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8  
 9 **UNITED STATES DISTRICT COURT**  
**FOR THE**  
 10 **EASTERN DISTRICT OF CALIFORNIA**

11 **NOUR DABLAN,**  
 12 Plaintiff,  
 13 v.  
 14 **CMRE FINANCIAL**  
 15 **SERVICES, INC.,**  
 16 Defendant.

Case No.: \_\_\_\_\_

**COMPLAINT FOR DAMAGES  
 FOR VIOLATIONS OF:**

**FAIR DEBT COLLECTION  
 PRACTICES ACT, 15 U.S.C. §§ 1692  
 ET SEQ.**

**DEMAND FOR JURY TRIAL**

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 SAN FRANCISCO, CA 94104

**INTRODUCTION**

1. This is a case about a debt collector who reported information to the credit bureaus that it knew was false.
2. **NOUR DABLAN** (“Plaintiff”), by her attorney, brings this action for actual damages, statutory damages, attorneys fees, and costs, against **CMRE FINANCIAL SERVICES, INC.** (“Defendant”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.
3. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to the Plaintiff, or to the Plaintiff’s counsel, which Plaintiff alleges on personal knowledge.
4. While many violations are described below with specificity, this Complaint alleges violations of the statutes cited in their entirety.
5. All violations by Defendant were knowing, willful, and intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violations.
6. Unless otherwise indicated, the use of a Defendant’s name in this Complaint includes all agents, principles, managing agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers of that Defendant named.

**JURISDICTION AND VENUE**

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States, and pursuant to 28 U.S.C. § 1367 for pendent state law claims.

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1 8. This action arises out of Defendant’s violations Fair Debt Collection Practices  
2 Act, 15 U.S.C. §§ 1692 et seq. (“FDCPA”).

3 9. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because the acts and  
4 transactions occurred here, Plaintiff resides here, and Defendant transacts  
5 business here.

6 **FDCPA**

7 10. In enacting the FDCPA, Congress found that:

8 a. There is abundant evidence of the use of abusive, deceptive, and unfair debt  
9 collection practices by many debt collectors. Abusive debt collection  
10 practices contribute to the number of personal bankruptcies, to marital  
11 instability, to the loss of jobs, and to invasions of individual privacy.

12 b. Existing laws and procedures for redressing these injuries are inadequate to  
13 protect consumers.

14 c. Means other than misrepresentation or other abusive debt collection  
15 practices are available for the effective collection of debts.

16 d. Abusive debt collection practices are carried on to a substantial extent in  
17 interstate commerce and through means and instrumentalities of such  
18 commerce. Even where abusive debt collection practices are purely intrastate  
19 in character, they nevertheless directly affect interstate commerce.

20 e. It is the purpose of this title to eliminate abusive debt collection practice by  
21 debt collectors, to insure that those debt collectors who refrain from using  
22 abusive debt collection practices are not competitively disadvantaged, and to  
23 promote consistent State action to protect Consumers against debt collection  
24 abuses. 15 U.S.C. § 1692.

25 11. The FDCPA is a strict liability statute. That is, a plaintiff need not prove intent  
26 or knowledge on the part of the debt collector to establish liability. *See*  
27 *Gonzales v. Arrow Fin. Servs., LLC*, 660 F.3d 1055, 1060-61 (9th Cir. 2011);  
28 *Donohue v. Quick Collect*, 592 F.3d 1027, 1030 (“[t]he FDCPA is a strict

1 liability statute that makes debt collectors liable for violations that are not  
2 knowing or intentional”).

3 12. To further protect consumers, claims under the FDCPA are to be judged  
4 according to the “least sophisticated debtor” or “least sophisticated consumer”  
5 standard. *Gonzales* at 1061. This standard is lower than the “reasonable  
6 debtor” standard, and is specifically designed to protect consumers of below  
7 average and sophistication or intelligence. *Id.* In addition, a plaintiff need not  
8 even have actually been misled or deceived by the debt collector’s  
9 communication. Rather, liability depends on whether the *hypothetical* least  
10 sophisticated debtor – someone who is uninformed and naïve – would have  
11 likely been misled. *Id.*; *see also Tourgeman v. Collins Financial Servs.*, 755  
12 F.3d 1109, 1119 (9<sup>th</sup> Cir. 2014).

13 **PARTIES**

14 13. Plaintiff is a natural person who resides in Fresno County, California. Plaintiff  
15 is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

16 14. Defendant CMRE Financial Services, Inc. (hereinafter “Defendant CMRE”) is  
17 a California corporation operating from an address of 3075 East Imperial  
18 Highway Suite 200, Brea, CA 92821, and is a “Debt Collector” as that term is  
19 defined by 15 U.S.C. § 1692a(6) because it regularly uses the mails and/or the  
20 telephone to collect, or attempt to collect, directly or indirectly, defaulted  
21 consumer debts that it did not originate. It operates a nationwide debt collection  
22 business and attempts to collect debts from consumers in virtually every state,  
23 including consumers in the State of California. Its principal, if not sole, business  
24 purpose is the collection of defaulted consumer debts originated by others, and,  
25 in fact was acting as a debt collector as to the delinquent consumer debt it  
26 attempted to collect from Plaintiff.

27 **FACTUAL ALLEGATIONS**

28 15. Plaintiff is an individual residing in Fresno County, California.

1 16. Plaintiff is informed and believes, and thereon alleges, that at all times relevant,  
2 Defendant conducted and continues to conduct business in the State of  
3 California.

4 17. Defendant's business consists solely of the collection of delinquent consumer  
5 debts.

6 18. Defendant is seeking to collect from Plaintiff for a personal debt related to medical  
7 services.

8 19. On or about March 16, 2022, Plaintiff wrote to Defendant to let it know that she  
9 refused to pay the debt.

10 20. On or about March 22, 2022, Plaintiff received notification from the U.S. Postal  
11 Service that Experian had received her letter.

12 21. On or about March 28, 2022, Defendant nevertheless reported to at least one credit  
13 bureau that Plaintiff's account was disputed.

14 22. Defendant had never previously reported Plaintiff's debt as being disputed.

15 23. Plaintiff did not dispute the debt.

16 24. On information and belief, Defendant has, in the two years prior to the filing of  
17 this lawsuit, knowingly transmitted credit information that it knew to be  
18 inaccurate to multiple credit bureaus on multiple occasions.

19 **ACTUAL DAMAGES**

20 25. Plaintiff has suffered actual damages as a result of these illegal collection and  
21 intimidation tactics by this Defendant in the form of invasion of privacy, personal  
22 embarrassment, loss of personal reputation, loss of productive time, nausea, and  
23 feelings of fear, anxiety, hopelessness, anger, persecution, emotional distress,  
24 frustration, upset, humiliation, and embarrassment, amongst other negative  
25 emotions.

26 **CAUSE OF ACTION CLAIMED BY PLAINTIFF**

27 **VIOLATION OF § 1692E OF THE FDCPA**

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1 26. Plaintiff incorporates by reference all of the above paragraphs of this Complaint  
2 as though fully stated herein.

3 27. A debt collector violates § 1692e of the FDCPA when it uses any false, deceptive,  
4 or misleading representation or means in connection with the collection of any  
5 debt.

6 28. Defendant violated § 1692e when it, among other qualifying actions and  
7 omissions, willfully communicated credit information which it knew to be false.

8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for:

- 10 a) Award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) (FDCPA),  
11 against Defendant and for Plaintiff, and,  
12 b) Award of statutory damages in the amount of \$1000.00 pursuant to 15  
13 U.S.C. § 1692k(a)(1) (FDCPA) against Defendant and for Plaintiff, and,  
14 c) Award of costs of litigation and reasonable attorney's fees pursuant to 15  
15 U.S.C. § 1692k(a)(1) (FDCPA) against Defendant and for Plaintiff, and,  
16 d) Award to Plaintiff of such other and further relief as may be just and  
17 proper.

18 **TRIAL BY JURY IS DEMANDED.**

19 29. Pursuant to the Seventh Amendment to the Constitution of the United States of  
20 America, Plaintiff is entitled to, and demands, a trial by jury.

21  
22 Respectfully submitted,

23 **THE CARDOZA LAW CORPORATION**

24 DATED: July 15, 2022

25 BY: /s/ MICHAEL F. CARDOZA  
26 MICHAEL F. CARDOZA, ESQ.  
27 LAUREN B. VEGGIAN, ESQ.  
28 ATTORNEYS FOR PLAINTIFF  
NOUR DABLAN

1                    **ELECTRONICALLY STORED INFORMATION REQUEST**

2                    This notice is to demand that you preserve all documents, tangible things and  
3 electronically stored information (“ESI”) potentially relevant to any issues in the  
4 above-entitled matter. This specifically includes, but is not limited to, all  
5 information pertaining to the above matter, including specifically all recordings of  
6 any telephone communication between your company and Plaintiff.

7                    As used in this request, “you” and “your” or “your client” refers to your  
8 organizations, and its predecessors, successors in interest, assignees, parents,  
9 subsidiaries, divisions or affiliates, and their respective officers, directors,  
10 employees, servants, agents, attorneys, and accountants.

11                    Much of the information subject to disclosure or responsive to discovery is  
12 stored on your client’s current and former computer systems and other media and  
13 devices (such as: personal digital assistants, voice-messaging systems, online  
14 repositories and cell phones).

15                    Electronically stored information (“ESI”) should be afforded the broadest  
16 possible definition and includes (for example and not as an exclusive list)  
17 potentially relevant information whether electronically, magnetically or optically  
18 stored.

19                    This preservation obligation extends beyond ESI in yours or your client’s  
20 care, possession or custody and includes ESI in the custody of others that is subject  
21 to your client’s direction or control. You must notify any current or former agent,  
22 attorney, employee, custodian or contractor in possession of potentially relevant ESI  
23 to preserve such ESI to the full extent of your client’s obligation to do so, and you  
24 must try to secure their compliance.

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SAN FRANCISCO, CA 94104

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

Nour Dablan

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Michael F. Cardoza (194065); Lauren B. Veggian (309929) The Cardoza Law Corporation; 415-488-8041 548 Market St. #80594, San Francisco, CA 94104

DEFENDANTS

CMRE Financial Services, 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, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

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, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

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. §§ 1692 ET SEQ.

Brief description of cause: FAIR DEBT COLLECTION PRACTICES ACT

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [x] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 07/15/2022 SIGNATURE OF ATTORNEY OF RECORD /s/ Michael F. Cardoza

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



Case 1:22-cv-00878-JLT-SAB Document 1-1 Filed 07/15/22 Page 2 of 2  
**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.