

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

DAWN DOROTHEA HIEBER, individually  
and on behalf of all others similarly situated,

Plaintiffs,

-VS-

THE ASSET RECOVERY GROUP, LLC  
D/B/A THE JUDGMENT GROUP and  
JOHN DOES 1-25,

Defendants.

Civil Case Number: 3:17-214-TLW

**CIVIL ACTION**

**CLASS ACTION COMPLAINT  
AND  
DEMAND FOR JURY TRIAL**

Plaintiff DAWN DOROTHEA HIEBER (hereinafter, “Plaintiff”), a South Carolina resident, brings this class action complaint against Defendant THE ASSET RECOVERY GROUP, LLC d/b/a THE JUDGMENT GROUP and JOHN DOES 1-25, (hereinafter “Defendants”), individually and on behalf of a class of all others similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure, based upon information and belief of Plaintiff’s counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff’s personal knowledge.

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Congress enacted the FDCPA in 1977 in response to the “abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors.” 15 U.S.C. § 1692(a). At that time, Congress was concerned that “abusive debt collection practices contribute to the number of personal bankruptcies, to material instability, to the loss of jobs, and to invasions of individual privacy.” *Id.* Congress concluded that “existing laws . . . [we]re inadequate to protect consumers,” and that “the effective collection of debts”

does not require “misrepresentation or other abusive debt collection practices.” 15 U.S.C. §§ 1692(b) & (c).

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

#### **JURISDICTION AND VENUE**

3. The Court has jurisdiction over this class action under 28 U.S.C. § 1331, 15 U.S.C. § 1692 *et seq.* and 28 U.S.C. § 2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. § 1367(a).
4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

#### **NATURE OF THE ACTION**

5. Plaintiff brings this class action on behalf of a class of consumers seeking redress for Defendant’s actions of using an unfair and unconscionable means to collect a debt.
6. Defendant's actions violated § 1692 *et seq.* of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act (“FDCPA”) which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.
7. Plaintiff is seeking damages, and declaratory and injunctive relief.

#### **PARTIES**

8. Plaintiff is a natural person and a resident of the State of South Carolina, and is a

“Consumer” as defined by 15 U.S.C. §1692(a)(3).

9. Defendant, The Asset Recovery Group, LLC d/b/a The Judgment Group (“TJG”) is a collection agency with an office located at 366 Thompson Creek Mall, Unit 191, Stevensville, Maryland 21666 and a mailing address of PO Box 191, Stevensville, Maryland 21666-0191.
10. Upon information and belief, TJG 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 another.
11. TJG is a “debt collector,” as defined under the FDCPA under 15 U.S.C. § 1692a(6).
12. Upon information and belief, TJG is a purchaser of performing and non-performing consumer credit debts, which are in default at the time the debts are acquired.
13. John Does 1-25, are fictitious names of individuals and businesses alleged for the purpose of substituting names of Defendants whose identities will be disclosed in discovery and should be made parties to this action.

### **CLASS ALLEGATIONS**

14. Plaintiff brings claims, pursuant to the Federal Rules of Civil Procedure (hereinafter “FRCP”) Rule 23, individually and on behalf of the following consumer class (the “Class”):

All consumers with an address in the state of South Carolina who received a collection letter from the Defendant attempting to collect a debt or alleged debt which fails to notify the consumer as to who the current creditor is and/or states false, deceptive and/or abusive language such as “People you know and don’t know may compete to get paid for telling us where you work, bank and own property” and “A report of your judgment could end up on the news, in newspapers, social media, community newsletters, church bulletins, neighborhood watch alerts, etc.”

15. The Class period begins one year to the filing of this Action.

16. The Class satisfies all the requirements of Rule 23 of the FRCP for maintaining a class action:

- Upon information and belief, the Class is so numerous that joinder of all members is impracticable because there are hundreds and/or thousands of persons who have received debt collection letters and/or notices from the Defendant that violate specific provisions of the FDCPA. Plaintiff is complaining of a standard form letter and/or notice that is sent to hundreds of persons (*See **Exhibit A***, except that the undersigned attorney has, in accordance with Fed. R. Civ. P. 5.2 partially redacted the financial account numbers in an effort to protect Plaintiff's privacy);
- There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:
  - a. Whether Defendant violated various provisions of the FDCPA;
  - b. Whether Plaintiff and the Class have been injured by Defendant's conduct;
  - c. Whether Plaintiff and the Class have sustained damages and are entitled to restitution as a result of Defendant's wrongdoing and if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and
  - d. Whether Plaintiff and the Class are entitled to declaratory and/or injunctive relief.
- Plaintiff's claims are typical of the Class, which all arise from the same

operative facts and are based on the same legal theories.

- Plaintiff has no interest adverse or antagonistic to the interest of the other members of the Class.
- Plaintiff will fairly and adequately protect the interest of the Class and has retained experienced and competent attorneys to represent the Class.
- A Class Action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.
- A Class Action will permit large numbers of similarly situated persons to prosecute their common claims in a single forum simultaneously and without the duplication of effort and expense that numerous individual actions would engender. Class treatment will also permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a Class Action, class members will continue to suffer losses of statutory protected rights as well as monetary damages. If Defendant's conduct is allowed proceed to without remedy they will continue to reap and retain the proceeds of their ill-gotten gains.
- Defendant has acted on grounds generally applicable to the entire Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

### **ALLEGATIONS OF FACT**

17. 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.

18. Some time prior to July 1, 2016, an obligation was allegedly incurred to a creditor, whose name is not listed on the Defendant's July 1, 2016 letter.
19. The credit obligation arose out of a transaction in which money, property, insurance or services, which are the subject of the transaction, are primarily for personal, family or household purposes.
20. The alleged creditor obligation is a "debt" as defined by 15 U.S.C. § 1692a(5).
21. The "creditor" is defined by 15 U.S.C. § 1692a(4).
22. Some point prior to July 1, 2016, the original creditor's debt was sold, consigned, or otherwise transferred to the Defendant for collections.
23. The Defendant collects and attempts to collect debts incurred or alleged to have been incurred for personal, family or household purposes on behalf of creditors using the United States Postal Services, telephone and internet.
24. On or about July 1, 2016, the Defendant caused to be delivered to the Plaintiff a collection letter in an attempt to collect the alleged debt. *See Exhibit A.*
25. The letter was sent or caused to be sent by persons employed by Defendant.
26. The letter is a "communication" as defined by 15 U.S.C. § 1692a(2).
27. The top left hand corner of the Defendant's July 1, 2016 letter states along the left border "NOTICE OF PUBLIC DISCLOSURE" followed by :  

"URGENT LEGAL NOTICE  
POB 191  
STEVENSVILLE, MD 21666-0191"
28. The top right hand corner of the Defendant's July 1, 2016 letter states:

"THE JUDGMENT GROUP"

SAMPLE OF YOUR PESONAL DELINGUENT JUDGMENT DETAILS

DELINQUENT DEBTOR’S NAME: HIEBER, DAWN

DELINQUENT’S ADDRESS: PO BOX 391, DELAWARE CITY, DE 19706

LEGAL BALANCE/PAST DUE AMOUNT: \$16,214.04

JUDGMENT DATE: 9/21/2004

#DAYS DELINQUENT: 4291”

29. In bold type, the Defendant’s July 1, 2016 letter further states:

***“What will you do when your friends, family, neighbors, coworkers and total strangers know you owe us \$16,214.04?”***

30. The body of the Defendant’s July 1, 2016 letter further states:

**“WHAT IS CHANGING:**

- Your Personal Judgment Details will be Made Public and Publicized starting Friday, July 1<sup>st</sup>.
- Anyone can go online, search a database and see you owe us \$16,214.04 and more (See above)

**HOW THIS IMPACTS YOU:**

- The world can search online 24/7 – by name or location – to see if anyone they know is breaking the law & see you.
- People you know and don’t know may compete to get paid for telling us where you work, bank and own property.
- Individuals, companies and employers may be notified or made aware via direct mail letters and postcards.
- A report of your judgment could end up on the news, in newspapers, social media, community newsletters, church bulletins, neighborhood watch alerts, etc.
- Google or online search of your name by anyone may display your personal delinquent judgment details.

**WHAT WE ARE DOING:**

Effective immediately, we have agreed to publicly release and publish the names, addresses and personal judgment details of individuals who refuse to pay us their judgment debts – which now includes you. A searchable database of judgment debtors will be live and promoted to the public at:

[www.MDJUDGMENTS.COM](http://www.MDJUDGMENTS.COM) and [WWW.INJUSTUS.COM](http://WWW.INJUSTUS.COM)

Sites updated once per month. Payments received after the 1<sup>st</sup> are delisted the following month.”

31. In closing the Defendant's July 1, 2016 letter states:

**“WHAT TO DO IMMEDIATELY:**

To stop this from happening to you, pay online at [www.JudgmentGroup.com](http://www.JudgmentGroup.com) by 7/1/16, call to make payment arrangements or mail payment payable to:

THE JUDGMENT GROUP  
PO Box 191  
Stevensville, MD 21666-0191

Toll-free 877-420-8628 x702

[www.JUDGMENTGROUP.COM](http://www.JUDGMENTGROUP.COM)

**IF WE DON'T HEAR FROM YOU:**

We will garnish your income, seize & sell your assets and apply proceeds to the \$16,214.004 you owe us ASAP.”

32. At no point in the letter does it state who the current creditor is.

33. The FDPCA grants consumers an information right to be told the true business name of the collection agency attempting to collect a debt.

34. Furthermore, the letter is wrought with false, deceptive and abusive language in violation of the FDCPA.

**FIRST CAUSE OF ACTION**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

**15 U.S.C. §1692 *et seq.***

35. 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.

36. Defendants' debt collection efforts attempted and/or directed towards the Plaintiff violated section 15 U.S.C. §1692d and §1692e of the FDCPA.

37. Section 15 U.S.C. §1692d prohibits a debt collector from engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person.

38. Defendant violated said section by:

a. Threatening to use criminal means to harm the reputation of the Plaintiff in

violation of 1692d(3).

- b. Advertising that they will offer money to individuals who will compete to get paid for telling the defendant information about the Plaintiff in violation of 1692d(4)

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

40. The Defendants violated said provision by:

- a. False representation of the character, amount, or legal status of the debt in violation of U.S.C. §1692e(2);
- b. The false representation or implication that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages of any person unless such action is lawful and the debt collector or creditor intends to take such action in violation of 15 U.S.C. §1692e (4);
- c. Making false threats to take action that cannot legally be taken in violation of 15 U.S.C. §1692e (5);
- d. Using false representation or implication that the consumer committed any crime or other conduct in order to disgrace the consumer in violation of 15 U.S.C. §1692e (7);
- e. Using false representations and/or deceptive means to collect or attempt to collect any debt in violation of 15 U.S.C. §1692e(10).
- f. Using a business name other than the true name of the debt collector's business in violation of 15 U.S.C. §1692e(14).

41. By reason thereof, Defendants are liable to Plaintiff for judgment that Defendant's conduct

violated Section 1692e *et seq.* of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

- (a) Declaring that this action is properly maintainable as a Class Action and certifying Plaintiff as Class representative and Dave Maxfield, Esq., as Class Counsel;
- (b) Awarding Plaintiff and the Class statutory damages;
- (c) Awarding Plaintiff and the Class actual damages;
- (d) Awarding Plaintiff costs of this Action, including reasonable attorneys' fees and expenses;
- (e) Awarding pre-judgment interest and post-judgment interest; and
- (f) Awarding Plaintiff and the Class such other and further relief as this Court may deem just and proper.

**DEMAND FOR TRIAL BY JURY**

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

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*Attorneys for the Plaintiffs  
(To be Admitted Pro Hac Vice)*

Dated: January 23, 2017