fide error.
19. Defendant received a written refusal to pay notice from Plaintiff and continued to contact him in an attempt to collect a debt, such actions are prohibited per 15 U.S.C. § 1692c(c) of the FDCPA.
20. Defendant's actions have caused Plaintiff substantial interference with Plaintiff's solitude to his private affairs and are offensive and objectionable to a reasonable person.
21. Upon information and belief, Defendant contacted Plaintiff in an attempt to collect a debt after receiving written notice of a refusal to pay the alleged debt. This communication by Defendant was an invasion of Plaintiff's privacy. It caused emotional distress, and

anxiety, in addition to the credit damage Plaintiff has suffered from the credit reporting by Defendant.

V. FIRST CLAIM FOR RELIEF 15 U.S.C § 1692c(c) and Regulation F § 1006.14(h)(1)

22. Plaintiff re-alleges and incorporates by reference the above paragraphs.
23. Defendant violated 15 U.S.C. § 1692c(c) and Regulation F § 1006.14(h)(1) by failing to cease communication and cease collection activity after receiving written notice.
24. Defendant caused injury in fact, by causing, among other things, mental and emotional distress, invasion of personal privacy, and other injuries and damages to Plaintiff.
25. Defendant's conduct was negligent and or willful.
26. Plaintiff is entitled to recover actual damages pursuant to 15 U.S.C. § 1692k(a)(1).
27. Plaintiff is entitled to recover statutory damages pursuant to 15 U.S.C § 1692k(a)(2)(A).
28. Plaintiff is entitled to costs pursuant to 15 U.S.C § 1692k(a)(3).

VII. SECOND CLAIM FOR RELIEF INVASION OF PRIVACY- INTRUSION UPON SECLUSION

29. Plaintiff re-alleges and incorporates by reference the above paragraphs.
30. A Georgia citizen's common law and statutory right to privacy is sacrosanct, and its invasion is unconscionable.

31. At all times pertinent and relevant to the incidents described in this complaint, Edrick Hardrick had a right to privacy guaranteed to him by the Constitution of the State of Georgia and its statutory and common law.
32. Defendant intentionally sent an email to Plaintiff, trying to collect a debt, even after receiving written notice that Plaintiff refused to pay. Therefore, the Plaintiff no longer consented to be contacted by the Defendant. This action by Defendant intruded upon Plaintiff's right to seclusion, solitude, and privacy.
33. Defendant's intrusion upon Plaintiff's seclusion by sending a written communication to attempt to collect a debt after Defendant had the notice to cease communication with Plaintiff is offensive and objectionable to a reasonable person of ordinary sensibilities under the circumstances.
34. As a result of the preceding, Defendant has unlawfully invaded Edrick Hardrick's privacy and caused him injury.

VI. JURY DEMAND PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Edrick Hardrick respectfully requests a jury trial and requests judgment be entered in favor of the Plaintiff and against the Defendant, NATIONAL CREDIT SERVICES, INC., for the following:

- a. Judgment for violating 15 U.S.C § 1692c(c) of the FDCPA.
- b. Actual damages pursuant to 15 U.S.C § 1692k(a)(1).
- c. Statutory damages pursuant to 15 U.S.C § 1692k(a)(2)(A).

- d. Costs of the action pursuant to 15 U.S.C § 1692k(a)(3).
- e. Actual damages for Defendant's Intrusion upon Plaintiff's Seclusion to be determined by the court.
- f. The court may deem just and proper for such other and further relief.

Respectfully submitted:

March 27, 2024



Edrick Hardrick

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