

MAR 20 2024

US DISTRICT COURT  
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

DAVID SMITH	)	JURY TRIAL DEMANDED
Plaintiff,	)	
	)	
v.	)	Case No. 3:24-cv-326-FDW
	)	
STENGER & STENGER P.C,	)	
TRANSUNION LLC	)	
Defendant.	)	
	)	

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COMPLAINT AND DEMAND FOR JURY TRIAL

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I. INTRODUCTION

1. This is a civil action by Plaintiff DAVID SMITH, an individual consumer, seeking actual, statutory, and punitive money damages against Defendants STENGER & STENGER P.C. for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter “FDCPA”).

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), 15 U.S.C. 1681(p), 28 U.S.C. 1367, and 28 U.S.C. § 1331. Venue in this District is proper in that the Defendants transact business in Charlotte,

Mecklenburg County, North Carolina, and the conduct complained of occurred in Charlotte, Mecklenburg County, North Carolina.

### III. PRELIMINARY STATEMENT

The Fair Debt Collection Practices Act (FDCPA) has been in existence since 1977 to prevent abusive practices in the collection of consumer debts. Regulation F was introduced much later to further refine and enforce these practices.

While the FDCPA provides the foundation for consumer protections related to debt collection, it has some limitations. For instance, it doesn't include extensive provisions for new modes of communication, like email or social media.

Regulation F was introduced by the Consumer Financial Protection Bureau (CFPB) as an updated set of rules that supplement and detail requirements under the FDCPA. It aims to adapt to changes in the way debtors and collectors communicate brought by technological advances, and to provide clear rules that would prevent legal ambiguity.

The purpose of Regulation F is not to replace the FDCPA but to fortify and modernize it. It provides consumers with more clarity and agency in the interaction with debt collectors, yet still allowing the collection industry to carry out their operations effectively.

**Regulation F § 1006.18 False, deceptive, or misleading representations or means.**

**(d) False representations or deceptive means. A debt collector must not use any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.**

**15 U.S.C § 1692e(10) False or misleading representations**

**(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.**

#### IV. PARTIES

3. Plaintiff, DAVID SMITH, is a natural person residing in Charlotte, Mecklenburg County, North Carolina. Plaintiff is a “consumer” as defined by 15 U.S.C. §1692a(3) and 15 U.S.C. §1681a(c).
4. Upon information and belief, Defendant STENGER & STENGER P.C is a Michigan entity with its principal place of business located at 2618 East Paris, Grand Rapids Michigan 49546.
5. Defendant STENGER & STENGER P.C is a “Debt Collector” within the meaning of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692a(6).
6. Upon information and belief, Defendant Transunion is an Illinois entity with its principal place of business located at 555 W. Adams St, Chicago, IL 60661.
7. Defendant Transunion is a “consumer reporting agency” within the meaning of the of the Fair Credit Reporting Act, 15 U.S.C § 1681a(f).

#### V. FACTS OF THE COMPLAINT

8. Plaintiff requested a copy of their consumer report for review from Transunion in which it was discovered that the plaintiffs report had been

pulled by STENGER & STENGER P.C on the date of November 22nd 2023.

9. As a result of the actions and inactions of the defendants, Plaintiff suffered damages, including but not limited to, mental and emotional distress, seclusion upon intrusion, and invasion of privacy.

**VI. FIRST CLAIM FOR RELIEF**  
**(Defendant STENGER & STENGER P.C)**  
**15 U.S.C. §1692e(10) and Regulation F § 1006.18(d)**

10. Plaintiff re-alleges, and incorporates by reference, paragraphs one through 9 above.
11. Defendant have violated 15 U.S.C. § 1692e(10) and Regulation F § 1006.18(d) in that they pulled the plaintiff's consumer report without permissible purpose in an attempt to obtain information about the plaintiff.
12. The Defendant caused injury in fact, by causing, among other effects, mental and emotional distress.
13. Defendants conduct was negligent and/or willful.
14. Plaintiff is entitled to actual damages, Statutory damages, and litigation costs for Defendants' willful acts pursuant to 15 U.S.C. § 1692k.

**VII. SECOND CLAIM FOR RELIEF**  
**(Defendant STENGER & STENGER P.C)**  
**15 U.S.C. §1681b(f)**

15. Plaintiff re-alleges, and incorporates by reference, paragraphs one through 14 above.
16. Defendant have violated 15 U.S.C. § 1681b(f) in that they pulled the plaintiff's consumer report without permissible purpose.
17. Defendants conduct was negligent and/or willful.
18. Plaintiff is entitled to punitive damages, actual damages, Statutory damages, and litigation costs for Defendants' willful acts pursuant to 15 U.S.C. § 1681n and 1681o.

**VIII. THIRD CLAIM FOR RELIEF**  
**(Defendant TRANSUNION)**  
**15 U.S.C. §1681e(a)**

19. Plaintiff re-alleges, and incorporates by reference, paragraphs one through 18 above.
20. Defendant have violated 15 U.S.C. § 1681e(a) in that they failed to maintain reasonable procedures when furnishing report to STENGER & STENGER.
21. Defendants conduct was negligent and/or willful.

22. Plaintiff is entitled to punitive damages, actual damages, Statutory damages, and litigation costs for Defendants' willful acts pursuant to 15 U.S.C. § 1681n and 1681o.

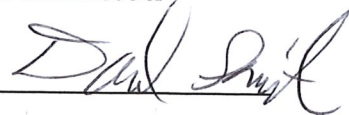
**IX. JURY DEMAND AND PRAYER FOR RELIEF**

WHEREFORE, Plaintiff DAVID SMITH respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against Defendant 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. Judgment for the violations occurred for violating the FCRA;
- E. Actual or statutory damages pursuant to 15 U.S.C. § 1681n(a)(1)(A);
- F. Actual damages pursuant to 15 U.S.C. § 1681o(a)(1);
- G. Costs pursuant to 15 USC § 1681n(a)(3) and 15 U.S.C § 1681o(b);
- H. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

/ David Smith



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