UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

KEVIN KING, ON BEHALF OF HIMSELF
AND ALL THOSE SIMILARLY SITUATED

Civil Action No.: 7:16-cv-00954-MGL

Plaintiff,

v.

MANAGED RECOVERY SYSTEMS

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Kevin King (hereinafter "Plaintiff"), brings this Complaint by and through his undersigned counsel against Defendant Managed Recovery Systems (hereinafter "Defendant") and alleges as follows:

JURISDICTION

1. This action arises out of violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA") by Defendant.

2. Jurisdiction of this Court arises under 28 U.S.C. §1331 and pursuant to 15 U.S.C. §1692k(d).

3. Venue is proper in this District pursuant to 28 U.S.C. §1391(b)(1) and (2) because the acts and transactions occurred in this jurisdiction and because Defendant transacts business in this jurisdiction.

PARTIES

4. Plaintiff is a natural person who resides in Spartanburg, South Carolina and is a "consumer" as that term is defined by 15 U.S.C. §1692a(3).

5. Defendant is a debt collection agency and South Carolina business entity that regularly collects or attempts to collect, directly or indirectly, consumer debts owed or due or asserted to be owed or due another in this state and judicial district with its principal place of business located at 1435 Augusta St., Greenville, South Carolina 29605.

6. Defendant is a "debt collector" as the phrase is defined and used in the FDCPA under 15 U.S.C. §1692a(6).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered 1 through 6 herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to Defendant, Cardiology Consultants assigned a consumer debt to Defendant for collection ("Alleged Debt").

9. The Alleged Debt arose out of a transaction in which money, property, insurance or services, which are the subject of the transaction, were primarily for personal, family or household purposes and is therefore a "debt" as that term is defined by 15 U.S.C. §1692a(5).

10. On or about August 17, 2015, Defendant sent a collection letter to Plaintiff in an attempt to collect the Alleged Debt ("Collection Letter"). The Collection Letter is attached hereto and made a part hereof for all purposes as Exhibit "A".

11. The Collection Letter is the initial communication from Defendant to Plaintiff regarding the debt.

12. The Collection Letter informs Plaintiff that Defendant has received Plaintiff's account from the original creditor and provides the account number and alleged amount due.

13. The Collection Letter provides in pertinent part that:

> This is a formal demand for payment in full. Should you not remit payment in full, or contact this office immediately to make satisfactory payment arrangements, we intend to either:
> 1. Submit this account for entry on your unpaid national credit record as an unpaid collection account. (Note: unpaid collection account entries remain on your credit record for seven (7) years).
> 2. Recommend to our client that they pursue further collection activity as authorized by state and federal statute.

14. After providing payment information, Defendant attempts to set forth Plaintiff's rights pursuant to 15 U.S.C. § 1692g and states as follows:

> Unless you notify us within 30 days of receiving this notice to dispute the validity of this debt or any portion of it, we will assume the debt is valid. If you notify us within 30 days of receiving this notice, we will obtain verification of the debt or obtain a copy of a judgment and mail this verification or judgment to you. If you notify us in writing within 30 days of receiving this notice to request the name and the address of the original creditor, we will provide that information to you if the current creditor is different from the original creditor.

15. Defendant's collection letter fails to advise that in order for the debt collector to have to provide verification of the debt or the name and address of the original creditor, if different from the current creditor, the request must be made in writing.

16. In addition, by instructing Plaintiff that he needed to remit payment in full or contact Defendant immediately to make satisfactory payment arrangements in order to avoid consequences, Defendant has overshadowed Plaintiff's dispute rights pursuant to 15 U.S.C. § 1692g.

CLASS ACTION ALLEGATIONS

17. Plaintiff brings this action as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure ("FRCP"), on behalf of himself and all persons/consumers residing in South Carolina, along with their successors-in-interest, who have received similar debt collection notices/letters/communications from Defendant which, as alleged herein, are in violation of the FDCPA, as of the date of Plaintiff's Complaint ("Class"). Excluded from the Class is Defendant

herein, and any person, firm, trust, corporation or other entity related to or affiliated with Defendant, including, without limitation, persons who are officers, directors, employees, associates or partners of Defendant as impracticable. On information and belief, thousands of persons have received debt collection notices/letters/communications from Defendant, which violate various provisions of the FDCPA.

18. This Class satisfies all the requirements of Rule 23 of the FRCP for maintaining a class action.

19. The Class is so numerous that joinder of all members is impracticable. On information and belief, thousands of persons have received debt collection notices/letters/communications from Defendant that violate various provisions of the FDCPA.

20. The debt collection notices/letters/communications from Defendant, received by the Class, are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."

21. 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: (i) Whether Defendant violated various provisions of the FDCPA; (ii) 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, (iv) Whether Plaintiff and the Class are entitled to declaratory and/or injunctive relief.

22. Plaintiff's claims are typical of the claims of the Class, and Plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

23. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted, this being specifically envisioned by Congress as a principal means of enforcing the FDCPA, as codified by 15 U.S.C. §1692(k).

24. The members of the Class have claims that are unlikely to be vindicated in the absence of a class action.

25. Prosecution of separate actions by individual members of the Class would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties.

26. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently 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.

27. Plaintiff will fairly and adequately represent the Class members' interests in that Plaintiff's counsel is experienced and, further, anticipates no impediments in the pursuit and maintenance of the class action as sought herein.

28. Defendant has acted, and will act, on grounds generally applicable to the entire Class, thereby making appropriate a final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

COUNT I
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §1692g(a)(4)

29. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered 1 through 28 herein with the same force and effect as if the same were set forth at length

herein.

30. Defendant's Collection Letter failed to advise that the debt collector is only obligated to obtain verification of the debt or a copy of the judgment if the consumer notifies the debt collector of the dispute request in writing.

31. Defendant's Collection Letter is in violation of 15 U.S.C. §1692g(a)(4) which requires that a collection letter contain a statement that upon written notification from the consumer 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.

COUNT II
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §1692g(a)(5)

32. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered 1 through 28 herein with the same force and effect as if the same were set forth at length herein.

33. Defendant's Collection Letter failed to advise that the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor, only upon the consumer's written request.

34. Defendant's Collection Letter is in violation of 15 U.S.C. §1692g(a)(5) which requires a statement that, upon the consumer's written request, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

COUNT III
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §1692e(10)

35. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs

numbered 1 through 28 herein with the same force and effect as if the same were set forth at length herein.

36. Defendant's Collection Letter failed to make the required disclosures pursuant to 15 U.S.C. §1692(g).

37. Defendant's Collection Letter used false representations and deceptive means to attempt to collect a debt by informing the consumer that he needed to pay in full or set up payment arrangements immediately notwithstanding his dispute rights pursuant to 15 U.S.C. § 1692g.

38. Defendant's Collection Letter used false representations and deceptive means to attempt to collect a debt by failing to inform the consumer that the verification requirements contained in 15 U.S.C. § 1692g(a)(4) and 15 U.S.C. § 1692g(a)(5) are only triggered by the consumer's written request.

39. Defendant's Collection Letter is in violation of 15 U.S.C. §1692e(10) which prohibits the use of any false representation or deceptive means to collect or attempt to collect any debt.

COUNT IV
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §1692g(b)

40. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered 1 through 28 herein with the same force and effect as if the same were set forth at length herein.

41. Defendant overshadowed Plaintiff's rights to dispute the alleged debt set forth under 15 U.S.C. § 1692g by requiring payment in full or that payment arrangements be set up immediately.

42. By overshadowing Plaintiff's dispute rights, Defendant is in violation of 15 U.S.C. § 1692g(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Kevin King demands judgment from the Defendant Managed Recovery Systems as follows:

A. Certification of the class pursuant to Rule 23(b)(3);

B. Statutory damages for the Plaintiff pursuant to 15 U.S.C. §1692k;

C. Statutory damages for the class pursuant to 15 U.S.C. § 1692k;

D. For attorneys' fees, costs and disbursements;

E. For an award of pre-judgment interest on all sums awarded and/or collected;

F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff, Kevin King, hereby respectfully requests a trial by jury for all claims and issues in her Complaint to which he is or may be entitled to at a jury trial.

Dated: March 25, 2016

Respectfully submitted,

By: __/s/ Chauntel Bland_____

Chauntel Bland, Esq.
463 Regency Park Drive
Columbia, SC 29210
Phone: (803) 319-6262
Fax: (866) 322-6815
Email: chauntel.bland@yahoo.com
Attorney for Plaintiff Kevin King

Of Counsel to the Firm:
Law Offices of Michael Lupolover, P.C.
120 Sylvan Avenue, Suite 300
Englewood Cliffs, NJ 07632
Phone: 201-461-0059
Facsimile: 201-608-7116

MRS
Managed Recovery Systems, Inc.
Debt Collection Professionals

KEVIN KING
242 FAIRFOREST RD
SPARTANBURG, SC 29301

8/17/2015

CLIENT REF#: 173633
AMOUNT DUE: $86.00

PLEASE DETACH AND RETURN IN THE ENCLOSED ENVELOPE WITH YOUR PAYMENT

RE: CLIENT: CARDIOLOGY CONSULTANTS PA
CLIENT REF#: 173633
AMOUNT DUE: $86.00

YOUR ACCOUNT HAS BEEN ASSIGNED FOR COLLECTION.

THIS IS A FORMAL DEMAND FOR PAYMENT IN FULL. SHOULD YOU NOT REMIT PAYMENT IN FULL, OR CONTACT THIS OFFICE IMMEDIATELY TO MAKE SATISFACTORY PAYMENT ARRANGEMENTS, WE INTEND TO EITHER:

1. **SUBMIT THIS ACCOUNT FOR ENTRY ON YOUR NATIONAL CREDIT RECORD AS AN UNPAID COLLECTION ACCOUNT. (NOTE: UNPAID COLLECTION ACCOUNT ENTRIES REMAIN ON YOUR CREDIT RECORD FOR SEVEN (7) YEARS).**

2. **RECOMMEND TO OUR CLIENT THAT THEY PURSUE FURTHER COLLECTION ACTIVITY AS AUTHORIZED BY STATE AND FEDERAL STATUTE.**

TO ENSURE PROPER CREDIT TO THE ABOVE LISTED BALANCE, PAYMENT MUST BE MADE TO OUR OFFICE.

PAYMENTS BY INTERNET	PAYMENTS BY PHONE	PAYMENT BY MAIL
www.managedrecoverysystems.net Visa, MasterCard, Discover	Please call (864) 271-2402 Visa, MasterCard, Discover Check-By-Phone	Check or Money Order Make checks or Money Orders payable to: **MRS, INC.**

UNLESS YOU NOTIFY US WITHIN 30 DAYS OF RECEIVING THIS NOTICE TO DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION OF IT, WE WILL ASSUME THE DEBT IS VALID. IF YOU NOTIFY US WITHIN 30 DAYS OF RECEIVING THIS NOTICE, WE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGEMENT AND MAIL THIS VERIFICATION OR JUDGEMENT TO YOU. IF YOU NOTIFY US IN WRITING WITHIN 30 DAYS OF RECEIVING THIS NOTICE TO REQUEST THE NAME AND THE ADDRESS OF THE ORIGINAL CREDITOR, WE WILL PROVIDE THAT INFORMATION TO YOU IF THE CURRENT CREDITOR IS DIFFERENT FROM THE ORIGINAL CREDITOR. "THIS IS AN ATTEMPT TO COLLECT A DEBT, ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE."

PO Box 8161
Greenville, SC 29604
864-271-2402 • Toll free: 866-296-3856
www.managedrecoverysystems.net