

APR 8 2024 AM 11:17
FILED - USDC - FLMD - ORL

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

RUSLAN FRASINESCU,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
BALANCED HEALTHCARE)	
RECEIVABLES LLC,)	COMPLAINT
)	JURY TRIAL DEMAND
Defendant.)	
)	
_____)	

INTRODUCTION

1. This is a civil action for actual, punitive, statutory damages and cost brought by Ruslan Frasinescu (hereinafter "Plaintiff") an individual consumer, against Defendant, Balanced Healthcare Receivables LLC (hereinafter "Defendant") for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA") and Florida Consumer Collection Practices Act (hereinafter "FCCPA").

BASIS OF JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d), and 28 U.S.C. § 1331. Venue is proper in this judicial district pursuant to 28 U.S.C. 1391(b)(1) and 28 U.S.C. § 1391(b)(2) because a substantial part of the events, omissions, or conduct

giving rise to Plaintiff claim occurred in this judicial district. Defendant is transacting business in Orlando, Florida.

3. The Court has supplemental jurisdiction of any state law claims pursuant to 28 U.S.C. §1367.

PARTIES

4. Plaintiff is a natural person and consumer as defined by 15 U.S.C. § 1692a(3), residing in Orlando, Florida.
5. Upon information and belief, Defendant is a New Hampshire company with its principal place of business located at 164 Burke Street, Nashua, NH 03060-4764 and accepts service of process through their registered agent Corporation Service Company - 1201 Hays Street, Tallahassee, FL 32301-2525.
6. Defendant is a "debt collector" as that term is defined by U.S.C. § 1692a(6).
7. The acts of Defendant as described in this Complaint were performed by Defendant or on Defendant's behalf by its owners, officers, agents, and/or employees acting within the scope of their actual or apparent authority. As such, all references to "Defendant" in this Complaint shall mean Defendant or their owners, officers, agents, and/or employees.

FACTUAL ALLEGATIONS

8. Congress found it necessary to pass the FDCPA due to rampant abusive practices by dishonorable debt collectors. 15 U.S.C. § 1692 is entitled "Congressional findings and declaration of purpose" and it states as follows:

- (a) There is **abundant evidence** of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. **Abusive debt collection practices contribute** to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to **invasions of individual privacy**.
 - (b) Existing laws and procedures for redressing these injuries are inadequate to protect consumers.
 - (c) **Means other than** misrepresentation or other abusive debt collection practices are available for the effective collection of debts.
 - (d) Abusive debt collection practices are carried on to a substantial extent in interstate commerce and through means and instrumentalities of such commerce. Even where abusive debt collection practices are purely intrastate in character, they nevertheless directly affect interstate commerce.
 - (e) It is the **purpose** of this title to **eliminate abusive debt collection practices** by debt collectors, to **insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged**, and to promote consistent State action to protect consumers against debt collection abuses.
9. Prior to this action giving rise, Plaintiff allegedly incurred a financial obligation that was for personal purposes, and is therefore a "debt" as that term is defined by 15 U.S.C. § 1692a(5).

10. Sometime thereafter, Defendant acquired the right to collect or was assigned the right to collect on the subject debt.
11. Plaintiff never received a letter from the Defendant informing him about the alleged debt.
12. On or about October 27, 2023 at 11:15am and November 2, 2023 at 9:15am Plaintiff received two text messages from the Defendant in an attempt to collect an alleged debt.
13. On or about November 6, 2023 at 2:41pm Plaintiff responded to Defendant's text messages clearly instructing Defendant that Plaintiff refuses to pay the debt.
14. Defendant replied on November 7, 2023 at 7:11am saying that Plaintiff successfully unsubscribed & will no longer receive messages. However, Defendant also instructed Plaintiff to call customer service at the phone number stated in that message.
15. Despite Plaintiff's clear instruction to cease communication, moreover, after Defendant confirming that, and in attempt to harass, intimidate and oppress Plaintiff, the Defendant sent Plaintiff an email which is a communication about a settlement offer and was an attempt to collect the debt, on or about February 28, 2024 at 2:39pm.
16. Defendant had no legal right to continue to communicate with Plaintiff after the refusal to pay by Plaintiff to Defendant, but Defendant continued to collect the debt by communicating with the Plaintiff.

17. All of the above-described actions by Defendant and collection agents of Defendant were made in violation of the FDCPA as alleged below in the Count.
18. The conduct of the Defendant has proximately caused Plaintiff damages.
19. All the above-described actions by the Respondent were made in violation of the FDCP and FCCPA.

CAUSES OF ACTION

COUNT I

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C § 1692 et seq.

20. The acts and omissions of Defendant and its agents constitute numerous and multiple violations of the FDCPA (and Regulation F) with respect to Plaintiff, including, but not limited to, violations of 1692c, 1692c(c), 1692d, 1692e, 1692f and 1692(f)1 along with Regulation F related to these sections and communication between debt collector (such as Defendant) and Plaintiff.
21. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to damages and cost from Defendant.

COUNT II

VIOLATION OF THE FLORIDA CONSUMER COLLECTION PRACTICES ACT

Fla. Stat. §559.72 (7)

22. The acts and omissions of Defendant and its agents constitute a violation of the FCCPA §559.72(7), Fla. Stat. with respect to Plaintiff. Defendant willfully engaged in a conduct which can reasonably be expected to abuse or harass the Plaintiff.
23. As a result of Defendant's violations of the FCCPA, Plaintiff is entitled to damages and cost from Defendant.

PRAYER FOR RELIEF

Wherefore, premises considered, Plaintiff prays that judgement be entered against Defendant for all damages allowable, costs, expenses, injunctive relief to prevent further violations, and for such other and further relief as may be just and proper.

Dated:

04/08/24

Respectfully submitted



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