

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Court File No.: 24-cv-412**

Nicholas Fischer,

Plaintiff,

v.

Radius Global Solutions LLC,

Defendant.

COMPLAINT

JURY TRIAL DEMANDED

PRELIMINARY STATEMENT

1. This action arises out of Defendant Radius Global Solutions LLC (“Defendant Radius Global”) violations of the Bankruptcy Discharge Injunction provisions of the Bankruptcy Code, and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et. seq.* (“FDCPA”).

JURISDICTION

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d), 11 U.S.C. § 524, and pursuant to 28 U.S.C. § 1367 for pendent state law claims.
3. Venue is proper in this District because the acts and transactions occurred in this District, Plaintiff resides in this District, and Defendant transacts business in this District.

PARTIES

4. Plaintiff Nicholas Fischer (hereinafter “Plaintiff”), is a natural person obligated or allegedly obligated to pay a debt, who resides in the City of Lakeville, County of Dakota, State of Minnesota, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
5. Defendant Radius Global is a collection agency whose principal purpose is to purchase defaulted debts and seek to collect them. Defendant Radius Global has its headquarters located at 7831 Glenroy Road, Suite 250, Edina, MN 55439. Defendant Radius Global regularly attempts to collect consumer debts alleged to be due to another and/or who uses any instrumentality of interstate commerce or the mail in any business the principal purpose of which is the collection of any debts. Defendant Radius Global is a “debt collector,” as defined by § 1692a(6) of the FDCPA, as it uses any instrumentality of interstate commerce or the mail in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.

FACTUAL SUMMARY

6. On or before the Plaintiff's bankruptcy was filed in September 2023, the Plaintiff incurred medical debt.
7. The medical company the Plaintiff was indebted to hired Radius Global Solutions as a debt collector.

8. On September 1, 2023, Plaintiff commenced a Chapter 7 bankruptcy case in the U.S. Bankruptcy Court, District of Minnesota, Case No. 23-31823, and included Defendant Radius Global as an unsecured creditor.
9. According to the United States Bankruptcy Court records on September 4, 2023, the Court emailed and mailed via first class mail a notice to Defendant Radius Global notifying it of Plaintiff's bankruptcy via the Bankruptcy Noticing Center.
10. Despite receiving direct notice from the bankruptcy court, and contrary to Plaintiff's Bankruptcy filing, Defendant has attempted and continues to attempt to collect on the judgment that was included and discharged in Plaintiff's bankruptcy, in violation of 11 U.S.C. § 524.
11. On or about October 18, 2023, Plaintiff's bankruptcy attorney's office contacted Defendant Radius Global by letter and put it on direct notice for a second time that the debt they were attempting to collect had been included in Plaintiff's bankruptcy and they needed to cease any further collection efforts.
12. Despite the notice from Plaintiff's bankruptcy attorney, Defendant Radius Global continued to contact Plaintiff and those communications with Plaintiff violated 15 U.S.C. § 1692c(a)(2).
13. Defendant Radius Global proceeded to send Plaintiff direct text messages on the following dates:
 - October 17, 2023 10:35 a.m.
 - October 24, 2023 11:27 a.m.
 - October 31, 2023 11:02 a.m.

attempting to collect the debt that was included in Plaintiff's bankruptcy, in violation of 11 U.S.C. §§ 362(a)(1), 362(a)(3), 362(a)(6) and 15 U.S.C. §§ 1692d, 1692e, 1692e(5), and 1692f.

14. Then again on or about November 1, 2023, Plaintiff's bankruptcy attorney's office contacted by letter Defendant Radius Global and put it on direct notice for a third time that the debt they were attempting to collect had been included in Plaintiff's bankruptcy and they needed to cease any further collection efforts.
15. Despite the notice from Plaintiff's bankruptcy attorney on November 1, 2023, Defendant Radius Global continued to contact Plaintiff and those communications with Plaintiff violated 15 U.S.C. § 1692c(a)(2).
16. Specifically, Defendant Radius Global proceeded to send Plaintiff direct text messages on the following dates:
 - November 7, 2023 12:36 p.m.
 - November 14, 2023 11:23 a.m.
 - November 21, 2023 1:02 p.m.
 - November 28, 2023 1:32 p.m.
17. Defendant Radius Global knew or should have known from the communications received from the bankruptcy Court and direct communications from Plaintiff's bankruptcy counsel that Plaintiff was represented by an attorney, specifically his bankruptcy counsel, Walker & Walker Law Office Ltd., and had filed for Chapter 7 bankruptcy protection.
18. Despite receiving the notices of Plaintiff's bankruptcy filing, Defendant Radius Global took no steps to suspend, cease, or stop the collection proceedings/actions.

19. Because the debt was included in Plaintiff's bankruptcy, Defendant Radius Global continued collection action, and specifically the text message collection campaign constitutes violations of 11 U.S.C. §§ 524(a)(2) and 524(a)(3) and 15 U.S.C. §§ 1692d, 1692e, 1692e(5), and 1692f.
20. Defendant Radius Global's actions against Plaintiff described herein were done knowingly, consciously, deliberately, and willfully, despite Defendant Radius Global having received and documented notice of Plaintiff's bankruptcy.
21. Plaintiff has suffered emotional distress, fear, anxiety, and loss of sleep because of Defendant Radius Global's illegal conduct.

TRIAL BY JURY

22. Plaintiff is entitled to, and hereby demands, a trial by jury. U.S. Const. amend. VII; Fed. R. Civ. P. 38.

CAUSES OF ACTION

COUNT I.

BANKRUPTCY DISCHARGE INJUNCTION VIOLATION – 11 U.S.C. § 524

23. Plaintiff incorporates by reference all preceding paragraphs as though fully stated herein.
24. Defendant Radius Global's actions by repeated attempts to collect on a debt that had been included in a bankruptcy, violated the discharge injunction.
25. Defendant Radius Global's actions in attempting to collect the alleged debt included and discharged in Plaintiff's bankruptcy were willful.

26. In its actions set forth above, Defendant Radius Global has violated the discharge injunction provision of the Bankruptcy Code, including but not limited to 11 U.S.C. § 524(a)(2) and § 524(a)(3).
27. Defendant Radius Global's violations of the discharge injunction entitle Plaintiff to actual damages, attorney's fees, and costs, as well as punitive and/or exemplary damages and any other applicable sections of the Bankruptcy Code. *See Taggart v. Lorenzen*, 2019 WL 2331303 (June 3, 2019).
28. The knowing, conscious, deliberate, and willful violations of the discharge injunction by Defendant Radius Global are in contempt of the bankruptcy court and are further punishable under Sections 105(a) of the Bankruptcy Code.

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

29. Plaintiff incorporates by reference all preceding paragraphs as though fully stated herein.
30. Defendant Radius Global's above-stated acts and omissions violate the FDCPA, including, but not limited to, each one of the above-cited provisions of the FDCPA described in the paragraphs above, 11-16.
31. Defendant Radius Global's violations have caused Plaintiff actual damages in the form of emotional distress and mental anguish.
32. As a result of Defendant Radius Global's violations of the FDCPA, Plaintiff is entitled to actual damages, statutory damages, under 15 U.S.C. § 1692k(a)(2)(A), and reasonable attorney's fees and costs, according to 15 U.S.C. § 1692k(a)(3).

**COUNT III.
INVASION OF PRIVACY - INTRUSION UPON SECLUSION**

33. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
34. Defendant Radius Global intentionally intruded upon Plaintiff's solitude, seclusion, and private concerns and affairs when, despite having the knowledge that Plaintiff had filed for personal bankruptcy protection, Defendant Radius Global continued to harass Plaintiff to collect a debt that was included in Plaintiff's bankruptcy petition.
35. Defendant Radius Global's intrusion was substantial, highly offensive to Plaintiff, and would be highly offensive and objectionable to any reasonable person in Plaintiff's position.
36. Plaintiff had a legitimate expectation of privacy in his solitude, seclusion, and private concerns and affairs.
37. As a result of Defendant Radius Global's intrusion, Plaintiff has suffered actual damages in the form of sleeplessness, mental anguish, and emotional distress, and is entitled to an award of actual damages in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant Radius

Global as follows:

- Judgment be entered against Defendant Radius Global and in favor of Plaintiff for actual damages, including attorney's fees and costs, as well as punitive and/or exemplary damages for Defendant Radius Global violation of discharge injunction stay;
- Find Defendant Radius Global in contempt of court for having knowingly, willfully, and deliberately violated the permanent injunction mandate;

- An order be entered declaring that Defendant Radius Global's actions as described above violate the FDCPA;
- Judgment be entered against Defendant Radius Global for actual damages, under 15 U.S.C. § 1692k(a)(1);
- Judgment be entered against Defendant Radius Global for statutory damages under 15 U.S.C. § 1692k(a)(2)(A);
- The Court award costs and reasonable attorney's fees, under 15 U.S.C. § 1692k(a)(3);
- Awarding actual damages for Defendant Radius Global's illegal intrusion upon Plaintiff's seclusion; and
- For such other and further relief as may be just and proper.

Dated: February 9, 2024.

Respectfully submitted,

By: s/ Thomas J. Lyons Jr.

Thomas J. Lyons, Jr., Esq.

Attorney I.D. #: 249646

Carter B. Lyons, Esq.

Attorney I.D. #: 0403655

CONSUMER JUSTICE CENTER, P.A.

367 Commerce Court

Vadnais Heights, MN 55127

Telephone: (651) 770-9707

Facsimile: (651) 704-0907

tommy@consumerjusticecenter.com

carter@consumerjusticecenter.com

ATTORNEYS FOR PLAINTIFF

VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

I, Nicholas Fischer, having first been duly sworn and upon oath, depose and say as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all the facts contained in it are true, to the best of my knowledge, information, and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not intended for any improper purpose, such as to harass the Defendant, cause unnecessary delay to the Defendant, or create a needless increase in the cost of litigation to the Defendant named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes outlined in it.

Dated this 9 day of February 2024.

s/Nicholas Fischer
Nicholas Fischer

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

Nicholas Fischer

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Thomas J Lyons Jr, Consumer Justice Center PA, 367 Commerce Court, Vadnais Heights, MN 55127, 651-770-9707. tommv@consumerjusticecenter.com

DEFENDANTS

Radius Global Solutions 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, 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)

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)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 210 Land Condemnation, 310 Airplane, 440 Other Civil Rights, 463 Alien Detainee, 625 Drug Related Seizure, 710 Fair Labor Standards Act, 820 Copyrights, 870 Taxes (U.S. Plaintiff or Defendant), 375 False Claims Act, 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 (specify), 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: Violation of the 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: Feb 9, 2024 SIGNATURE OF ATTORNEY OF RECORD: s/Thomas J Lyons Jr

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 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.