



2. The purpose of the Act was not only to eliminate abusive debt collection practices, but also to ensure “that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged.” 15 U.S.C. § 1692(e). After determining that the existing consumer protection laws were inadequate, 15 U.S.C. § 1692(b), the Act gave consumers a private cause of action against debt collectors who fail to comply with the Act. 15 U.S.C. § 1692k.

### **JURISDICTION AND VENUE**

3. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1367, as well as 15 U.S.C. § 1692 *et seq.*
4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2), being that the acts and transactions occurred here, Plaintiff resides here, and Defendant transact business here.

### **NATURE OF THE ACTION**

5. Plaintiff brings this action for damages arising from the Defendant’s violations of the FDCPA, 15 U.S.C. § 1692 *et seq.*
6. Plaintiff is seeking damages and declaratory relief.

### **PARTIES**

7. Plaintiff is a resident of the State of Michigan, County of Genesee.
8. At all times material hereto, Plaintiff was a “consumer” as said term is defined under 15 U.S.C. § 1692a(3) and as defined under 12 CFR § 1006.2(e).
9. Defendant is a “debt collector” as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA, as well as defined in 12 CFR § 1006.2(i)(1), and can be served with process

in the State of Michigan c/o Midland Funding, LLC at 2900 West Road, Suite 500, East Lansing, MI 48823.

10. Defendant is a company that uses the mail, telephone, and facsimile and regularly engages in business, the principal purpose of which is to attempt to collect debts alleged to be due itself or another.

### **CLASS ALLEGATIONS**

11. Plaintiff brings this claim on behalf of the following case, pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3).

12. The Class consists of:

- a. all individuals with addresses in the State of Michigan;
- b. to whom Defendant sent a collection letter;
- c. attempting to collect a consumer debt;
- d. for a debt that was previously settled or paid in full; and
- e. which letter was sent on or after a date one (1) year prior to the filing of this action and on or before April 17, 2024.

13. The identities of all class members are readily ascertainable from the records of Defendant and those companies and entities on whose behalf they attempt to collect and/or have purchased debts.

14. Excluded from the Plaintiff Class is the Defendant and all officers, members, partners, managers, directors and employees of the Defendant and its respective immediate families, and legal counsel for all parties to this action, and all members of their immediate families.

15. There are questions of law and fact common to the Plaintiff Class, which common issues predominate over any issues involving only individual class members. The principal issue

is whether the Defendant's written communications to consumers, in the form attached as Exhibit C, violate 15 U.S.C. §§ 1692d, 1692e, 1692f, and 1692g.

16. Plaintiff's claims are typical of the class members, as all are based upon the same facts and legal theories. Plaintiff will fairly and adequately protect the interests of the Plaintiff Class defined in this complaint. Plaintiff has retained counsel with experience in handling consumer lawsuits, complex legal issues, and class actions, and neither Plaintiff nor her attorneys have any interests, which might cause them not to vigorously pursue this action.

17. This action has been brought, and may properly be maintained, as a class action pursuant to the provisions of Rule 23 of the Federal Rules of Civil Procedure because there is a well-defined community interest in the litigation:

- a. **Numerosity:** Plaintiff is informed and believes, and on that basis alleges, that the Plaintiff Class defined above is so numerous that joinder of all members would be impractical.
- b. **Common Questions Predominate:** Common questions of law and fact exist as to all members of the Plaintiff Class and those questions predominate over any questions or issues involving only individual class members. The principal issue is whether the Defendant's written communications to consumers, in the forms **attached as Exhibit C** violate 15 U.S.C. §§ 1692e, 1692f, and 1692g.
- c. **Typicality:** Plaintiff's claims are typical of the claims of the class members. Plaintiff and all members of the Plaintiff Class have claims arising out of the Defendant's common uniform course of conduct complained of herein.
- d. **Adequacy:** Plaintiff will fairly and adequately protect the interests of the class members insofar as Plaintiff has no interests that are adverse to the absent class

members. Plaintiff is committed to vigorously litigating this matter. Plaintiff has also retained counsel experienced in handling consumer lawsuits, complex legal issues, and class actions. Neither Plaintiff nor her counsel have any interests which might cause them not to vigorously pursue the instant class action lawsuit.

- e. **Superiority:** A class action is superior to the other available means for the fair and efficient adjudication of this controversy because individual joinder of all members would be impracticable. Class action treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum efficiently and without unnecessary duplication of effort and expense that individual actions would engender.

18. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is also appropriate in that the questions of law and fact common to members of the Plaintiff Class predominate over any questions affecting an individual member, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

19. Depending on the outcome of further investigation and discovery, Plaintiff may, at the time of class certification motion, seek to certify a class(es) only as to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).

### **FACTUAL ALLEGATIONS**

20. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein with the same force and effect as if the same were set forth at length herein.

21. Plaintiff incurred an obligation with Synchrony Bank (“Synchrony”).
22. The debt was incurred solely for personal, household or family purposes.
23. The subject obligation is consumer-related, and therefore a “debt” as defined by 15 U.S.C. § 1692a(5).
24. On or about July 18, 2019, Plaintiff entered into an agreement with Synchrony, to settle and close her Synchrony account ending in 2338.
25. Pursuant to the settlement agreement, Plaintiff agreed to make two (2) payments of \$254.70 and a final payment of \$262.41 totaling \$771.81. The initial payment was due by July 31, 2019 and continuing on the 31<sup>st</sup> day of each month until the final payment due on October 1, 2019. *See* “*Settlement Agreement*” attached hereto as **Exhibit A**.
26. Plaintiff remitted all of the necessary payments pursuant to the settlement agreement. *See* “*Payments*” attached hereto as **Exhibit B**.
27. After completion of the settlement agreement, the debt was sold to Defendant on June 17, 2023.
28. On or about June er, 2023, Plaintiff received a collection letter from Defendant. *See* “*Letter*” attached hereto as **Exhibit C**.
29. Defendant uses the instrumentalities of interstate commerce or the mails in its business, the principal purpose of which is the collection of debts. Defendant also regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. Therefore, Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).
30. After receipt of this Letter, Plaintiff contacted Defendant to inform them that there was a previous agreement with Synchrony that was completed to close out the account. In turn, Defendant asked for proof of the settlement agreement and the corresponding payments.

31. Plaintiff sent Defendant a copy of the settlement agreement made with Synchrony along with proofs of the payments that were made. *See Settlement Agreement* attached hereto as **Exhibit B**.
32. Defendant refused to acknowledge the settlement and continued to send collection letters and demands for payment.
33. Defendant knew or should have known that its actions violated the FDCPA. Defendant was made aware that Plaintiff previously entered and completed a settlement agreement with Synchrony to close the account.
34. Defendant falsely misrepresented the character, status and amount of Plaintiff's debt.
35. The deceptive and false information in Defendant's Letter confused Plaintiff and misled her to believe that the debt still existed.
36. Pursuant to 15 U.S.C. § 1692e(2)(A), a debt collector violates the FDCPA when it makes a false representation regarding the "the character, amount, or legal status of any debt."
37. Defendant violated 15 U.S.C. § 1692e(2)(A) by misrepresenting the existence of the alleged debt.
38. Pursuant to 15 U.S.C. § 1692e(10), a debt collector violates the FDCPA when it makes "any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer."
39. By deceptively misrepresenting the continued existence of the alleged debt, Defendant violated 15 U.S.C. §§ 1692e(2)(A) and 1692e(10).
40. Pursuant to 15 U.S.C. § 1692f, "a debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt."

41. A debt collector violates 15 U.S.C. § 1692f(1) when it tries to collect “any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law.”
42. Defendant’s attempt to unlawfully collect on a debt that was already settled and paid in full is a direct violation of 15 U.S.C. § 1692f(1).
43. These violations by Defendant were unconscionable, knowing, willful, negligent and/or intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violations.
44. The previous agreement coupled with the completion of all necessary payments make it appear that the entire letter is just an attempt to improperly extort money from Plaintiff and coerce Plaintiff to pay.
45. Defendant’s actions created an appreciable risk of harm to Plaintiff of being unable to properly respond to or handle Defendant’s debt collection efforts.
46. Plaintiff’s failure to pay the debt arose from the collection Letter itself because Plaintiff believed it was an attempt to collect inaccurate or improper monies.
47. That harm would further materialize because Defendant’s actions caused Plaintiff to expend time, in reliance on the improper content of the letter and lack of consistent sensible information, to ascertain what her options and possible responses could or should be.
48. Defendant’s collection efforts with respect to the alleged debt caused Plaintiff to suffer concrete and particularized harm, *inter alia*, because the FDCPA provides Plaintiff with the legally protected right not to be misled or treated unfairly with respect to any action for the collection of any consumer debt.



49. Defendant's deceptive, misleading, and unfair representations with respect to its collection efforts were material misrepresentations that affected and frustrated the Plaintiff.
50. In reliance on the initial Letter, Plaintiff expended time and money including contacting the Defendant to alert them to this improper collection, as well as providing proof of payments, in an effort to mitigate the risk of future financial and reputational harm.
51. In reliance on the Letter, Plaintiff expended time and money in an effort to mitigate the risk of future financial harm in the form of dominion and control over her funds.
52. Plaintiff was misled and made uncertain to her detriment by the statements and/or omissions in the Letter and relied on the contents of the Letter to her detriment.
53. When a debt collector fails to effectively inform the consumer of their rights and legal status of their debts, in violation of the law, the debt collector has harmed the consumer.
54. As a result of Defendant's deceptive, misleading, unfair, unconscionable, and false debt collection practices, Plaintiff has been damaged.

**COUNT I**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
**15 U.S.C. §1692d *et seq.***

55. Plaintiff repeats, reiterates, and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.
56. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692d.
57. Pursuant to 15 U.S.C. §1692d, a debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
58. Defendant violated §1692d:

a. By attempting to collect on a debt that was previously settled and paid in full.

59. By reason thereof, Defendant is liable to Plaintiff for judgment in that Defendant's conduct violated Section 1692d et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

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

60. Plaintiff repeats, reiterates, and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.

61. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e.

62. Pursuant to 15 U.S.C. §1692e, a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.

63. Defendant violated §1692e:

- a. As the letter falsely represents the true character and/or legal status of the debt in violation of §1692e(2)(A); and
- b. By making a false and misleading representations in violation of §1692e(10).

64. By reason thereof, Defendant is liable to Plaintiff for judgment in that Defendant's conduct violated Section 1692e et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

**COUNT III**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
**15 U.S.C. §1692f et seq.**

65. Plaintiff repeats, reiterates, and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.

66. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692f.

67. Pursuant to 15 U.S.C. § 1692f, a debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.

68. Defendant violated §1692f:

- a. By unfairly attempting to collect on a debt that was previously settled and paid;  
and
- b. By deceptively attempting to continue to collect on a debt that was previously settled and paid after Plaintiff provided proof showing that it was paid and settled.

69. By reason thereof, Defendant is liable to Plaintiff for judgment in that Defendant's conduct violated Section 1692f et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

**COUNT IV**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
**15 U.S.C. §1692g et seq.**

70. Plaintiff repeats, reiterates, and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.

71. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692g.

72. Pursuant to 15 USC §1692g(a):

Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing –

1. The amount of the debt;
2. The name of the creditor to whom the debt is owed;
3. A statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt-collector;
4. A statement that the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and
5. A statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

73. Defendant violated Section 1692g(a):

- a. Failing to properly provide the amount of the debt, by referencing a debt that was previously settled and paid.
- b. By failing to properly validate the debt and research the settlement, rather continued to collect on the improper debt.

74. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692g et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

#### **DEMAND FOR TRIAL BY JURY**

75. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Linda Pratt, demands judgment from Defendant as follows:

1. For actual damages provided and pursuant to 15 U.S.C. § 1692k(a)(1);
2. For statutory damages provided and pursuant to 15 U.S.C. § 1692k(a)(2)(A);
3. For attorney fees and costs provided pursuant to 15 U.S.C. § 1692k(a)(3);
4. For declaratory relief stating that Defendant violated the FDCPA pursuant to 28 U.S.C. § 2201; and
5. For such other and further relief, as well as further costs, expenses, and disbursements of this action as this Court may deem just and proper.

Dated: April 17, 2024

/s/ Yaakov Saks  
**Stein Saks, PLLC**  
By: Yaakov Saks, Esq.  
One University Plaza, Suite 620  
Hackensack, NJ 07601  
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*Attorneys for Plaintiff Linda Pratt*

CIVIL COVER SHEET

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

LINDA PRATT, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Stein Saks, PLLC 1 University Plaza, Suite 620, Hackensack, NJ 07601 (201) 282-6500

DEFENDANTS

MIDLAND CREDIT MANAGEMENT, 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)

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

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

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, 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 U.S.C. § 1692 - FDCPA - Fair Debt Collection Practices Act

Brief description of cause: Collection actions in violation of the FDCPA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

4-17-2024 /s/ Yaakov Saks

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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**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
- (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
- (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" 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 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.
- 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.



**Civil Nature of Suit Code Descriptions**  
**(Rev. 10/20)**

**Contract**

Code	Title	Description
110	Insurance	Action alleging breach of insurance contract, tort claim, or other cause related to an insurance contract, except for maritime insurance contracts.
120	Marine	Action (Admiralty or Maritime) based on service, employment, insurance or other contracts relating to maritime vessels and other maritime contractual matters.
130	Miller Act	Action based on performance and payment bonds agreed to by contractors on federal construction projects as required under the Miller Act, 40 U.S.C. § 3131-3134.
140	Negotiable Instrument	Action relating to an agreement to pay a specific amount of money, including promissory notes, loan agreements and checks.
150	Recovery of Overpayment & Enforcement Judgment	Action to recover debt owed to the United States, including enforcement of judgments, based on overpayments and restitution agreements involving matters other than Medicare benefits, student loans and veterans' benefits.
151	Medicare	Action relating to Medicare payments, including actions for payments of benefits, to recover overpayments, and for judicial review of administrative decisions.
152	Recovery of Defaulted Student Loans (Excludes Veterans)	Action to recover debt owed to the United States from defaulted student loan.
153	Recovery of Overpayment of Veterans' Benefits	Action relating to payments of veterans' benefits, primarily including actions to recover overpayments.
160	Stockholders' Suits	Action brought by stockholder(s) of a corporation (including both stockholder derivative suits and direct actions based on plaintiff's rights as a stockholder), usually alleging claims based on contract and/or tort law and/or fiduciary obligations.
190	Other Contract	Action primarily based on rights and obligations under a contract not classifiable elsewhere under the specific natures of suit under "Contract."
195	Contract Product Liability  Actions primarily alleging personal injury or property damage caused by a defective product should be classified under the appropriate nature of suit code under "TORTS."	Action concerning damages caused by a defective product, not primarily involving personal injury or property damage, and based primarily on breach of contract, breach of warranty, misrepresentation, and/or violation of consumer protection laws.
196	Franchise	Action arising from a dispute over a franchise agreement, typically alleging breach of contract, misrepresentation or unfair trade practices.

**Civil Nature of Suit Code Descriptions****(Rev. 10/20)****Real Property**

Code	Title	Description
210	Land Condemnation	Action by a governmental entity to take privately-owned real property (land or buildings) for public use for compensation.
220	Foreclosure	Action to enjoin foreclosure on real property by mortgage lender.
230	Rent Lease & Ejectment	Action for rental or lease payments owed on real property and/or to eject a party occupying real property illegally.
240	Torts to Land	Action alleging trespass to land, nuisance, contamination or other unlawful entry on or interference with real property possessed by another.
245	Tort Product Liability	Action alleging harm by an unsafe product based on negligence, breach of warranty, misrepresentation, and strict tort liability.
290	All Other Real Property	Action primarily based on unlawful conduct relating to real property that cannot be classified under any other nature of suit.

**Torts/Personal Injury**

Code	Title	Description
310	Airplane (Excludes airplane product liability claims)	Action alleging personal injury or wrongful death from an air crash or other occurrence involving an airplane.
315	Airplane Product Liability	Action alleging personal injury or death from an air crash or other occurrence involving an airplane and caused by a defective product.
320	Assault, Libel & Slander (Excludes a government employee)	Action alleging intentional acts of assault, libel, trade libel or slander by a private party.
330	Federal Employers' Liability	Action for personal injury or wrongful death brought by a railroad employee or his survivors under the Federal Employers' Liability Act (FELA), 45 U.S.C. § 51, et. seq.
340	Marine (Excludes marine product liability claims)	Action (Admiralty and Maritime) alleging personal injury or death from an accident involving a water vessel or harbor/dock facilities, including suits brought under the Jones Act and the Limitation of Liability Act.
345	Marine Product Liability	Action (Admiralty and Maritime) alleging personal injury or wrongful death from an accident involving a water vessel or harbor/dock facilities and caused by a defective product.
350	Motor Vehicle	Action alleging personal injury or wrongful death from negligence involving a motor vehicle but not caused by a defective product.
355	Motor Vehicle Product Liability	Action alleging personal injury or wrongful death involving a motor vehicle and caused by a defective product.
360	Other Personal Injury	Action primarily based on personal injury or death caused by negligence or intentional misconduct, including suits brought against the United States under the Federal Tort Claims Act, and which cannot be classified under any other nature of suit.
362	Personal Injury - Medical Malpractice	Action alleging personal injury or wrongful death caused by negligence in medical care provided by a doctor or other health care professional.
365	Personal Injury - Product Liability (Excludes a marine or airplane product)	Action alleging personal injury or death resulting from a defective product.
367	Health Care/Pharmaceutical Personal Injury Product Liability	Action alleging personal injury or death caused by a defective medical or pharmaceutical product.
368	Asbestos Personal Injury Product Liability	Action alleging personal injury or death caused by exposure to asbestos products.

**Civil Nature of Suit Code Descriptions****(Rev. 10/20)****Personal Property**

Code	Title	Description
370	Other Fraud (Excludes any property that is not real property)	Action primarily based on fraud relating to personal property that cannot be classified under any other nature of suit.
371	Truth in Lending  Actions relating to fraud or misrepresentation in the transfer of real property should be classified under nature of suit 290, "All Other Real Property," or, if foreclosure is involved, under nature of suit 220, "Foreclosure."	Action alleging violation of the federal Truth in Lending Act arising from consumer loan transactions involving personal property including automobile loans and revolving credit accounts.
380	Other Personal Property Damage	Action primarily based on damage to personal property caused by harmful conduct such as negligence, misrepresentation, interference with business relationships or unfair trade practices.
385	Property Damage Product Liability	Action alleging damage to personal property caused by a defective product.

**Civil Rights**

Code	Title	Description
440	Other Civil Rights (Excludes claims against corrections officials)	Action alleging a civil rights violation other than the specific civil rights categories listed below or a violation related to prison. Example: Action alleging excessive force by police incident to an arrest.
441	Voting	Action filed under Civil Rights Act, 52 U.S.C. § 10101, and Voting Rights Act, 52 U.S.C. § 10301
442	Employment	Action filed under Age Discrimination in Employment Act 29:621:634, Equal Employment Opportunity Act (Title VII) 42:2000E, Performance Rating Act of 1950 5:4303
443	Housing/Accommodations	Action filed under the Fair Housing Act (Title VII), 42 U.S.C. § 3601 & 3602.
445	Americans With Disabilities - Employment	Action of discrimination against an employee with disabilities of any type in the work place, filed under 42 U.S.C. § 12117
446	Americans With Disabilities - Other	Action of discrimination against an individual with disabilities in areas other than employment, filed under 42 U.S.C. § 12133 (exclusion or discrimination in provision of services, programs or activities of a public entity) or 42 U.S.C. § 12188 (public accommodations)
448	Education	Action filed under the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 and Title IX of the Education Amendment of 1972, 20 U.S.C. § 1681 et seq.

**Civil Nature of Suit Code Descriptions**  
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**Prisoner Petitions**  
**Habeas Corpus**

Code	Title	Description
463	Alien Detainee	Immigration habeas petition under 28 U.S.C. § 2241. All cases filed with this nature of suit code are restricted to case participants and public terminals. Petition is filed by an alien detainee.
510	Motions to Vacate Sentence	Action by a prisoner to vacate or modify a sentence imposed in federal court, other than a death sentence, under 28 U.S.C. § 2255.
530	General	Action by a federal or state prisoner currently in custody challenging the legality of confinement or other punishment. This includes claims alleging illegalities that occurred in trial (for example, ineffective assistance of counsel), sentencing (including fines and restitution orders), or disciplinary proceedings in prison (for example, loss of good time credits). Habeas petition under 28 U.S.C. § 2254 or prisoner habeas under 28 U.S.C. § 2241.
535	Death Penalty	Action by a federal or state prisoner challenging a death sentence.

**Other**  
**Prisoner Petitions**

Code	Title	Description
540	Mandamus & Other	Action by prisoner currently in custody for a writ of mandamus to compel action by a judge or government official relating to the prisoner's confinement, including conditions of confinement. This category also includes any actions other than mandamus brought by a prisoner currently in custody, whether or not it relates to his confinement, if it is not classifiable under any other nature of suit category under Prisoner Petitions (for example, action by prisoner to recover property taken by the government in a criminal case).
550	Civil Rights	Action by current or former prisoner alleging a civil rights violation by corrections officials that is not related to a condition of prison life.
555	Prison Condition	Action by current prisoner, or former prisoner or their families alleging a civil rights, Federal Tort Claims Act, or state law claim with respect to a condition of prison life, whether general circumstances or particular episodes. Examples: inadequate medical care or excessive force by prison guards. Includes non-habeas actions by alien detainees alleging unlawful prison conditions.
560	Civil Detainee - Conditions of Confinement (Excludes actions by alien detainees)	Action by former prisoner who was involuntarily committed to a non-criminal facility after expiration of his or her prison term alleging unlawful conditions of confinement while in the non-criminal facility. This category includes, for example, an action by a former prisoner classified as a Sexually Dangerous Person or Sexually Violent Predator alleging civil rights violations during his detention in a medical facility.

**Civil Nature of Suit Code Descriptions****(Rev. 10/20)****Forfeiture/Penalty**

Code	Title	Description
625	Drug Related Seizure of Property 21 U.S.C. § 881	Action (Forfeiture) by which property itself is accused of wrongdoing and is forfeited to the government as a result.
690	Other	Action primarily based on Acts or Bills that cannot be classified under any other nature of suit, such as: Endangered Species Act, Federal Hazardous Substance Act 15:1261, Game & Wildlife Act 15:256C et seq. (Penalty), Federal Trade Commission Act 15:41-51 (Penalty), Federal Coal Mine Health & Safety Act 30:801 et seq. (Penalty), Load Line Act 46:85-85G, McGuire Bill (Federal Fair Trade) 15:45L Penalty, Marihuana Tax Act 50 STAT 551, Motorboat Act 46:526-526T, National Traffic & Motor Vehicle Safety Act penalty 49:1655, Veterans' Benefit Act, Title 38 Penalty.

**Labor**

Code	Title	Description
710	Fair Labor Standards Act (Non-Union)	Action relating to non-union workplace related disputes filed under the Fair Labor Standards Act, 29 U.S.C. § 201 including but not limited to wage discrimination, paid leave, minimum wage and overtime pay.
720	Labor/Management Relations (Union)	Action relating to disputes between labor unions and employers as well as all petitions regarding actions of the Nation Labor Relations Board (NLRB)
740	Railway Labor Act	Action relating to disputes filed under the Railway Labor Act, 45 U.S.C. § 151 including labor disputes, individual claims, and response to sanctions.
751	Family and Medical Leave Act	Action filed under the Family Medical Leave Act, 29 U.S.C. § 2601
790	Other Labor Litigation	Action primarily based on labor disputes not addressed by other NOS codes (includes Labor/Management Reporting and Disclosure Act)
791	Employee Retirement Income Security Act	Action filed under the Employee Retirement Income Security Act, 29 U.S.C. § 1132 by individuals and labor organizations.

**Immigration**

Code	Title	Description
462	Naturalization Application	Action seeking review of denial of an application for naturalization [8 U.S.C. § 1447(b)] or alleging failure to make a determination regarding an application for naturalization [8 U.S.C. § 1421(c)].
465	Other Immigration Actions	Action (Immigration-related) that do not involve Naturalization Applications or petitions for Writ of Habeas Corpus, such as complaints alleging failure to adjudicate an application to adjust immigration status to permanent resident.

## Civil Nature of Suit Code Descriptions (Rev. 10/20)

### Bankruptcy

Code	Title	Description
422	Appeal 28 USC § 158	All appeals of previous bankruptcy decisions filed under 28 U.S.C. § 158
423	Withdrawal of Reference 28 USC § 157	Action held in bankruptcy court requesting withdrawal under the provisions of 28 U.S.C. § 157

### Property Rights

Code	Title	Description
820	Copyright	Action filed in support or to dispute a copyright claim.
830	Patent	Action filed in support or to dispute a patent claim.
835	Patent – Abbreviated New Drug Application (ANDA)	Action filed in support or to dispute a patent claim involving an Abbreviated New Drug Application (ANDA). These cases are also known as “Hatch-Waxman” cases.
840	Trademark	Action filed in support or to dispute a trademark claim
880	Defend Trade Secrets Act of 2016 (DTSA)	Action filed in support or to dispute a trade secret misappropriation

### Social Security

Code	Title	Description
861	HIA (1395ff)	Action filed with regard to social security benefits associated with Health Insurance Part A Medicare
862	Black Lung (923)	Action filed with regard to social security benefits provided for those who contracted Black Lung or their beneficiaries
863	DIWC/DIWW (405(g))	Action filed with regard to social security benefits provided to disabled individuals: worker or child, or widow
864	SSID Title XVI	Action filed with regard to social security benefits provided to Supplemental Security Income Disability under Title XVI
865	RSI (405(g))	Action filed with regard to social security benefits provided for Retirement, Survivor Insurance under 42 U.S.C. § 405

### Federal Tax Suits

Code	Title	Description
870	Taxes (U.S. Plaintiff or Defendant)	Action filed under the Internal Revenue Code (General)
871	IRS-Third Party 26 USC 7609	Action filed under the Internal Revenue Code - Tax Reform Act of 1976 (P.L. 94-455) Third Party

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**Other Statutes**

Code	Title	Description
375	False Claims Act	Action filed by private individuals alleging fraud against the U.S. Government under 31 U.S.C. § 3729.
376	Qui Tam (31 U.S.C. § 3729(a))	Action brought under the False Claims Act by private persons (also known as "whistleblowers") on their own behalf and on behalf of the United States to recover damages against another person or entity that acted fraudulently in receiving payments or property from, or avoiding debts owed to, the United States Government, 31 U.S.C. § 3730
400	State Reapportionment	Action filed under the Reapportionment Act of 1929 Ch. 28, 46 Stat. 21, 2 U.S.C. § 2a.
410	Antitrust	Action brought under the Clayton Act 15 U.S.C. § 12 - 27 alleging undue restriction of trade and commerce by designated methods that limit free competition in the market place amongst consumers such as anti-competitive price discrimination, corporate mergers, interlocking directorates or tying and exclusive dealing contracts.
430	Banks and Banking	Action filed under the Federal Home Loan Bank Act 12:1421-1449, Home Owners Loan Act 12:1461 or Federal Reserve Acts 12:142 et seq.
450	Commerce	Action filed under the Interstate Commerce Acts 49:1 et seq., 49:301
460	Deportation	Action filed under the Immigration Acts (Habeas Corpus & Review) 8:1101/18:1546
470	Racketeer Influenced and Corrupt Organizations	Racketeer Influenced and Corrupt Organization Act, RICO 18:1961-1968
480	Consumer Credit	Action filed under the Fair Credit Reporting Act, 15 U.S.C. 1681n or 15 U.S.C. 1681o, and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k
485	Telephone Consumer Protection Act (TCPA)	Action filed under the Telephone Consumer Protection Act 47 U.S.C. § 227
490	Cable/Satellite TV	Action filed involving unauthorized reception of cable/satellite TV service under 47 U.S.C. § 553 (unauthorized reception of cable/satellite TV), or 47 U.S.C. § 605 (e)(3) (unauthorized use or publication of a communication)
850	Securities/Commodities/Exchange	Action filed under Small Business Investment Act 15:681, Securities Exchange Act 15:78, Securities Act 15:77, Investment Advisers Act 15:80B(1-21)
890	Other Statutory Actions	Action primarily based on Statutes that cannot be classified under any other nature of suit, such as: Foreign Agents Registration Act 22:611-621, Klamath Termination Act 25:564-564W-L, Federal Aid Highway Act 23:101-142, Federal Corrupt Practices Act 2:241-256, Federal Election Campaign Act, Highway Safety Act 23:401 Immigration & Nationality Act 8:1503, Natural Gas Pipeline Safety Act 49:1671-1700, Naturalization Acts 8:1421/18:911, 1015, 1421, et seq., 3282 or Federal Aviation Act 49:1301 et seq.
891	Agricultural Acts	Action filed under the Federal Crop Insurance Act 7:1501-1550, Commodity Credit Corporation Act 15:713A-L & 4.
893	Environmental Matters	Action filed under Air Pollution Control Act 42:1857-57L, Clean Air Act 42:1857:57L, Federal Environment Pesticide Control Act, Federal Insecticide, Fungicide & Rodenticide Act 7:135, Federal Water Pollution Control Act 33:1151 et seq., Land & Water Conservation Fund Act 16:4602,460 1-4, Motor Vehicle Air Pollution Control Act 42:1857F-1-8,

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		National Environmental Policy Act 42:4321, 4331-35G, 4341-47, River & Harbor Act penalty 3:401-437, 1251.
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**Other Statutes (Continued)**

Code	Title	Description
895	Freedom of Information Act	Action filed under the Freedom of Information Act 5:552.
896	Arbitration	Action involving actions to confirm or modify arbitration awards filed under Title 9 of the U.S. Code.
899	Administrative Procedure Act/Review or Appeal of Agency Decision	Action filed under the Administrative Procedures Act, 5 U.S.C. § 701, or civil actions to review or appeal a federal agency decision.
950	Constitutionality of State Statutes	Action drawing into question the constitutionality of a federal or state statute filed under (Rule 5.1). Rule 5.1 implements 28 U.S.C. §2403.

Note: The statutes listed above are not all-inclusive, and other statutes might be applicable to each nature of suit. Statutes that are included in the descriptions should be viewed as examples.