

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION**

PEARL ADAMS, individually and on behalf of all  
others similarly situated,

Plaintiff,

-v.-

JOHN LEE JACKSON, ESQ. and JOHN DOES 1-25,

Defendants.

C.A. No:

**CLASS ACTION  
COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff Pearl Adams (hereinafter, “Plaintiff” or “Adams”) brings this Class Action Complaint by and through her attorneys, Norsworthy Law Ltd. Co., against Defendant John Lee Jackson, Esq. (hereinafter “Defendant” or “Jackson”), 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**

1. Congress enacted the Fair Debt Collection Practices Act (“FDCPA” or “The Act”) 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 FDCPA 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, Congress created a private cause of action to provide consumers with a remedy against debt collectors who fail to comply with the FDCPA. *Id.* § 1692k.

### **JURISDICTION AND VENUE**

3. The Court has jurisdiction over this class action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692 et. seq. The Court has pendent jurisdiction over any 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) as this is where a substantial part of the events or omissions giving rise to the claim occurred.

### **NATURE OF THE ACTION**

5. Plaintiff brings this class action on behalf of a class of consumers under § 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA"), and

6. Plaintiff is seeking damages and declaratory relief.

**PARTIES**

7. Plaintiff is a resident of the State of South Carolina, County of Spartanburg, residing at 191 Chapel Court, Lot 2, Spartanburg, SC 29301.

8. Defendant Jackson is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA with an address at 900 Threadneedle Drive, Suite 600, Houston, TX 77079. *See Heintz v. Jenkins*, 514 U.S. 291, 298 (1995) (FDCPA applies to attorneys who regularly engage in debt collection activities, including litigation)

9. 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**

10. Plaintiffs bring this claim on behalf of the following case, pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3).

11. The Class consists of:

- a. all individual consumers residing in South Carolina;
- b. to whom Defendant Jackson sent a collection letter attempting to collect a consumer debt;
- c. regarding collection of a debt;
- d. which letter was signed by an attorney but stated the attorney had no meaningful involvement in reviewing the consumer's file prior to signing the letter; 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 a date twenty-one (21) days after the filing of this action.

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

13. Excluded from the Plaintiff Class are the Defendants and all officer, members, partners, managers, directors and employees of the Defendants and their respective immediate families, and legal counsel for all parties to this action, and all members of their immediate families.

14. 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 Defendants' written communications to consumers, in the forms attached as Exhibit A, violate 15 U.S.C. §§ 1692e and 1692f.

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

16. 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:** The Plaintiff is informed and believes, and on that basis alleges, that the Plaintiff Class defined above are 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 Defendants' written communications to consumers, in the forms **attached as Exhibit A** violate 15 § 1692e and 1692f.
- c. **Typicality:** The Plaintiff's claims are typical of the claims of the class members. The Plaintiff and all members of the Plaintiff Class have claims arising out of the Defendants' common uniform course of conduct complained of herein.
- d. **Adequacy:** The 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. The 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 the 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.

17. 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.

18. 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**

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

20. Some time prior to August 14, 2017, an obligation was allegedly incurred by Plaintiff.

21. The alleged obligation arose out of a transaction involving an alleged debt incurred by Plaintiff with Ashton Drake Galleries from which Plaintiff used credit to purchase items which were used primarily for personal, family or household purposes.

22. The alleged obligation is a "debt" as defined by 15 U.S.C. § 1692a(5).

23. The owner of the alleged obligation is a "creditor" as defined by 15 U.S.C. § 1692a(4).

24. The owner of the obligation contracted Universal Fidelity who in turn sub contracted Defendant to collect the alleged debt.

25. 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.

*Violation – August 14, 2017 Collection Letter*

26. On or about August 14, 2017, Defendant sent the Plaintiff a collection letter (the “Letter”) seeking to collect an alleged debt. See Letter attached hereto as Exhibit A.

27. The return address on the Letter reads

*John Lee Jackson*  
IN HOUSE CORPORATE ATTORNEY  
FOR UNIVERSAL FIDELITY, LP

28. The letter goes on to introduce Defendant as “an in-House Attorney ... employed by Universal Fidelity.”

29. Universal Fidelity, LP is a debt collector as defined in 15 U.S.C. §1692a(6).

30. Additionally, the Letter is signed by Defendant.

31. The last paragraph of the letter reads “I have not, nor will I, review the detail of your account status.”

32. “An attorney must have meaningful involvement in a consumer’s debt file if he signs a collection letter”. See e.g. *Palmer v. Stassinis*, 2009 U.S. Dist. LEXIS 4265, WL

86705 at \*6 (N.D.Cal. Jan. 9, 2009); *Tourgeman v. Collins Fin. Servs.*, 2011 U.S. Dist. LEXIS 81070 at \*27 (S.D.Ca. July 26, 2011).

33. The letter is deceptive and misleading because it is obvious that the Letter is written by Defendant but then states that Defendant had no part in reviewing the consumer's debt file before sending a collection letter.

34. It is further misleading because it can be read by the least sophisticated consumer to have two different and contradictory meanings.

35. The Letter is sent from an attorney which sends the consumer the message that a lawsuit is imminent despite the fact that the letter says Defendant will not sue the consumer.

36. As an attorney debt collector Defendant has a responsibility to review a consumer's file before he sends a letter attempting to collect a debt.

37. Sending collection letters without first reviewing consumers' files is an unfair and unconscionable debt collection practice as it requesting payment from the consumer on a debt that it has not even investigated or verified.

38. Plaintiff was placed in imminent risk of harm as she was sent a collection letter seeking to collect a debt from her without the collector first verifying the debt.

39. As a result of Defendant's deceptive misleading and false debt collection practices, Plaintiff has been damaged.

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



40. 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.

41. 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.

42. 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.

43. Defendant violated said section by making a false and misleading representations in violation of §1692e(10).

44. By reason thereof, Defendant is 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.

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

45. 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.

46. 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.

47. Pursuant to 15 U.S.C. §1692f, a debt collector may not use any unfair or unconscionable means in connection with the collection of any debt.

48. Defendant violated this section by overshadowing Plaintiff's rights to validate or dispute the debt provided him under the FDCPA.

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

**DEMAND FOR TRIAL BY JURY**

50. 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 Pearl Adams, individually and on behalf of all others similarly situated demands judgment from Defendant John Lee Jackson, Esq. as follows:

1. Declaring that this action is properly maintainable as a Class Action and certifying Plaintiff as Class representative, and Kenneth Norsworthy, Jr., Esq. as Class Counsel;
2. Awarding Plaintiff and the Class statutory damages;
3. Awarding Plaintiff and the Class actual damages;
4. Awarding Plaintiff costs of this Action, including reasonable attorneys' fees and expenses;
5. Awarding pre-judgment interest and post-judgment interest; and
6. Awarding Plaintiff and the Class such other and further relief as this Court may deem just and proper.

***[SIGNATURE BLOCK TO FOLLOW]***

Dated: August 10, 2018

Respectfully Submitted,

/s/ Kenneth E. Norsworthy, Jr.  
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