

Michael Fuller, OSB No. 09357

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

Nataliya Voloshina, a
consumer residing in
Multnomah County,

Case No. 3:16-cv-1398

COMPLAINT

Plaintiff,

15 U.S.C. § 1692k

v.

Demand for jury trial

Quick Collect, Inc.,
a licensed Oregon
debt collector,

Defendant.

1.

JURISDICTION AND THE PARTIES

This Court has jurisdiction under 28 U.S.C. § 1331 because the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 et seq., is a federal consumer protection law.

2.

Plaintiff Nataliya Voloshina (Voloshina) is an individual living in Multnomah County, Oregon and a consumer protected by the FDCPA because she allegedly owed a medical bill to defendant Quick Collect, Inc. (Quick Collect), an Oregon corporation.

3.

The medical bill Quick Collect attempted to collect from Voloshina was a “debt” subject to the FDCPA because it allegedly arose from a personal medical bill allegedly owed to Northwest Primary Care Group, PC.

4.

Quick Collect is a licensed Oregon “debt collector” subject to the FDCPA because it regularly attempts to collect consumer medical and dental debts on behalf of original creditors, it regularly communicates with consumers regarding defaulted consumer debts using collection letters through US Mail and collection calls through interstate phone lines, and its principal purpose for the past 32 years has been providing debt collection services to original creditors.

5.

Venue is proper under 28 U.S.C. § 1391 because Quick Collect attempted to collect debt from Voloshina in Multnomah County, Oregon.

6.

This complaint's allegations are based on personal knowledge as to Voloshina's conduct and made on information and belief as to the acts of others.

7.

FACTUAL ALLEGATIONS

In a letter dated June 23, 2016, Quick Collect unfairly attempted to collect an excessive amount of debt Voloshina did not owe, and used false, deceptive, and misleading representations about the amount of debt Voloshina allegedly owed.

8.

In a call on July 8, 2016, a Quick Collect agent identified as Shannon unfairly attempted to collect debt from Voloshina by misrepresenting that failure to pay would negatively affect Voloshina's ability to obtain employment, and by laughing at Voloshina and interrupting Voloshina when she attempted to refer Quick Collect to her attorney, and by hanging up on Voloshina when she attempted to provide her attorney's contact information.

9.

Quick Collect's conduct as alleged above undermined Voloshina's ability to intelligently determine whether the account at issue was actually hers, led Voloshina to reach incorrect understandings about what total debt amount she allegedly owed and why, caused Voloshina to form incorrect beliefs about the consequences of not paying its debt, interfered with Voloshina's ability to invoke her protections as a represented consumer under 15 U.S.C. § 1692c, caused Voloshina stress and confusion and to cry, and caused Voloshina to incur attorney fees and costs.

10.

CAUSE OF ACTION

(15 U.S.C. § 1692k)

Voloshina incorporates the allegations above by reference.

11.

Quick Collect violated the FDCPA, including 15 U.S.C. § 1592e and f as alleged in this complaint and Voloshina is entitled to actual damages, statutory damages, attorney fees and costs under 15 U.S.C. § 1692k.

12.

Demand for jury trial.

13.

PRAYER FOR RELIEF

After a determination that Quick Collect violated the FDCPA, Voloshina seeks relief as follows:

A. Order and Judgment in favor of Voloshina against Quick Collect for actual damages and statutory damages.

B. Order and Judgment in favor of the law firm of Olsen Daines PC against Quick Collect for reasonable fees and costs.

Voloshina also seeks any equitable relief this Court may determine is just and proper. Voloshina may intend to amend her complaint to include **class action** allegations upon discovery of evidence that Quick Collect misrepresented debt amounts in its form collection letters to other Oregon consumers.

July 10, 2016

RESPECTFULLY FILED,

s/ Michael Fuller

Michael Fuller, OSB No. 09357

Attorney for Voloshina

Olsen Daines PC

US Bancorp Tower

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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
 Nataliya Voloshina

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
 Michael Fuller, US Bancorp Tower, 111 SW 5th Ave., Suite 3150
 Portland, Oregon 97204, 503-201-4570

DEFENDANTS
 Quick Collect, 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

3 Federal Question *(U.S. Government Not a Party)*

2 U.S. Government Defendant

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)*

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

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 *(specify)*

6 Multidistrict Litigation

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. § 1692k

Brief description of cause:
FDCPA Violation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE _____ DOCKET NUMBER _____

DATE 07/10/2016 SIGNATURE OF ATTORNEY OF RECORD s/ Michael Fuller

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Oregon

Nataliya Voloshina

Plaintiff

v.

Quick Collect, Inc.

Defendant

Civil Action No. 3:16-cv-1398

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Quick Collect, Inc.
c/o R.A. Virginia Riddell
6308 SE Platt Ave
Portland, Oregon 97236

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nataliya Voloshina
c/o attorney Michael Fuller
Olsen Daines PC
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk