

to construe the statute broadly, so that we may protect consumers against debt collectors' harassing conduct.” and that “[t]his intent cannot be underestimated.” *Ramirez v. Apex Financial Management LLC*, 567 F.Supp.2d 1035, 1042 (N.D.Ill. 2008).

5. The FDCPA encourages consumers to act as "private attorneys general" to enforce the public policies and protect the civil rights expressed therein. *Crabill v. Trans Union, LLC*, 259 F.3d 662, 666 (7th Cir. 2001).

6. Plaintiff seeks to enforce those policies and civil rights which are expressed through the FDCPA, 15 U.S.C. §1692 *et seq.*

JURISDICTION AND VENUE

7. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d).

8. Personal jurisdiction in Illinois is proper because Defendants sent collection communications into Illinois.

9. Venue in this county is proper because Defendants do or transact business here.

PARTIES

10. Plaintiff Patrick M. Keller is a resident of McHenry, Illinois.

11. Defendant DNF Associates LLC is a limited liability company organized under Delaware law with principal offices at 2351 North Forest Road, Suite 110, Getzville, NY 14068. It does business in Illinois. Its registered agent and office is Cogency Global Inc., 600 South Second St, Suite 404, Springfield, IL 62704-2542.

12. Defendant DNF Associates LLC is engaged in the sole or principal business of a debt buyer. It claims to acquire consumer debts and has them collected through lawsuits and dunning consumers, using the mails and telephone system for that purpose.

13. DNF has filed over 1,500 lawsuits in Cook County Circuit Court.

14. Upon information and belief, almost all of Defendant DNF Associates LLC's resources are devoted to debt collection.

15. Upon information and belief, almost all of Defendant DNF Associates LLC's

revenue is derived from debt collection.

16. Upon information and belief, almost all of Defendant DNF Associates LLC's expenses are related to debt collection.

17. Defendant DNF Associates LLC is a debt collector as defined by the FDCPA, 15 U.S.C. §1692a(6), as a person who uses one or more instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts.

18. Defendant Advanced Capital Solutions, Inc., is a corporation with a place of business is 555 Market Ave. N, Canton, OH 44270.

19. Defendant Advanced Capital Solutions, Inc. is engaged in the sole or principal business of a collection agency, dunning consumers to collect consumer debts, and using the mails and telephone system for that purpose.

20. Upon information and belief, almost all of Defendant Advanced Capital Solutions, Inc.'s resources are devoted to debt collection.

21. Upon information and belief, almost all of Defendant Advanced Capital Solutions, Inc.'s revenue is derived from debt collection.

22. Upon information and belief, almost all of Defendant Advanced Capital Solutions, Inc.'s expenses are related to debt collection.

23. Defendant Advanced Capital Solutions, Inc. is a debt collector as defined by the FDCPA, 15 U.S.C. §1692a(6), as a person who uses one or more instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts.

FACTUAL ALLEGATIONS

24. DNF Associates LLC and Advanced Capital Solutions, Inc., are attempting to collect from Plaintiff a debt it describes as a Celtic Bank/ Indigo Mastercard.

25. Any such debt would have been incurred for personal, family or household purposes and not for business purposes.

26. Any such debt would have gone into default years ago.

27. On September 22, 2022, Plaintiff, by counsel, sent DNF the letter attached as Exhibit A, seeking verification of the alleged debt and informing DNF that Plaintiff was represented by counsel.

28. The letter was received September 26, 2022.

29. DNF did not respond.

30. Instead, DNF hired Advanced Capital Solutions to collect the debt.

31. Advanced Capital Solutions, Inc., was hired and acted as the agent of DNF.

32. Advanced Capital Solutions, Inc., was authorized to send communications on behalf of DNF, to negotiate settlements on behalf of DNF, and to receive money on behalf of DNF.

33. On December 11, 2023, Advanced Capital Solutions sent Plaintiff, directly, the email attached as Exhibit B, seeking to collect the debt.

34. Exhibit B is a standard form.

35. Exhibit B states that “you can still bring your account back to good standing by scheduling a payment for a later date.”

36. Exhibit B suggests that the account is slightly overdue, by stating that “It appears that payment for your Celtic Bank/ Indigo MasterCard account has not been received. Your account is past due. . . .”

37. A credit card that is allegedly in the hands of a debt buyer such as DNF and has been in default for years cannot be brought “back to good standing.”

38. The phrase “back to good standing” conveys to the unsophisticated consumer that the account can again be used.

39. Many creditors will offer, with respect to accounts that are recently overdue, that card privileges can be restored by bringing the account current.

40. Exhibit B is contrived to resemble such an offer.

41. In fact, DNF does not extend credit and the account cannot be brought “back to

good standing.”

COUNT I – FDCPA – CLASS CLAIM

42. Plaintiff incorporates paragraphs 1-41.

43. Exhibit B is false and misleading insofar as it suggests that the account can be brought “back to good standing,” when it cannot be.

44. Exhibit B violates 15 U.S.C. §§1692e, 1692e(2) and 1692e(10).

45. Section 1692e provides:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . .

(2) The false representation of—

(A) the character, amount, or legal status of any debt; . . .

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer. . .

CLASS ALLEGATIONS

46. Plaintiff brings this claim on behalf of a class and subclass.

47. The class consists of (a) all individuals with Illinois addresses, as shown by Defendants’ records, (b) to whom Advanced Capital Solutions sent a communication stating that an account can be brought “back to good standing” (c) which communication was sent at any time during a period beginning one year prior to the filing of this action and ending 20 days after the filing of this action.

48. The subclass consists of class members whose debts are allegedly owned by DNF.

49. Plaintiff may alter the class definitions to conform to developments in the case and discovery.

50. On information and belief, based on the use of form communications, the class and subclass each have more than 40 members, and are so numerous that joinder of all members is not practicable.

51. There are questions of law and fact common to the class members, which common

questions predominate over any questions relating to individual class members. The predominant common questions are:

- a. Whether Exhibit B is misleading;
- b. Whether Exhibit B violates the FDCPA;
- c. The liability of DNF for the conduct complained of.

52. Plaintiff will fairly and adequately represent the class members. Plaintiff has retained counsel experienced in class actions and FDCPA litigation. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

53. A class action is appropriate 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;
- c. Congress intended class actions to be the principal enforcement mechanism under the FDCPA.

WHEREFORE, the Court should enter judgment in favor of Plaintiff and the class members and against Defendants for:

- i. Statutory damages;
- ii. Attorney's fees, litigation expenses and costs of suit;
- iii. Such other and further relief as the Court deems proper.

COUNT II – FDCPA – INDIVIDUAL CLAIM

54. Plaintiff incorporates paragraphs 1-33.

55. DNF violated 15 U.S.C. §1692c by having Advanced Capital Solutions contact a represented consumer directly.

56. Section 1692c provides:

§ 1692c. Communication in connection with debt collection

(a) Communication with the consumer generally. Without the prior consent of the consumer given directly to the debt collector or the express permission of a

court of competent jurisdiction, a debt collector may not communicate with a consumer in connection with the collection of any debt—

. . . (2) if the debt collector knows the consumer is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address, unless the attorney fails to respond within a reasonable period of time to a communication from the debt collector or unless the attorney consents to direct communication with the consumer; . . .

WHEREFORE, the Court should enter judgment in favor of Plaintiff and against Defendant

DNF for:

- i. Statutory damages;
- ii. Attorney's fees, litigation expenses and costs of suit;
- iii. Such other and further relief as the Court deems proper.

/s/ Daniel A. Edelman
Daniel A. Edelman

Daniel A. Edelman
Dulijaza (Julie) Clark
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
20 South Clark Street, Suite 1500
Chicago, IL 60603-1824
(312) 739-4200
(312) 419-0379 (FAX)
Email address for service: courtecl@edcombs.com
Atty. No. 41106 (Cook)

NOTICE OF LIEN AND ASSIGNMENT

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

/s/ Daniel A. Edelman
Daniel A. Edelman

Daniel A. Edelman
EDELMAN, COMBS, LATTURNER
& GOODWIN, LLC
20 S. Clark Street, Suite 1500
Chicago, Illinois 60603
(312) 739-4200
(312) 419-0379 (FAX)

EXHIBIT A

EDELMAN, COMBS, LATTURNER & GOODWIN, L.L.C.

20 S. Clark Street, Suite 1500
Chicago, Illinois 60603-1824

(312) 739-4200

(800) 644-4673

(312) 419-0379 (FAX)

Email: info@edcombs.com

www.edcombs.com

September 22, 2022

VIA CERTIFIED MAIL:

DNF Associates LLC
2351 North Forest Road, Suite 110
Getzville, NY 14068

Re: **Patrick Keller, Indigo Mastercard** [REDACTED]

Ladies/ Gentlemen:

Please be advised that we represent the above individual and that our client disputes the claimed debt(s) you are attempting to collect. Please provide any contract or agreement signed by our client and an account history showing what this debt is, how you arrived at the conclusion that our client owes the amounts claimed and when this alleged debt(s) was charged off.

We are concerned that the debt may include inappropriate and unauthorized interest, fees and charges.

Furthermore, you are hereby requested, as required by the Uniform Commercial Code, to provide proof that you or your principal is in fact the assignee of the debt(s) described above and that you are legally authorized to attempt to collect the claimed debt(s) from our client.

Unless and until such proof is furnished, we do not recognize any right on your part to attempt to collect any amount from our client through any means, including credit reporting, and you are advised that our client **refuses to pay** and requests **cessation of further communications**.

Any and all consents that our client may have given for communications to cellular telephones are hereby revoked.

Thank you.

Sincerely,

Daniel A. Edelman

EDELMAN, COMBS, LATTURNER & GOODWIN, L.L.C.

20 S. Clark Street, Suite 1500
Chicago, Illinois 60603-1824

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September 22, 2022

VIA CERTIFIED MAIL:

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Getzville, NY 14068

Re: Patrick Keller, Indigo Mastercard [REDACTED]

Ladies/ Gentlemen:

Please be advised that we represent the above individual and that our client disputes the claimed debt(s) you are attempting to collect. Please provide any contract or agreement signed by our client and an account history showing what this debt is, how you arrived at the conclusion that our client owes the amounts claimed and when this alleged debt(s) was charged off.

We are concerned that the debt may include inappropriate and unauthorized interest, fees and charges.

Further
provide proof th
you are legally a

Unless
to collect any
advised that ou

Any at
are hereby rev

Thank

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(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here
9/22/22

Sent To: DNF Associates
Street, Apt. No., or PO Box No.: 2351 North Forest Road, #110
City, State, ZIP+4: Getzville, NY 14068

PS Form 3800, June 2002 See Reverse for Instructions

requested, as required by the Uniform Commercial Code, to
of the debt(s) described above and that
our client.

right on your part to attempt
credit reporting, and you are
r communications.

ications to cellular telephones

7:39029\Correspondence\

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GETZVILLE, NY 14068

September 26, 2022, 10:40 am

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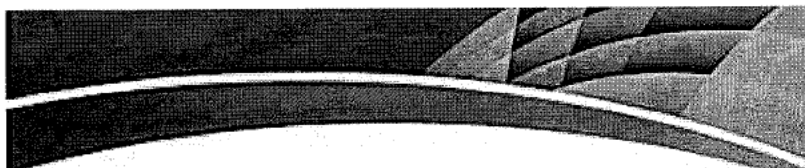
EXHIBIT B

From: **Advanced Capital Solutions** <customerservice@advancedcapsolutions.com>

Date: Mon, Dec 11, 2023, 4:45 PM

Subject: PATRICK M action needed on your Celtic Bank/Indigo MasterCard account

To: <[REDACTED]>



PATRICK M KELLER,

We are trying to collect your debt on your Celtic Bank/Indigo MasterCard account placed by DNF Associates.

It appears that payment for your Celtic Bank/Indigo MasterCard account has not been received. Your account is past due. If you are unable to make a payment today, you can still bring your account back to good standing by scheduling a payment for a later date

Log in today to make a payment plan or to accept the settlement.

To accept the reduction to your balance, log in to our online portal or contact us at 877-790-7091.

Once the file is returned to our client, all offers are voided, and you will be responsible for the full balance of \$484.21.

The information that you'll need to create an account and view your information is as follows:

- Reference Number: [REDACTED]
 - Last name: KELLER
 - Zip Code: [REDACTED]
-

Online Access\Payment Options:


LOGIN AND VIEW YOUR ACCOUNT

You can use the quick pay link without logging in to make a payment easily:

QUICK PAY

Payment Instructions:

Step 1: Click Make A Payment.


[MY ACCOUNTS](#)
[MAKE A PAYMENT](#)
[MY PROFILE](#)
[CONTACT US](#)
[LOGOUT](#)

ACCOUNTS			
Reference Number	Original Creditor	Original Account	Current Balance
[REDACTED]	PAYDAY LOAN YES	[REDACTED]	\$960.00

ONLINE ACCOUNT ACCESS AND PAYMENTS


You can sign up on this website to view your account, make payments, and choose to get your bills via email instead of standard mail. Your account information is available 24/7 without worrying about keeping paper copies around. You will be able to view your current and past bills from any device. By choosing online billing (via email), you save paper and time.


Step 2: Choose your Method of Payment.


PAYMENT OPTIONS

WE ACCEPT MANY TYPES OF PAYMENTS. IF YOU HAVE QUESTIONS ABOUT ANY OF THE PAYMENT OPTIONS PLEASE CONTACT US AT (855) 477-8864.

SELECT AN ACCOUNT TO SEE PAYMENT OPTIONS [REDACTED] - \$960.00

 You can use a **Checking Account** to pay your account online 24 hours a day. Click [Here](#) to make an online payment using your checking account. You can also make a checking account payment over the phone by calling us at (855) 477-8864.

 You can use a **credit/debit card** to pay your account online 24 hours a day. Click [Here](#) to make an online payment using your credit/debit card. You can also make a credit/debit card payment over the phone by calling us at (855) 477-8864.

 If you prefer to **Mail a Check** please send it to our main office at the address below. Be sure to write your Reference Number in the memo field. Please **Do NOT** mail cash.
 Advanced Capital Solutions
 555 Market Ave N
 North Canton, OH 44720 United States

Step 3: Under Payment Options choose the settlement or payment plan.

CHECKING ACCOUNT PAYMENT

ACCOUNT INFORMATION

Payment for Account: [REDACTED]
 Current Balance: \$960.00

* There is a settlement offer on this account in the amount of \$720.00.
 Select **Pay off the Settlement** from the payment options dropdown below to indicate you are paying the settlement and agree to the terms.

PAYMENT TYPE

Payment Options: -- select payment option --

PAYMENT INFORMATION

Name on Checking Account: [REDACTED]
 9 Digit Routing Number: [REDACTED]
 Bank Account Number: [REDACTED]

NAME: [REDACTED]
 ADDRESS: [REDACTED]
 CITY: [REDACTED]
 ZIP: [REDACTED]

No. 20 Advanced Capital Solutions Amount: [REDACTED]

Routing Number: [REDACTED] Account Number: [REDACTED] Check Number: [REDACTED]

Contact number 877-790-7091

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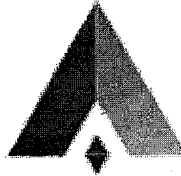
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Federal law requires we notify this is an attempt to collect a debt by a debt collector and any information obtained will be used for that purpose.

This Collection Agency is licensed by the City of Chicago: License No. IF YOU LIVE IN ILLINOIS, CITY OF CHICAGO THIS APPLIES TO YOU: If your debt is past the statute of limitations, you are hereby notified of the following important consumer information: The law limits how long you can be sued on a debt. Because of the age of this debt we will not sue you for it. In many circumstances you can renew the debt and start the time period over for filing a lawsuit to recover this debt if you take specific action such as making a payment, or a written promise to pay. You should determine the effect of any action you take with respect to this debt.

Advanced Capital Solutions
555 Market Ave N
Canton, OH 44270

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