

Elliot M. Elo, Esq.  
The Law Office of Elliot M. Elo, Esq. PLLC  
42 West 48<sup>th</sup> Street, 2<sup>nd</sup> Floor  
New York, NY, 10036  
Tel: (212) 302-1257  
*Attorney for Plaintiff, Miyah White*  
*on behalf of herself and all others similarly situated*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

**MIYAH WHITE**

**Plaintiff,**

**v.**

**JURY TRIAL DEMANDED**

**Case No.**

**TRUEACCORD CORP.,**

**Defendant,**

-----X

---

**COMPLAINT AND DEMAND FOR JURY TRIAL**

---

Plaintiff, by and through her counsel, Elliot Elo, Esq., as and for her complaint against Defendant, on behalf of herself and all others similarly situated, alleges as follows:

## I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Miyah White (hereinafter “Plaintiff”) an individual consumer, against, TrueAccord Corp., (hereinafter “Defendant”), for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

## II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C § 1692k(d) 28 U.S.C 1331. Venue in this District is proper in that the Defendant transact business in New York, New York County, New York, and the conduct complained of occurred in New York, New York County, New York.

## III. PARTIES

3. Plaintiff is a natural person residing in New York, New York County, New York. Plaintiff is a “consumer” as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Plaintiff alleged “debt” as defined by the FDCPA, 15 U.S.C 1692a(5) this alleged debt at issue arose from a transaction entered into primarily for personal use.

5. Upon information and belief TrueAccord is a Kansas corporation with its principal place of business located at 16011 College Blvd Suite 130 Lenexa, KS 66219.
6. Defendant is engaged in the collection of debts from consumers using the mail, electronic mail (hereinafter “email”) Short Message Service Text (hereinafter “text message”) and telephone. Defendant is regularly engaged in the business of collecting or attempting to collect debts owed or due or asserted to be owed or due another.
7. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. 1692a(6).

#### **IV. FACTS OF THE COMPLAINT**

8. On or about December 10, 2023, Ms. White received a text message from Defendant attempting to collect on a debt in the amount of \$652.57, (six hundred and fifty-two dollars and fifty-seven cents) allegedly owed to Credit One Bank.
9. On or about December 14, 2023, Plaintiff received a text message from Defendant.
10. On or about December 16, 2023, Plaintiff received a text message from Defendant.
11. On or about December 18, 2023, at 3:26, Plaintiff replied to Defendant’s text message: “The holidays are here, and I want to spend my money on gifts for my family. I decline to pay. Happy Holidays!”
12. On or about December 21, 2023, at 11:43 AM, the Plaintiff received another text

message from the Defendant in a further attempt to collect the aforementioned debt.

13. The Defendant's response constitutes a violation of 15 U.S.C 1692c(c).
14. Plaintiff has suffered actual damages as a result of these illegal collection communications by Debt Collector in the form of anger, anxiety, decreased ability to focus on tasks while at work, frustration, amongst other negative emotions, as well as suffering from unjustified abusive intrusion upon seclusion.

#### **V. CLAIM FOR RELIEF**

##### **Violation of 15 U.S.C. § 1692c(c) as to Defendant, TrueAccord Corp.,**

15. Plaintiff re-alleges and reincorporates all previous paragraphs as if fully set out herein.
16. The Debt Collector violated the FDCPA.
17. The Debt Collector's violations include, but are not limited to, the following:
  - (a) The Debt Collector violated 15 U.S.C § 1692c(c) of the FDCPA by communicating with the consumer after the consumer notifies in writing that they refuse to pay.
18. As a result of the above violations of the FDCPA, Defendant is liable to Plaintiff actual damages, statutory damages, and costs.

#### **VI. JURY DEMAND AND PRAYER FOR RELIEF**

WHEREFORE, Plaintiff **MIYAH WHITE** respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against the Debt Collector for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C 1692k(2);
- D. Cost and reasonable attorney's fees pursuant to 15 U.S.C 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

/s/ Elliot Elo

---

Elliot M. Elo, Esq. PLLC  
42 West 48<sup>th</sup> Street  
2<sup>nd</sup> Floor  
New York, NY, 10036  
(212) 302-1257 (telephone)  
ElliotEloEsq@aol.com (email)

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 use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Miyah White

DEFENDANTS

TrueAccord Corp.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Law Office of Elliot M. Elo, Esq. PLLC  
42 West 48th Street, 2nd Floor, New York, NY 10036  
Phone: 212-302-1257

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

15 USC 1692 - Defendant communication was in a prohibited manner.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE? No  Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 151 MEDICARE ACT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
- 160 STOCKHOLDERS SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

PERSONAL INJURY

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MED MALPRACTICE

ACTIONS UNDER STATUTES

CIVIL RIGHTS

- 440 OTHER CIVIL RIGHTS (Non-Prisoner)
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
- 446 AMERICANS WITH DISABILITIES -OTHER
- 448 EDUCATION

PERSONAL INJURY

- 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY
- 365 PERSONAL INJURY PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY
- 370 OTHER FRAUD
- 371 TRUTH IN LENDING

PERSONAL PROPERTY

- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

PRISONER PETITIONS

- 463 ALIEN DETAINEE
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 DEATH PENALTY
- 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

- 550 CIVIL RIGHTS
- 555 PRISON CONDITION
- 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

FORFEITURE/PENALTY

- 625 DRUG RELATED SEIZURE OF PROPERTY
- 21 USC 881
- 690 OTHER

PROPERTY RIGHTS

- 820 COPYRIGHTS
- 830 PATENT
- 835 PATENT-ABBREVIATED NEW DRUG APPLICATION
- 840 TRADEMARK

LABOR

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY MEDICAL LEAVE ACT (FMLA)
- 790 OTHER LABOR LITIGATION
- 791 EMPL RET INC SECURITY ACT (ERISA)

IMMIGRATION

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

BANKRUPTCY

- 422 APPEAL
- 28 USC 158
- 423 WITHDRAWAL
- 28 USC 157

SOCIAL SECURITY

- 861 HIA (1395ff)
- 862 BLACK LUNG (923)
- 863 DIWC/DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS-THIRD PARTY
- 26 USC 7609

OTHER STATUTES

- 375 FALSE CLAIMS
- 376 QUI TAM
- 400 STATE REAPPORTIONMENT
- 410 ANTI TRUST
- 430 BANKS & BANKING
- 450 COMMERCE
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
- 480 CONSUMER CREDIT
- 485 TELEPHONE CONSUMER PROTECTION ACT
- 490 CABLE/SATELLITE TV
- 850 SECURITIES/ COMMODITIES/ EXCHANGE
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT
- 896 ARBITRATION
- 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN *x* IN ONE BOX ONLY)

**ORIGIN**

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation (Transferred)
- 7 Appeal to District Judge from Magistrate Judge
- a. all parties represented
- b. At least one party is pro se.
- 8 Multidistrict Litigation (Direct File)

(PLACE AN *x* IN ONE BOX ONLY)

**BASIS OF JURISDICTION**

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**

- 1 U.S. PLAINTIFF
  - 2 U.S. DEFENDANT
  - 3 FEDERAL QUESTION
  - 4 DIVERSITY
- (U.S. NOT A PARTY)

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ]	[ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ]	[ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ]	[ ]
CITIZEN OF ANOTHER STATE	[ ]	[ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]	[ ]	FOREIGN NATION	[ ]	[ ]

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Miyah White  
 608 West 135th Street, Apartment 5B  
 New York, NY 10031

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

TrueAccord Corp., 16011 College Boulevard, Suite 130  
 Lenexa, KS 66219  
 Registered Agent: TrueAccord Corp. c/o NCorp Services, Inc.  
 One Commerce Plaza, 99 Washington Avenue, Suite 805-A  
 Albany, NY 12210

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

/s/ Elliot Elo  
 DATE 03/21/2024  
 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT  
 NO  
 YES (DATE ADMITTED Mo. 12 Yr. 2023)  
 Attorney Bar Code # 3906807

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)