

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

Moises Barragan on behalf of himself and all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Agruss Law Firm, LLC 4809 N. Ravenswood Ave., Suite 419, Chicago, IL 60640 Tel: 312-224-4695 / mike.agruss@844seemike.com

DEFENDANTS

Northtown Capital Services Group, LLC

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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, 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)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. § 1692 et seq. ("FDCPA")

Brief description of cause: debt collection harassment

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: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 07/12/2023 SIGNATURE OF ATTORNEY OF RECORD /s/ Michael S. Agruss

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## 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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six 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. When the petition for removal is granted, check this box.  
 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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.



4. Venue is proper in the United States District Court for the Eastern District of Texas because Defendant does or transacts business within this District and a material portion of the events at issue occurred in this District.

### **PARTIES**

5. Plaintiff is a natural person residing in the City of Port Arthur, Jefferson County, State of Texas.
6. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).
7. At all relevant times herein, Defendant was a company engaged, by use of the mails, in the business of collecting a debt from Plaintiff which qualifies as a “debt,” as defined by the FDCPA, 15 U.S.C. § 1692a(5).
8. Defendant is a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(6).
9. Defendant is a New York-organized limited liability company located in the Town of Cheektowaga, Erie County, State of New York.
10. Defendant’s business includes, but is not limited to, collecting on unpaid, outstanding consumer account balances.
11. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.
12. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTS**

13. Within the one year preceding the filing of this Complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding consumer debt.

14. In August 2022, in its attempts to collect the debt allegedly owed by Plaintiff, Defendant sent Plaintiff a collection letter dated August 2, 2022 via U.S. Mail (hereinafter, “Collection Letter”). (A true-and-correct copy of which is attached hereto as Exhibit A).

15. The Collection Letter, *inter alia*, states:

**How can you dispute the debt?**

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- **Call or write to us by September 1, 2022, to dispute all or part of the debt.** If you do not, we will assume that our information is correct.
- **If you write to us by September 1 2022,** we must stop collection on any amount you dispute until we send you information that shows you owe the debt. You may use the form below or write to us without the form.  
You may also include supporting documents. We accept disputes electronically at [Support@northtowncapitalsg.com](mailto:Support@northtowncapitalsg.com)

**What else you can do?**

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- **Write to ask the name and address of the original creditor, if different from the current creditor.** If you write to us by September 1, 2022, we must stop collection until we send you that information. You may use the form below or write to us without the form.  
You may also include supporting documents. We accept such requests electronically at [Support@northtowncapitalsg.com](mailto:Support@northtowncapitalsg.com)

16. The Collection Letter employs false, deceptive, or misleading representations, including the foregoing statements because the FDCPA affords Plaintiff “thirty days **after receipt** of the [Collection Letter]” to dispute the validity of the debt and request the name and address

of the original creditor. FDCPA, 15 U.S.C. § 1692g(a)(3)-(5) (emphasis added).

17. The Collection Letter sets a date certain of September 1, 2022 in the three bulleted paragraphs above.
18. Plaintiff received the Collection Letter several days after the date of the Collection Letter, August 2, 2022, which makes the September 1, 2022 deadline date in the Collection Letter less than the thirty days that must be afforded to Plaintiff pursuant to 15 U.S.C. § 1692g(a)(3)-(5).
19. The September 1, 2022 deadline in the Collection Letter overshadows or is inconsistent with Plaintiff's dispute, validation, and other rights. FDCPA, 15 U.S.C. § 1692g(b).
20. Under the FDCPA, the validation of debts notice must be effectively communicated, and may not be overshadowed, confounded, or eviscerated by other language or words as seen from the perspective of the least sophisticated consumer.
21. The natural consequences of Defendant's statements and actions was to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.
22. The natural consequences of Defendant's actions was to unjustly condemn and vilify Plaintiff for his non-payment of the alleged debt.
23. Defendant's above-referenced conduct further affected Plaintiff in a personal and individualized way by causing Plaintiff to experience anger, stress, worry, frustration, embarrassment, and mental distress.
24. Defendant's actions further constitute an invasion of Plaintiff's individual privacy and Plaintiff has suffered a concrete and particularized injury to his legally protected interest of his individual privacy.

**CLASS ALLEGATIONS**

25. Plaintiff brings this claim individually and on behalf of a class pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(3) (the “Class”).

26. Plaintiff seeks to represent the Class defined as:

All consumers in the United States of America who were sent a letter that is identical to or is substantially the same form as the Collection Letter by or on behalf of Defendant, which seeks to collect an alleged consumer debt, within one year prior to the filing of this action and which was not returned as undeliverable..

27. On information and belief, the class is so numerous that joinder of all members is not practicable because there are hundreds and/or thousands of persons who have received debt collection letters and/or notices from Defendant that violate the specific provisions of the FDCPA. Plaintiff is complaining of a standard form letter and/or notice that is sent to hundreds, if not thousands, of persons.

- a. There are questions of law and fact common to the class members, which predominate over any questions relating to individual class members. The predominant common questions are (a) whether Defendant’s Collection Letter employs false, deceptive, or misleading representations pursuant to the FDCPA; and (b) whether Defendant’s Collection Letter overshadows and is inconsistent with the disclosure of Plaintiff’s right to dispute the alleged debt or request the name and address of the original creditor pursuant to the FDCPA.

28. Plaintiff’s claim is typical of the claims of the class members. All are based on the same factual and legal theories.

29. Plaintiff has no interest adverse or antagonistic to the interest of the members of the Class.

30. Plaintiff will fairly and adequately represent the class members. Plaintiff has retained counsel experienced in class actions and FDCPA litigation.

31. A class action is superior for the fair and efficient adjudication of this matter, in that:

- a. Individual actions are not economically feasible;
- b. Members of the Class are likely to be unaware of their rights; and
- c. Congress intended class actions to be the principal enforcement mechanism under the FDCPA.

32. 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.

33. 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.

**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
(By Plaintiff and the Class Against Defendant)

34. Plaintiff hereby incorporates the preceding paragraphs 1-33 as if set forth in full herein.

35. Based upon the foregoing, Defendant's conduct violated the FDCPA as follows:

- a. Using any false, deceptive, or misleading representation or means in connection



with the collection of any debt, in violation of § 1692e of the FDCPA;

- b. Using any false representation or deceptive means to collect or attempt to collect any debt, in violation of § 1692e(10) of the FDCPA; and
- c. By engaging in collection activities that overshadowed or were inconsistent with the disclosure of the consumer's right to dispute the alleged debt, in violation of § 1692g(b) of the FDCPA.

36. Plaintiff alleges that to the extent that Defendant's actions, detailed above, violated the FDCPA, those actions were done knowingly and willfully.

37. As a direct and proximate result of Defendant's violations of the FDCPA, 15 U.S.C. § 1692 *et seq.*, Plaintiff and the members of the Class have suffered injury, and may each recover from Defendant one-thousand dollars (\$1,000.00) in statutory damages in addition to actual damages and reasonable attorneys' fees and costs pursuant to 15 U.S.C. § 1692k.

38. The violations of the FDCPA, 15 U.S.C. § 1692 *et seq.*, described herein present a continuing threat to members of the Class and members of the general public in that Plaintiff is informed and believes and thereon alleges that Defendant continues to engage in these practices, and will not cease doing so unless and until forced to do so by this Court.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court to grant Plaintiff and the Class members the following relief against Defendant, NORTHTOWN CAPITAL SERVICES GROUP, LLC:

- A. That this action be certified as a class action on behalf of the Class and Plaintiff be appointed as the representative of the Class;

- B. For statutory damages of \$500,000.00 or 1% of Defendant's net worth, whichever is the lesser, pursuant to 15 U.S.C. § 1692k;
- C. For reasonable attorneys' fees and costs of suit, pursuant to 15 U.S.C. § 1692k; and
- D. For such further relief as this Court deems necessary, just, and proper.

**DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff demands a trial by jury in this action.

Date: July 11, 2023

Respectfully submitted,  
AGRUSS LAW FIRM, LLC

By: /s/ Michael S. Agruss

Michael S. Agruss  
IL State Bar #: 628100  
4809 N. Ravenswood Avenue, Suite 419  
Chicago, IL 60640  
Tel: 312-224-4695  
Fax: 312-253-4451  
mike.agruss@844seemike.com  
Attorneys for Plaintiff

**EXHIBIT A**

Northtown Capital Services Group LLC  
 305 Cayuga Rd.  
 Suite 180  
 Cheektowaga, NY 14225  
 (833) 807-6662  
 www.northtowncapitalservicesgroup.com

To: MOISES BARRAGAN  
 2146 WIGNALL AVE  
 PORT ARTHUR, TX 77642

Reference: 244206

Date: 08/02/2022

**Northtown Capital Services Group LLC is a debt collector.** We are trying to collect a debt that you owe to Purpose Financial. We will use any information you give us to help collect the debt.

**Our information shows:**

You had an account with Purpose Financial with account number 5277856.	
As of 9/2/2019, you owed:	\$1,676.79
Between September 2, 2019, and today:	
You were charged this amount in interest:	+ \$0.00
You were charged this amount in fees:	+ \$0.00
You paid or were credited this amount	- \$0.00
Toward the debt:	
<b>Total amount of the debt now:</b>	<b>\$1,676.79</b>

**How can you dispute the debt?**

- Call or write to us by September 1, 2022, to dispute all or part of the debt. If you do not, we will assume that our information is correct.
- If you write to us by September 1, 2022, we must stop collection on any amount you dispute until we send you information that shows you owe the debt. You may use the form below or write to us without the form. You may also include supporting documents. We accept disputes electronically at Support@northtowncapitalsg.com

**What else you can do?**

- Write to ask the name and address of the original creditor, if different from the current creditor. If you write by September 1, 2022, we must stop collection until we send you that information. You may use the form below or write to us without the form. We accept such requests electronically at Support@northtowncapitalsg.com
- Go to [www.cfpb.gov/debt-collection](http://www.cfpb.gov/debt-collection) to learn more about your rights under federal law. For instance, you have the right to stop or limit how we contact you.
- Contact us about your payment options.
- Póngase en contacto con nosotros para solicitar una copia de este formulario en español.

**How do you want to respond?**

Check all that apply

**I want to dispute the debt because I think:**

- This is not my debt.
- The amount is wrong.
- Other (Please describe on reverse or attach additional information)
- I want you to send me the name and address of the original creditor.
- I enclosed this amount: \$

**Mail this form to:**  
 Northtown Capital Services Group LLC  
 305 Cayuga Rd.  
 Suite 180  
 Cheektowaga, NY 14225

**Moises Barragan**  
 2146 WIGNALL AVE  
 Port Arthur, TX 77642

Make your check payable to Northtown Capital Services Group LLC  
 Include the reference number 244206.

- I will make a payment via the website
- Quiero este formulario en español

Notice: We accept payments via our website at [www.northtowncapitalservicesgroup.com](http://www.northtowncapitalservicesgroup.com)

Notice: See page 2 for important information.