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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KIAN FATEMI, a consumer residing in
Multnomah County,

Case No. 3:15-cv-00371

Plaintiff,

**UNLAWFUL DEBT COLLECTION
COMPLAINT**

v.

15 U.S.C. § 1692 *et seq.*

NORTHLAND GROUP, INC., a debt
collector,

DEMAND FOR JURY TRIAL

Defendant.

1.

INTRODUCTION

Plaintiff, through his attorney Michael Fuller acting as a private attorney general,
prosecutes defendant as follows:

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2.

JURISDICTION AND THE PARTIES

The United States District Court for the District of Oregon has jurisdiction of this action pursuant to 28 U.S.C. § 1331 because plaintiff's claim arises under the Fair Debt Collection Practices Act (FDCPA), which is a federal law.

3.

Plaintiff Kian Fatemi is a natural person residing in Multnomah County, Oregon.

4.

Defendant Northland Group, Inc. is a Minnesota business corporation, regularly doing business in Multnomah County, and is a licensed collection agency in the State of Oregon.

5.

The venue and division of this Court are proper because the majority of defendant's acts and omissions were directed at plaintiff while he resided in Multnomah County, Oregon.

6.

FDCPA STRICT LIABILITY

Plaintiff is a "consumer" as defined by the FDCPA at 15 U.S.C. § 1692a(3) because he is a natural person allegedly obligated to pay debt to Cavalry SPV I, LLC on accounts ending in numbers 2764 and 2306. Plaintiff's alleged obligation to pay is a "debt" as defined by the FDCPA at 15 U.S.C. § 1692a(5) because it allegedly arises out of alleged consumer transactions, namely consumer goods that were allegedly provided to plaintiff.

7.

Defendant is a “debt collector” as defined by the FDCPA at 15 U.S.C. § 1692a(6) as it regularly represents to consumers that it is attempting to collect a debt on behalf of another, its principal purpose is providing debt collection services to creditors, and it regularly communicates with consumers regarding defaulted debt, which communications include use of the United States mail system.

8.

Defendant’s collection activities directed at plaintiff as alleged in this complaint are subject to the strict liability provisions of the FDCPA.

9.

FACTUAL ALLEGATIONS

In or around January and February 2015, defendant sent plaintiff collection letters demanding payment of \$51,399.54 on alleged original account number ending 2306, and \$16,578.32 on alleged original account number ending 2764.

10.

Plaintiff is a consumer.

11.

Defendant is a debt collector.

12.

The collection letters defendant sent to plaintiff were communications attempting to collect alleged debt from plaintiff.

13.

Defendant's collection letters attempted to collect debt plaintiff did not owe.

14.

Specifically, defendant attempted to collect debt that plaintiff did not owe and never agreed to pay, that resulted from overseas fraud and or identity theft committed against plaintiff.

15.

FDCPA VIOLATION

Defendant's conduct as alleged above violated the FDCPA at 15 U.S.C. § 1692e and f by falsely representing the alleged amount of debt allegedly owed by plaintiff, and by attempting to collect alleged debt not expressly authorized by agreement or permitted by law.

16.

FAIR COMPENSATION

Defendant's violation of the FDCPA caused plaintiff actual damages including, but not limited to, stress, frustration, annoyance, anxiety, damage to his reputation, and other damages consistent with unfair debt collection in an amount to be determined by a jury. Plaintiff has a right to recover these damages pursuant to 15 U.S.C. § 1692k(a)(1).

17.

Plaintiff has a right to recover additional statutory damages pursuant to 15 U.S.C. § 1692k(a)(2). Plaintiff has a right to recover his costs and a reasonable attorney's fee incurred in prosecuting the FDCPA claim, pursuant to 15 U.S.C. § 1692k(a)(3).

18.

CAUSES OF ACTION

CLAIM ONE AGAINST DEFENDANT

UNLAWFUL DEBT COLLECTION

(15 U.S.C. § 1692k)

Plaintiff re-alleges all of the above paragraphs by reference.

19.

Defendant's conduct as alleged above failed to comply with the FDCPA, including and not limited to the provisions contained in § 1692e and f.

20.

Defendant's failure to comply with the FDCPA caused plaintiff actual damages as alleged above. As a result, plaintiff is entitled to recover fair compensation, including actual damages, statutory damages, costs and a reasonable attorney's fee pursuant to 15 U.S.C. § 1692k.

21.

DEMAND FOR JURY TRIAL.

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WHEREFORE, after a determination that defendant violated the FDCPA, plaintiff seeks order and judgment against defendant as follows:

- A. An award of compensatory damages against defendant;
- B. An award of statutory damages against defendant;
- C. An award reimbursing plaintiff for the costs of prosecuting the FDCPA claim, together with a reasonable attorney's fee, against defendant;
- D. Any other equitable relief this Court may determine to be fair and just.

DATED: March 4, 2015

RESPECTFULLY FILED,

s/ Michael Fuller

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