

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL DIVISION**

LINDA J. LONG,

Plaintiff,

v.

Case No.: 11CA-000133

Division:

FIA CARD SERVICES, N.A. f/k/a BANK OF AMERICA, N.A.; and, WEST ASSET MANAGEMENT, INC.,

Defendants.

PLAINTIFF'S MOTION TO AMEND FOR PUNITIVE DAMAGES

Plaintiff, LINDA J. LONG, by and through undersigned counsel, respectfully requests this Honorable Court to grant Plaintiff's Motion to Amend for Punitive Damages against Defendants, FIA CARD SERVICES, N.A. f/k/a BANK OF AMERICA, N.A. ("FIA") and WEST ASSET MANAGEMENT, INC. ("WEST"), and in support thereof asserts:

INTRODUCTION

1. The Defendants are in the business of collecting debts from individuals that just lost a loved one, a practice referred to in the industry as "deceased debt" collection.
2. The Defendants' "deceased collectors" target grief stricken family members with psychological attacks during the most vulnerable time in their lives in the hopes of collecting debts from family members that are not legally obligated to pay the debt.
3. In this case, the Defendants orchestrated their artfully abusive campaign of harassment to collect the "deceased debt" of Mr. Long from his bereaved wife, Ms. Long, utilizing numerous harassing telephone calls and dunning letters. The Defendants engaged in this conduct despite having actual knowledge that Mr. Long had died with no assets and hence had no estate.

4. The Defendants' insidious practices include not only making the deceased debtor's family members feel they are responsible for the debts, but also pressuring these family members into asking other family members to pay the debt.

5. The consequences of Defendants' practices are devastating. In this case, the Defendant's abusive practices caused Ms. Long, who was herself destitute and out of economic necessity living in a relative's home, to agree to pay just about everything she had to resolve a debt that she did not owe. The Defendants heartlessly sought payment of this legally uncollectible debt despite pleas from Ms. Long regarding her own desperate economic situation.

PROFFER

6. Plaintiff's husband passed away suddenly on 3/26/10 from an aggressive form of cancer.

7. On June 4, 2010, FIA mailed a letter to Ms. Long attempting to collect the debt of Mr. Long.

8. On June 14, 2010, in response Ms. Long wrote a letter to FIA explaining her husband "was broke when he passed And (sic) there is no way I can help this situation." She further explained, "I had to sell our heavily mortgaged Motor Home ... have had a car repossessed." She pleaded with FIA to leave her alone and stated, "Please know that my grief is very much a worry to me. I also had to move in with relatives because I don't own anything but my car. Understand I would like to be done with this issue." [Please see attached Exhibit A.]

9. Ms. Long wrote again to FIA explaining "**The Estate of Millard K. Long does not exist there was no probate** ... we moved in with relatives in 2006 due to financial problems and when **He (sic) passed we had nothing.**" (emphasis added) She went on to explain in detail that she had no money, "I am his wife and all I have is a car and my Social Security and that is it, besides his pension which will just put food on my Table (sic) I have no attorney but if I have to,

my only option is to file for Bankruptcy.” [Please see attached Exhibit B.]

10. Ms Long was also required, by FIA, to fill out an “Estate Status Form” in which she stated “NO PROBATE” and “NO ESTATE.” [Please see attached Exhibit C.]

11. FIA also required Ms. Long to send them a copy of Mr. Long’s death certificate. [Please see attached Exhibit D.]

12. FIA, despite full knowledge that Mr. Long had no estate and Ms. Long was destitute, hired WEST to collect this debt from Ms. Long. (To date, FIA and WEST have refused to provide their contract.) FIA’s decision to hire WEST to collect this uncollectible debt was improper, as FIA already knew Mr. Long had no assets at the time of his death to collect from, and that further contact with Ms. Long regarding the debt would serve no proper purpose.

13. According to the business records produced by WEST, WEST was very much aware that Mr. Long left no estate behind, and that Ms. Long had no money. Despite this, WEST made numerous calls in an effort to extract what little money Ms. Long had. [Please see the collector notes attached as Exhibit E.] [WEST has refused to turn over an explanation for their abbreviation codes and a Corporate Representative deposition has not been conducted yet.]

14. Ms. Long does not know the exact number of calls she received from West, but estimates there were approximately ten (10) or more.

15. Ms. Long does not know the exact number of calls she received from FIA, but estimates there were approximately five (5) or more. [FIA refuses to turn over their “deceased collector” call log.]

16. These calls evidence the psychological torture of Ms. Long. [A transcript of the numerous calls is attached as Exhibit F. The audio recording is being filed contemporaneously with the Clerk of this Court under a separate Notice of Filing.]

17. An analysis of the transcript illustrates what is certainly an artfully deceptive

script followed by the deceased collector Jason Shea (“Mr. Shea”). [To date, WEST and FIA have refused to turn over their collection manuals they used to collect this debt.]

18. Ms. Long told Mr. Shea unequivocally, “There is no estate.” Ms. Long pleaded with the deceased collector, “He had nothing. When my husband passed we were living in my Aunt and Uncle’s house to take care of my final family, which when he passed he had nothing, I have no money. I have no savings account. I have nothing, so there is nothing, I have no money. I have no savings account. I have nothing, so there is nothing left ...I mean he has nothing.”

19. Ms. Long is so desperate and shaken up by this exchange she states, “It’s very, my life, if they want my social security I guess they could come get me.” [Please see attached Exhibit F, Page 2 Lines 56 - 57.]

20. WEST’s representatives asked a number of impertinent questions that could only be designed to harass. For example, despite being told repeatedly told that Ms. Long lived with a family member because she had no other place to go, Mr. Shea continued on to ask “...you guys don’t own a home then?” [P2/L73]

21. Moreover, WEST’s representatives’ inquiries were carefully crafted to suggest that family members might be held indirectly responsible for the decedent’s spending. As an example, Mr. Shea asked the entirely impertinent question of “do you know what has been charged on the card to get it up to that high of a balance?” [P3/L97-98] Such questions had no relevance to the matter at hand and could only be designed to put family members of the deceased in fear that they might be liable as beneficiaries of the decedents’ spending.

22. Mr. Shea also made entirely inappropriate requests that Ms. Long enlist the help of other family members to pay the debt, inquiring as to “...if there’s any family that can help with the situation.” Ms. Long attempted in good faith to respond to this inquiry, but was alone

with her sorrows and had to respond “Jeez, I have no idea who.” [P3/L116-118]

23. On November 7, 2010, Mr. Shea again called Ms. Long and told her, “Again this is an attempt to collect a debt...in regards to Bank of America Visa, it’s in the amount of \$16,651.52.” [P5/L192] Ms. Long responded “There is, nothing changed. It’s the same as it’s been since the last time you called. There is nothing.” [P5/L198-199]

24. Ms. Long once again pleaded with Mr. Shea and told him that there is no estate and no money. “There was no probate because there is nothing, we lost everything we had. I’m living with my Aunt, I mean, what more can I do? I’m destitute if you want to say.” [P5/L204-206]

25. In what is arguably the most despicable debt collection attempt imaginable, Mr. Shea asked, “Was there any life insurance that was left for Mr. Long?” [P5/L215] Ms. Long responded, “Just a small life insurance, It’ll probably, it’s only a couple thousand dollars, that’s all I’ve got.” [P5/L217-218]

26. Once Mr. Shea smelled blood in the water in the form of this widow’s last penny, he moves in for the kill and states, “Ok, if we were able to reduce this substantially. ... I mean last time I told you it was \$12,500.00, I know that’s really hard to come up with, is there anything at all that can be offered? ...sometimes even two or three thousand dollars is enough to get it approved and get this bill taken care of.” [P6/L220-223] To this Ms. Long replied, “Like I say if I give you two or three thousand dollars I don’t have anything left, now do I?” I’m just going to be on my own.” [P6/L225-226]

27. Mr. Shea persisted, stating “I just wanna ask to see if there’s anything that can be done since it is such a large bill, just a couple thousand dollars to be writing off over \$14,000.00.” [P6/L228-229] Subsequently, Mr. Shea again asked Ms. Long to get a family member to pay, asking “You don’t think the family is in a position to help you out with that, and

get this taken off your plate?" [P6/L223-234]

28. At that juncture, Ms. Long finally reached her breaking point and emotionally explained she had no family members that could help but that she would agree to give them her last penny, stating "I doubt it, but I could try to give you two thousand just out of his life insurance, but then I won't have very much left, but that's fine I can do that, **anything just to get this off my head.**" (emphasis added) [P6/L236-238]

29. Rarely is there an instance when such despicable conduct is caught on tape. This last sentence shows that the Defendants' efforts to prey upon people at their most vulnerable and desperate time is a shamefully effective tactic. Not only does the Plaintiff feel responsible for this debt, but she simply can not endure the thought of not getting this "off her head."

30. WEST unabashedly brags about its conduct on its website. There is a big picture of a big dollar sign \$ and they state, "Go ahead call it DCARE...we do." They further tout their ability to collect from loved ones by stating they specialize in "maintaining an active recovery dialog." [Please see attached Exhibit G.]

31. As this case demonstrates, WEST's advertised practice of "maintaining an active recovery dialog" is merely a euphemism for harassment. Here, both WEST and FIA were both well aware that Mr. Long had no assets at the time of his death and that, consequently, there could be no legitimate recovery from his estate. Using cunning and deceptive tactics, they instead attempted to wrest every last penny from the arms of his bereaved widow, despite the fact she had no legal obligation with respect to her late husband's debt. This is unacceptable conduct that demonstrates why Florida law makes punitive damages available in appropriate cases.

PUNITIVE DAMAGES PER FLORIDA STATUTE §768.72

32. To assert a claim for punitive damages pursuant *Florida Statute §768.72* Plaintiff

only needs to show a “reasonable basis.” See *Simeon v. Cox*, 671 So.2d 158 (Fla. 1996).

33. Florida has a long standing policy to grant amendments to pleadings liberally and punitive damages are no exception. “[Burr] moved to amend his fraud count to add a claim for punitive damages but the trial court denied the amendment. We find this was an abuse of discretion in light of Florida’s liberal policy of allowing amendments to pleadings.” See *Johnny Burr v. Lawrence S. Norris*, 667 So.2d 424 (Fla. 2d DCA 1996).

34. A plaintiff’s proffer must be taken as true, in the light most favorable to her and is reviewed de nova for error. “[W]e should review a trial court’s order granting or denying a motion to amend to state a claim for punitive damages de novo.” “[W]e will view the record evidence and the proffer in the light most favorable to Despain and accept it as true.” See *Estate of Beulah Despain v. Avante Group, Inc.*, 900 So.2d 637 (Fla. 5th DCA 2005). See also *Schropp v. Crown Eurocars, Inc.*, 654 So.2d 1158 (Fla. 1995).

35. FIA has a business practice and corporate policy of collecting debts from loved ones who have recently lost a family member when the loved ones have no obligation with respect to these debts. Moreover, FIA has an agreement with WEST to pursue this improper policy of pressuring family members into paying debts that these family members do not owe.

36. FIA and their debt collector WEST knowingly prey upon and pressure families at the weakest time in their life, hoping that ignorance and grief will drive a deceased person’s relatives to make what is in essence a “charity payment” to one of the nation’s largest banks.

37. Many of the persons targeted by this scheme, such as Ms. Long, can ill afford to make any payment to FIA or West. Moreover, FIA and WEST engage in this conduct merely to fatten the bottom line of FIA’s credit card business, an already massively profitable enterprise.

PUNITIVE DAMAGES PER §559.77(2)

38. Additionally, the Court may, in its discretion, award punitive damages pursuant to

§559.7(2), Florida Statutes.

39. In *Casselman v. Midland Funding, LLC*, 16 Fla. L. Weekly Supp. 576a (Fla. Polk Cty. Ct. 2009) the Court found § 559.72(2) provided for an additional vehicle for punitive damages by stating:

Both Fla. Stat. 559.77(2) and Fla. Stat. 768.72, provide authority for the imposition of punitive damages in claims under the FCCPA. Although Fla. Stat. 559.77(2) authorizes the trial court to award punitive damages in its discretion, Fla. Stat. 559.77(2) does not exclude the additional submission of punitive damages consideration to a jury. In contrast, Fla. Stat. 768.72 not only addresses the submission of punitive damages to a jury, but in fact, establishes a distinctive standard and process through which such damages would be permissibly recovered. As such it appears clear that litigants seeking recovery of punitive damages for violation of the FCCPA are afforded two (2) separate and distinct, though not exclusive, standards through which such damages may be recovered.

[Please see *Casselman* opinion attached as Exhibit H.]

40. The undersigned has been granted leave to amend in two cases following the *Casselman* language. See *Howard v. Wolpoff & Abramson, LLP*, Hillsborough County Circuit Court Case No. 06-CA-001045 (Fla. Hillsborough Cir. Ct. 2010); *Nugent v. Wolpoff & Abramson, LLP*, Pinellas County Circuit Court Case No. 06-002042-CI (Fla. Pinellas Cty. Cir. Ct. 2010). [Please see Orders attached as Exhibits I and J, respectively.]

41. In egregious collection harassment cases such as the instant case, this Honorable Court has the authority to allow amendment of the pleadings to seek punitive damages.

42. Plaintiff respectfully asserts that the conduct of the Defendants in this case call for such an award.

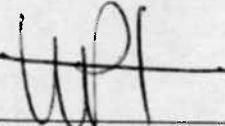
CONCLUSION

43. The despicable conduct of FIA and WEST is precisely what the Legislature had in mind when they implemented punitive damages.

44. It is hard to fathom a corporate policy more reprehensible than debt collectors using psychological warfare targeting family members, who have just lost their loved one, in the hopes of profiting from the family member's grief and despair.

WHEREFORE, Plaintiff respectfully requests this Honorable Court grant her Motion to Amend for Punitive Damages against the Defendants and rule the Amended Complaint attached hereto as Exhibit "1" deemed filed and any further relief deemed proper in the pursuit of justice.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Facsimile, First Class, U.S. Mail, postage prepaid and e-mail this 26th day of August 2011 to:
Dayle M. Van Hoose, Esq., Sessions, Fishman, Nathan & Isreal, L.L.P., 3350 Buschwood Park Drive, Suite 195, Tampa, FL 33618.



William Pearce Howard, Esquire
Florida Bar #: 0103330
WHoward@ForThePeople.com
Morgan & Morgan, Tampa, P.A.
One Tampa City Center
201 N. Franklin Street, 7th Floor
Tampa, FL 33602
(813) 223-5505 - (813) 223-5402 Fax
Attorney for Plaintiff

BankofAmericaNYC00a 3/25/2011 8:51:16 AM PAGE 3/004 Fax Server
TO:Jason Gibson COMPANY:

FIA Card Services
P.O. Box 15409
Wilmington, DE. 19850-5409

June 14, 2010

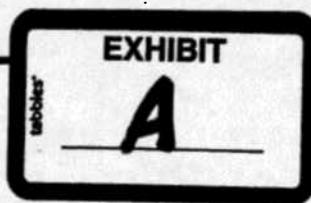
Mr. Chris Mokris;

I am writing this letter to inform you that Millard K. Long was broke when he passed,
And there is no way I can help this situation. I had to sell our heavily mortgaged Motor
Home in a short sale and will be held accountable for thousands of dollars in a 1099. I
Also have had a car repossessed from Wells Fargo that I still don't know what I will be
Faced with. Please know that my grief is very much a worry to me.

I also had to move in with relatives because I don't own anything but my car. Understand
I would like to be done with this issue.

Thank You.

Linda J. Long
Linda J. Long, Wife & Executor



BankofAmericaNYC00a 3/25/2011 8:50:51 AM PAGE 3/008 Fax Server
TO: Jason Gibson COMPANY:

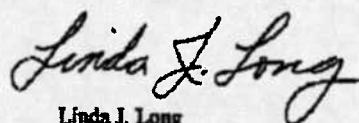
Estate Department
FIC Card
P. O. Box 15409
Wilmington, DE 19885-5409

To whom it may concern:

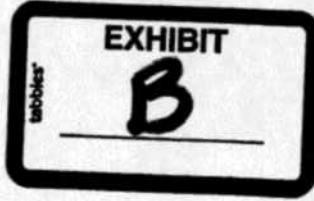
The Estate of Millard K. Long does not exist there was no probate there was
estate we moved in with relatives in 2006 due to financial problems and when
he passed we had nothing. I am his wife and all I have is a car and my Social
Security and that is it, besides $\frac{1}{2}$ of his pension which will just put food on my

Table. I have no Attorney but if I have to, my only option would be to file for
Bankruptcy.

Thank You



Linda J. Long
Wife & Executor



Estate Status Form

Estate of: Millard K Long

Account Number: 4313071451886945

Date of Death: March 26, 2010

Country of Legal Residence: Peru - USA

Executor / Executrix (Person Handling Financial Affairs): LINDA J LONG

Relationship to the Deceased: WIFE

Address: 5266 NAUTILUS DR. CAPE CORAL FL 33904
Street Address City State Zip Code

Cell Phone: 239-994-1847 Daytime Phone: _____

County Where Probate Was Opened: NO PROBATE

Estate Case / File / Docket Number: NO ESTATE Date Filed: _____

Attorney's Name: ~~None~~

Attorney's Address: _____ **Corr. Operations** _____

Attorney's Phone Number: _____ Attorney's Fax Number: JUN 10 2010

Attorney's Phone Number: _____ Attorney's Fax Number: JUN 10 2010

Operator #29

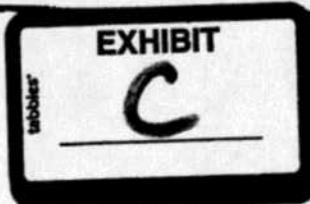
What Address Would You Like Future Correspondence to be Mailed:

Name: _____

Address: _____

Phone Number: _____ **City:** _____ **State:** _____ **Zip:** _____

Please return this form using the enclosed, self-addressed postage paid envelope or fax to 1.302.458.0644



TO: Jason Gibson COMPANY:



WARMING.

THIS DOCUMENT IS PRINTED OR PHOTOCOPIED ON SECURITY PAPER WITH A WATERMARK OF THE GREAT SEAL OF THE STATE OF FLORIDA. DO NOT ACCEPT WITHOUT VERIFYING THE FRESHNESS OF THE WATERMARK. (THE DOCUMENT) ALSO CONTAINS A MULTI-COLORED BACKGROUNDED AND GOLD ENCRYPED SEAL THAT SCAFFERS SPECIAL LINES WITH TEXT AND TEALS AT THE BOTTOM OF PAGE.

HEALTH

36878910

CERTIFICATION OF VITAL RECORDS

* ۳۶۸۷۸۹۳۰ *

* ۳۶۸۷۸۹۳۰ *

100

EXHIBIT

D

ARS-ARRC 25

BROKEN SCDSIF 12.01 % of balance on 2010-11-30

CLIENT: BANK OF AMERICA, N.A. - BAC NEW (APL4)
STATUS: RECALL STATUS

RECOVERY MAINTENANCE

RECDSPI 8:22:07 2/01/2011

CLI REP#: 4313071999080646

REASON: 33-CLOSED PER CLIENT REQUEST

ACCOUNT: 194202159

PACKET:

More...

CONTACT INFORMATION		ADDRESS INFORMATION		PHONE INFORMATION	
CONTACT TYPE: PRMCON	LANGUAGE: RESP: PRMRSP	ADDRESS TYPE: PRMHOM	STREET: 5266 NAUTILUS DR	PHONE TYPE: CELLCL	AREA CODE: 239
PREFIX:		CITY: CAPE CORAL	STATE: FL	PREFIX: 994	NUMBER: 1847
FIRST NAME: MILLARD	MIDDLE NAME: K	ZIP CODE: 33904	5646	EXTENSION: 00000000	ANSWER CODE: 33
LAST NAME: LONG	EXTENDED:	COUNTRY: US	MAIL CODE: MAIL	CALL CODE: CALL	
SUFFIX:	SSN: 306286744				

EVENTS	BALANCES	ADJUSTMENTS	PAYMENTS	ACCOUNT STATISTICS
CURRENT BALANCE: 16651.52000	ADJUSTED BALANCE: 0.00000		LISTING BALANCE: 16651.52000	
PROMISED PAYMENTS: 0.00000	PRINCIPAL PAYMENTS: 0.00000		LOCAL LISTING BAL: 0.00000	

More...

ACTIVITY:

S33 RECALL PER CLIENT REQUEST 3306 12/23/2010 11:03:33
 S33 ACCOUNT CLOSED PER SDR 3395829 9855 12/08/2010 10:05:58
 NCOADC NCOA DECEASED FOUND Date of Birth: 04/15/1930 Date of Death: 03/26/2010 City: CA 8888 12/07/2010 12:25:34

More...

FOLLOW UP ACTIVITY: FOLLOW UP DATE: FOLLOW UP TIME: ACCOUNT ATTRIBUTES

F2=CONTINUE SEARCH F3=EXIT F4=PROMPT F6=ADD CONTACT F7=PREVIOUS CONTACT F8=NEXT CONTACT F9=HISTORY F24=MORE KEYS



ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:06 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

POSITION TO DATE:

SELECT ONLY EMP#:

	ASCENDING DATE	LETTERS	PHONE CALLS	PMT ARRG'S
	DESCENDING DATE	COMMENTS	TRANSFERS	FULL HISTORY

CODE	ACTIVITY COMMENTS	EMP #	DATE	TIME
S33	RECALL PER CLIENT REQUEST	3306	12/23/2010	11:03:33
S33	ACCOUNT CLOSED PER SDR 3395829	9855	12/08/2010	10:05:58
NCOADC	NCOA DECEASED FCUND Date of Birth: 04/15/1930 Date of Death: 03/26/2010 City: CA	8888	12/07/2010	12:25:34
NCOADC	PE CORAL State: FL Zip: 33904	8888	12/07/2010	12:25:34
CLINST	Search Request:NCOA,PRN,DEC,BKY 3MOS	8888	12/07/2010	11:36:58
1G	PHO HP ANSMACH 1847	10160	12/01/2010	07:32:53
CLL	GENERAL COLLECTION CALL	10160	12/01/2010	07:30:35
SCDSIF	BROKEN ARRANGEMENT:PROMISED PAYANT:2000.00000 :2010-11-30	9998	11/30/2010	23:22:25
EISRCH	ESTATE INQUIRY SEARCH-NO MATCH	9997777	11/28/2010	07:58:10
1G	PHO HP ANSMACH 1847	10160	11/23/2010	12:03:59
CLL	GENERAL COLLECTION CALL	10160	11/22/2010	12:48:59
1G	PHO HP ANSMACH 1847	8038	11/22/2010	07:40:24
1G	PHO HP ANSMACH 1847	7210	11/19/2010	10:45:37

More...

ACTIVITY: _____

FOLLOW UP ACTIVITY: _____ FOLLOW UP DATE: _____ FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:10 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

POSITION TO DATE:

SELECT ONLY EMP#:

	ASCENDING DATE	LETTERS	PHONE CALLS	PMT ARRG'S
	DESCENDING DATE	COMMENTS	TRANSFERS	FULL HISTORY

CODE	ACTIVITY COMMENTS	EMP #	DATE	TIME
IA	PHO HP N/A 1847	8038	11/19/2010	09:05:28
IG	PHO HP ANSMACH 1847	8038	11/18/2010	11:09:50
IA	PHO HP N/A 1847	7210	11/18/2010	09:55:20
REVIEW	REVIEW ACCOUNT	7210	11/18/2010	09:46:17
REVIEW	REVIEW ACCOUNT	10055	11/18/2010	08:51:59
CLIBB	BELOW BLANKET APP BY CLI FOR \$2000.00. CNTRL # 176065	10055	11/18/2010	08:51:28
CNT	SENT REQ TO CLI TO APPRV \$2000.00 BBSIF	10055	11/17/2010	13:49:17
QR	OKAY TO SUEMI BB TO BOA FOR 2K.	7840	11/17/2010	09:37:24
CNT	GV NOTE TO TONY TO SEEK APRVL BY CLIENT	8038	11/17/2010	08:51:46
NENPA	Arrangements: 12.01 % of 16651.52000 SCDSIF SPACH 2000.00 on 2010-11-30	8038	11/17/2010	08:49:03
NENPA	SCHEDULED STLMNT-IN-FULL TT LINDA LONG THE WIFE AT 1847#, GV MM, ADV OF PIF	8038	11/17/2010	08:49:03
NENPA	DUE, SD NOTHING CHANGED, NO HOME OR AUTO, SD ONLY HAS A COUPLE THOUSAND LEFT	8038	11/17/2010	08:49:03
NENPA	FROM LIFE INS AND SHE IS LIVING W/ FAMILY, SD IF CAN GET \$2K APRVD THEN WILL BE	8038	11/17/2010	08:49:03

More...

ACTIVITY: _____

FOLLOW UP ACTIVITY: _____

FOLLOW UP DATE: _____

FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:14 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

POSITION TO DATE: _____
SELECT ONLY EMP #: _____

ASCENDING DATE	LETTERS	PHONE CALLS	PMT ARRG'S
DESCENDING DATE	COMMENTS	TRANSFERS	FULL HISTORY

CODE	ACTIVITY COMMENTS	EMP #	DATE	TIME
NEWPA	ABLE TO SIF VIA ACH	8038	11/17/2010	08:49:03
PHNSTS	RELPHN-7404504329-INACTIVATED	8038	11/17/2010	08:46:21
PHNSTS	RELPHN-7408628608-INACTIVATED	8038	11/17/2010	08:46:21
PHNSTS	RELPHN-2564894174-INACTIVATED	8038	11/17/2010	08:46:21
CLL	GENERAL COLLECTION CALL	8038	11/17/2010	08:42:26
CLL	GENERAL COLLECTION CALL	8038	11/17/2010	08:42:26
DLRCLL	DIALER CALL ATTEMPT-ANSWER-PRMCCN-2399941847	8038	11/17/2010	08:42:22
NCOADC	NCOA DECEASED FOUND Date of Birth: 04/15/1930 Date of Death: 03/26/2010 City: CA	8888	11/08/2010	00:33:04
NCOACC	PE CORAL State: FL Zip: 33904	8888	11/08/2010	00:33:04
CLRHST	Search Request:NCOA,PHN,DEC,BKY 3MOS	8888	11/07/2010	23:41:55
EISRCH	ESTATE INQUIRY SEARCH-NO MATCH	9997777	10/31/2010	07:47:26
CLL	GENERAL COLLECTION CALL	10206	10/27/2010	13:21:24
CLL	GENERAL COLLECTION CALL	10206	10/27/2010	13:21:23

More...

ACTIVITY: _____

FOLLOW UP ACTIVITY: _____ FOLLOW UP DATE: _____ FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:17 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

POSITION TO DATE:

SELECT ONLY EMP#:

ASCENDING DATE	DESCENDING DATE
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LETTERS	COMMENTS
---------	----------

PHONE CALLS	TRANSFERS
-------------	-----------

PMT ARRG'S	FULL HISTORY
------------	--------------

ACCOUNT: 194202159

CODE	ACTIVITY COMMENTS	EMP #	DATE	TIME
CLL	GENERAL COLLECTION CALL	10206	10/27/2010	13:21:22
CLL	GENERAL COLLECTION CALL	10206	10/27/2010	13:21:21
CLL	GENERAL COLLECTION CALL	10206	10/27/2010	13:21:21
CLL	GENERAL COLLECTION CALL	10206	10/15/2010	08:40:06
CLL	GENERAL COLLECTION CALL	10206	10/15/2010	08:40:05
CLL	GENERAL COLLECTION CALL	10206	10/15/2010	08:40:04
CLL	GENERAL COLLECTION CALL	10206	10/15/2010	08:40:02
CLL	GENERAL COLLECTION CALL	10206	10/15/2010	08:40:00
CLL	GENERAL COLLECTION CALL	10206	10/15/2010	08:39:59
CLL	GENERAL COLLECTION CALL	10206	10/15/2010	08:38:18
CLL	GENERAL COLLECTION CALL	10206	10/15/2010	08:38:17
NCOADC NCOA DECEASED FOUND Date of Birth: 04/15/1930 Date of Death: 03/26/2010 City: CA	8888		10/08/2010	12:03:07
NCOADC PE CORAL State: FL Zip: 33904	8888		10/08/2010	12:03:07

More...

ACTIVITY: _____

FOLLOW UP ACTIVITY: _____ FOLLOW UP DATE: _____ FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-APRC 25

EXPANDED HISTORY SCREEN

8:44:20 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

POSITION TO DATE:

SELECT ONLY EMP#:

ASCENDING DATE
DESCENDING DATE

LETTERS
COMMENTS

ACCOUNT: 194202159

PHONE CALLS
TRANSFERS

PMT ARRG'S
FULL HISTORY

CODE ACTIVITY COMMENTS

CLIRST	Search Request:NCOA,PHN,DEC,BRY JMS	EMP #	DATE	TIME
EISRCH	ESTATE INQUIRY SEARCH-NO MATCH	8888	10/08/2010	11:20:52
NCOADC	NCOA DECEASED FOUND Date of Birth: 04/15/1930 Date of Death: 03/26/2010 City: CA	9997777	10/03/2010	03:24:21
NCOADC	PE CORAL State: FL Zip: 33904	8888	09/28/2010	09:55:34
NCOAAH	NCOA ADDRESS HISTORY FOUND, ADDRESS HISTORY IS: Name: MILLARD K LONG Address: 4	8888	09/28/2010	09:55:33
NCOAAH	512 OLD RIVER RD City: PHILO State: OH Zip: 43771-9797 First Rpt Dt: Last Rpt D	8888	09/28/2010	09:55:33
NCOAAH	t: 19970501	8888	09/28/2010	09:55:33
NCOAAH	NCOA ADDRESS HISTORY FOUND, ADDRESS HISTORY IS: Name: MILLARD K LONG Address: P	8888	09/28/2010	09:55:33
NCOAAH	0 BOX 143 City: PHILO State: OH Zip: 43771-0143 First Rpt Dt: Last Rpt Dt: 2000	8888	09/28/2010	09:55:33
NCOAAH	0101	8888	09/28/2010	09:55:33
NCOAAH	NCOA ADDRESS HISTORY FOUND, ADDRESS HISTORY IS: Name: MILLARD S LONG Address: 5	8888	09/28/2010	09:55:33
NCOAAH	GARDEN DR City: FORT MYERS State: FL Zip: 33908-1821 First Rpt Dt: 20060101 Las	8888	09/28/2010	09:55:33
NCOAAH	t Rpt Dt: 20060101	8888	09/28/2010	09:55:33

More...

ACTIVITY:

FOLLOW UP ACTIVITY: _____ FOLLOW UP DATE: _____ FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:23 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

POSITION TO DATE: _____
SELECT ONLY EMP#: _____

ASCENDING DATE
DESCENDING DATE

LETTERS

ACCOUNT: 194202159

ACCOUNT: 1942
PHONE CALLS
TRANSFERS

159
PMT ARRGS
FULL HISTORY

CODE ACTIVITY COMMENTS

NCOA#	NCOA ADDRESS HISTORY FOUND, ADDRESS HISTORY IS: Name: MILLARD K LONG Address: 5	8888	09/28/2010	09:55:33
NCOAA	430 PARK RD APT 4 City: FORT MYERS State: FL Zip: 33908-4646 First Rpt Dt: 20090	8888	09/28/2010	09:55:33
NCOAA	501 Last Rpt Dt: 20090501	8888	09/28/2010	09:55:33
NCOAA	NCOA ADDRESS HISTORY FOUND, ADDRESS HISTORY IS: Name: MILLARD K LONG Address: 5	8888	09/28/2010	09:55:33
NCOAA	266 NAUTILUS DR City: CAPE CORAL State: FL Zip: 33904-5646 First Rpt Dt: 2005120	8888	09/28/2010	09:55:33
NCOAA	1 Last Rpt Dt: 20100901	8888	09/28/2010	09:55:33
NCOARL	NCOA RELATIVE FOUND, RELATIVE INFORMATION IS: Name: KEVIN KEMP Address: 1635 BO	8888	09/28/2010	09:55:33
NCOARL	RDER ST City: ZANESVILLE State: OH Zip: 43701-3101 Phone: 7404504329 First Rpt D	8888	09/28/2010	09:55:33
NCOARL	t: 20011001 Last Rpt Dt: 20100801 DOB: 19760615	8888	09/28/2010	09:55:33
NCOARL	NCOA RELATIVE FOUND, RELATIVE INFORMATION IS: Name: SANDRA CORNELIUS Address: 1	8888	09/28/2010	09:55:33
NCOARL	3108 HEIMBERGER RD City: BALTIMORE State: OH Zip: 43105-9381 Phone: 7408628608 F	8888	09/28/2010	09:55:33
NCOARL	irst Rpt Dt: 19951001 Last Rpt Dt: 20100801 DOB: 19700510	8888	09/28/2010	09:55:33
NCOARL	NCOA RELATIVE FOUND, RELATIVE INFORMATION IS: Name: CLINT HUSKEY Address: 107 H	8888	09/28/2010	09:55:33

More...

ACTIVITY:

FOLLOW UP ACTIVITY: _____ **FOLLOW UP DATE:** _____ **FOLLOW UP TIME:** _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:26 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

ACCOUNT: 194202159

POSITION TO DATE: _____
SELECT ONLY EMP#:

<input type="checkbox"/> ASCENDING DATE	<input type="checkbox"/> LETTERS	<input type="checkbox"/> PHONE CALLS	<input type="checkbox"/> PMT ARREGS
<input type="checkbox"/> DESCENDING DATE	<input type="checkbox"/> COMMENTS	<input type="checkbox"/> TRANSFERS	<input type="checkbox"/> FULL HISTORY

CODE ACTIVITY COMMENTS

NCOARL	OVEN CT SW City: HUNTSVILLE State: AL Zip: 35824-2516 Phone: 2564894174 First Rp	8888	09/28/2010 09:55:33
NCOARL	t Dt: 20080601 Last Rpt Dt: 20100801 DOB: 19700916	8888	09/28/2010 09:55:33
PHNSTS	PHONE (239) 542-2615 NOT ADDED. SAME PHONE INACTIVE ON FILE	8888	09/28/2010 09:55:33
NCOARL	NCOA RELATIVE FOUND, RELATIVE INFORMATION IS: Name: LINDA LONG Address: 5266 NA	8888	09/28/2010 09:55:33
NCOARL	UTILUS DR City: CAPE CORAL State: FL Zip: 33904-5646 Phone: 2395422615 First Rpt	8888	09/28/2010 09:55:33
NCOARL	Dt: 20060101 Last Rpt Dt: 20100801 DOB: 19430413	8888	09/28/2010 09:55:33
PHNSTS	PHONE (740) 796-5272 NOT ADDED. SAME PHONE INACTIVE ON FILE	8888	09/28/2010 09:55:33
NCOARL	NCOA RELATIVE FOUND, RELATIVE INFORMATION IS: Name: LINDA K KEMP Address: 6655	8888	09/28/2010 09:55:33
NCOARL	FERRELL RD City: ZANESVILLE State: OH Zip: 43701-8494 Phone: 7407965272 First Rp	8888	09/28/2010 09:55:33
NCOARL	t Dt: 19910801 Last Rpt Dt: 20100801 DOB: 19471203	8888	09/28/2010 09:55:33
NCOANB	NCOA NEAR-BY FOUND, ADDITIONAL NEAR-BY IS: Name: CLAUDIA G PATSCHEIDER Address:	8888	09/28/2010 09:55:33
NCOANB	5265 NAUTILUS DR Zip: 33904 Phone: 0000000000 Dwelling Units: 08 Length of Resi	8888	09/28/2010 09:55:33
NCOANB	dence: 12	8888	09/28/2010 09:55:33

More...

ACTIVITY: _____

FOLLOW UP ACTIVITY: _____ FOLLOW UP DATE: _____ FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:28 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

ACCOUNT: 194202159

POSITION TO DATE: _____
SELECT ONLY EMP #: _____

ASCENDING DATE	LETTERS	PHONE CALLS	FMT ARRG'S
DESCENDING DATE	COMMENTS	TRANSFERS	FULL HISTORY

CODE ACTIVITY COMMENTS

NCOANB	NCOA NEAR-BY FOUND, ADDITIONAL NEAR-BY IS: Name: CLAUDIA PATSCHEIDER Address: 5	8888	09/28/2010 09:55:33
NCOANB	265 NAUTILUS DR Zip: 33904 Phone: 0000000000 Dwelling Units: 09 Length of Reside	8888	09/28/2010 09:55:33
NCOANB	nce: 12	8888	09/28/2010 09:55:33
NCOANB	NCOA NEAR-BY FOUND, ADDITIONAL NEAR-BY IS: Name: JOSEPH K WOJCIECHOWSKI Address	8888	09/28/2010 09:55:33
NCOANB	: 5265 NAUTILUS DR Zip: 33904 Phone: 0000000000 Dwelling Units: 08 Length of Res	8888	09/28/2010 09:55:33
NCOANB	idence: 27	8888	09/28/2010 09:55:33
NCOANB	NCOA NEAR-BY FOUND, ADDITIONAL NEAR-BY IS: Name: JUERGEN NEUMANN Address: 5265	8888	09/28/2010 09:55:33
NCOANB	NAUTILUS DR Zip: 33904 Phone: 0000000000 Dwelling Units: 07 Length of Residence:	8888	09/28/2010 09:55:33
NCOANB	14	8888	09/28/2010 09:55:33
NCOANB	NCOA NEAR-BY FOUND, ADDITIONAL NEAR-BY IS: Name: BETTY J WILLS Address: 5266 NA	8888	09/28/2010 09:55:33
NCOANB	UTILUS DR Zip: 33904 Phone: 0000000000 Dwelling Units: 02 Length of Residence: 3	8888	09/28/2010 09:55:33
NCOANB	9	8888	09/28/2010 09:55:33
CLIHST	Search Request:NCOA, PRM PHN,NEIGH,REL,DEC,BKY	8888	09/27/2010 23:38:41

More...

ACTIVITY: _____

FOLLOW UP ACTIVITY: _____

FOLLOW UP DATE: _____

FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:31 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

POSITION TO DATE:

SELECT ONLY EMP#:

	ASCENDING DATE	LETTERS	PHONE CALLS	EMT ARRGS
	DESCENDING DATE	COMMENTS	TRANSFERS	FULL HISTORY

ACCOUNT: 194202159

CODE	ACTIVITY COMMENTS	EMP #	DATE	TIME
EIREQ	ESTATE INFO REQUESTED	9997777	09/15/2010	03:45:13
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:12:05
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:12:03
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:12:03
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:12:02
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:12:01
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:12:01
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:12:00
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:59
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:58
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:57
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:56
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:56

More...

ACTIVITY: _____

FOLLOW UP ACTIVITY: _____ FOLLOW UP DATE: _____ FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:35 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

POSITION TO DATE:

SELECT ONLY EMP#:

	ASCENDING DATE	LETTERS	PHONE CALLS	FMT ARRG'S
	DESCENDING DATE	COMMENTS	TRANSFERS	FULL HISTORY

CODE	ACTIVITY COMMENTS	EMP #	DATE	TIME
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:55
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:54
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:54
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:53
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:52
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:52
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:51
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:50
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:50
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	14:11:49
PH	NO COMMITMENT, WIFE LINDA LONG CIF 1847#, GV MM, VRFY DOD/ADRS, ADV OF PIF DUE,	8038	09/14/2010	14:11:23
PH	SD SHE LIVES IN AUNT'S GARAGE, SD LOST HOME YEARS AGO, AUTO REPO, SHE HAS OTHER	8038	09/14/2010	14:11:23

More...

ACTIVITY: _____

FOLLOW UP ACTIVITY: _____

FOLLOW UP DATE: _____

FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:39 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

POSITION TO DATE:

SELECT ONLY EMP#:

	ASCENDING DATE	LETTERS	PHONE CALLS	PMT ARRG'S
	DESCENDING DATE	COMMENTS	TRANSFERS	FULL HISTORY

CODE ACTIVITY COMMENTS

PH	ONE, CANT SIF \$12,500, SD NOTHING CAN BE RAISED FOR SIF	8038	09/14/2010 14:11:23
PHNSTS	RELPHN-7407965272-INACTIVATED	8038	09/14/2010 14:09:39
PHNSTS	RELPHN-9372892702-INACTIVATED	8038	09/14/2010 14:09:39
PHNSTS	RELPHN-2395422615-INACTIVATED	8038	09/14/2010 14:09:39
APPHTY	PRMCON-CELLCL-WIRELESS PHONE OK TO CALL	8038	09/14/2010 14:09:39
BPPHTY	PRMCON-CELHVK-CELL PHONE HOME AND WRKPHN	8038	09/14/2010 14:09:39
9I	WEB SKIP NL FOR HOME IN FLORIDA	8038	09/14/2010 14:08:02
CRREV	CREDIT REPORT REVIEW \$18K REV BAL	8038	09/14/2010 14:07:25
CRREV	CREDIT REPORT REVIEW AUTO REPO PREV BKR NO HOME	8038	09/14/2010 14:07:12
SK	SKIPTRACING PRCNE CALL 239 941 1847 LINDA J LONG , TRANSFER TO JASON	6859	09/14/2010 14:03:37
EICMP	ESTATE INFO COMPLETED	10114	09/14/2010 13:08:08
NEF	NO ESTATE INFO FOUND IN LEE COUNTY FL PER WEBSITE SEARCH	10114	09/14/2010 13:08:07
9J	CK ACCURINT GV SAME NAUTILUS DR ADRS FOR 5 YRS NO HP	8038	09/14/2010 11:18:10

More...

ACTIVITY: _____

FOLLOW UP ACTIVITY: _____ FOLLOW UP DATE: _____ FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:42 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

POSITION TO DATE:

SELECT ONLY EMP#:

ASCENDING DATE
DESCENDING DATELETTERS
COMMENTS

ACCOUNT: 194202159

PHONE CALLS
TRANSFERSPMT ARRG'S
FULL HISTORY

CODE ACTIVITY COMMENTS

CODE	ACTIVITY COMMENTS	EMP #	DATE	TIME
IG	PHO RP ANSMACH 1847	8038	09/14/2010	11:15:42
CLL	GENERAL COLLECTION CALL	8038	09/14/2010	11:14:43
CLL	GENERAL COLLECTION CALL	8038	09/13/2010	15:58:24
CLL	GENERAL COLLECTION CALL	8038	09/13/2010	15:58:24
CLL	GENERAL COLLECTION CALL	8038	09/13/2010	15:58:24
CLL	GENERAL COLLECTION CALL	8038	09/13/2010	15:58:24
CLIHST	NO ACCOUNT FOUND ON A 505 RECORD	5204	09/08/2010	07:12:45
EISRCH	ESTATE INQUIRY SEARCH-NO MATCH	9997777	09/08/2010	04:40:12
DCN1	DCARE FIRST NOTICE:DCARE FIRST NOTICE	9998	09/08/2010	00:00:00
AFCEPH	CELMHMK-239 994 1847 00000000	8888	09/07/2010	16:47:37
BFCEPH	HCMPHN-239 994 1847 00000000	8888	09/07/2010	16:47:37
NCOADC	NCOA DECEASED FOUND Date of Birth: 04/15/1930 Date of Death: 03/26/2010 City: CA	8888	09/07/2010	16:47:36
NCOADC	PE CORAL State: FL Zip: 33904	8888	09/07/2010	16:47:36
AFDOD	PRMCON-2010-03-26	8888	09/07/2010	16:47:36

More...

ACTIVITY: _____

FOLLOW UP ACTIVITY: _____ FOLLOW UP DATE: _____ FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

ARS-ARRC 25

EXPANDED HISTORY SCREEN

8:44:44 2/01/2011

PRIMARY CONTACT: MILLARD K. LONG

POSITION TO DATE:

SELECT ONLY EMP#:

	ASCENDING DATE	LETTERS	PHONE CALLS	PMT ARRG'S
	DESCENDING DATE	COMMENTS	TRANSFERS	FULL HISTORY

ACCOUNT: 194202159

CODE	ACTIVITY COMMENTS	EMP #	DATE	TIME
BFDOD	PRACON-0001-01-01	8888	09/07/2010	16:47:36
AFADOR	AFTER ADDRESS 5266 NAUTILUS DR CAPE CORAL FL 33904 5646 C085 071	8888	09/07/2010	16:47:36
BFADOR	BEFORE ADDRESS 5266 NAUTILUS DR CAPE CORAL FL 33904 5646	8888	09/07/2010	16:47:36
CLIHST	Search Request:NCOA,PHN,DEC,BKY 3MOS	8888	09/07/2010	16:47:36
CLIHST	Monthly Income = \$30.00 000 20100508 0000000 000 20100323 0000000 000 201005	8888	09/07/2010	16:47:36
CLIHST	10 0000000	8888	09/07/2010	16:47:36

Bottom

ACTIVITY: _____

FOLLOW UP ACTIVITY: _____ FOLLOW UP DATE: _____ FOLLOW UP TIME: _____

F3=EXIT F4=PROMPT F5=REFRESH F17=PRINT ENTER=PROCESS

Linda Long

Transcript of calls

Jason Shea of West Asset Management and Linda Long

1

2

3 Operator: Routing is 194-202-159 and her name is Linda, she's the spouse. So
4 she's handling his final affairs.

5

6 Jason Shea: Linda the spouse.

7

8 Operator: Yep, for Long.

9

10 Jason Shea: Ok thank you. Hi Mrs. Long.

11

12 Linda: Yes it is.

13

14 Jason: Hi, this is Jason Shea. Thanks for giving me a call back here regarding the
15 late Millard Long. I understand that you're handling the final affairs for Mr. Long

16

17 Linda: I guess I am, I'm his wife.

18

19 Jason: Ok, and then you're Linda Long and you're his spouse, ok.

20

21 Linda: Yes, I am.

22

23 Jason: Ok, Ma'am well first and foremost, I would like to offer my sincere
24 condolences for the loss of Mr. Long.

25

26 Linda: inaudible

27

28 Jason: Now I do need to make sure we have the correct individual ma'am. I am
29 showing a date of passing of March 26th of this year. Would that be accurate?

30

31 Linda: Yes, that's accurate.

32

33 Jason: Ok, and again my name is Jason Shea, you've reached West Asset
34 Management. I do need to give you a couple brief disclosures and then I can tell
35 you what this is regarding here.

36 First, this is an attempt to collect a debt, any information obtained will be used for
37 that purpose. This is in regards to a Bank of America Visa account. In the amount
38 of \$16,651.52. Be advised as a family member, you are not personally responsible
39 to pay this debt. But I am trying to see how the estate is taking care of the final



40 bills at this point.
41
42 Linda: There is no estate.
43
44 Jason: Ok
45
46 Linda: He had nothing. When my husband passed we were living in my Aunt and
47 Uncle's house to take care of my final family, which he was supposed to be
48 helping me, which when he passed we have nothing, I have no money. I have no
49 savings account. I have nothing, so there is nothing left in his, I mean he has
50 nothing. I had to sell a motor home and what do you call it a short sale? Which I
51 lost money on. I mean that was all we had. I just have a vehicle, that's it, my Aunt
52 purchased a vehicle for me so I could have something to drive with.
53
54 Jason: well, sure sure
55
56 Linda: It's very, my life, if they want to come get my social security I guess they
57 could come get me.
58
59 Jason: no, no, it's nothing like that.
60
61 Linda: nothing left. I mean, I don't know how much lower I can get.
62
63 Jason: Sorry to hear everything (inaudible)
64
65 Linda: I'm living in my Aunt's house, taking care of my Aunt who is 88 years old
66 and is not well, but she's atleast giving me a roof over my head
67
68 Jason: Sure, I do see there was another vehicle was repossessed a couple months
69 back?
70
71 Linda: Right, yes there was.
72
73 Jason: OK, and as far as any home, you guys don't own a home then?
74
75 Linda: No we do not. We had to sell our home when we moved in with them
76 because we were getting ready to lose our home
77
78 Linda: It was a foreclosure type thing, that we sold it and had just made out, that
79 was it.
80
81 Jason: Ok
82
83 Linda: and that was back in March of 06 when we moved in here. So this is not a
84 good year, a good place to live in this world, (laughs) sorry.
85

86 Jason: Sounds like you're going through a rough patch, but hang in there.
87
88 Linda: I've had a real rough patch, and kinda mad at him because he was
89 supposed to help me with all of this stuff and he's gone.
90
91 Jason: yeah, it sounds like it's making it a little bit tougher for you do these
92 things.
93
94 Linda: Yeah it is, it's kinda hard for me, I mean I never know whose gonna call
95 next.
96
97 Jason: Right. Ok. Now do you know what was charged on the card to get it up to
98 that high of a balance?
99
100 Linda: I have no idea. I know he's. We were doing stuff from way back. He was
101 in business with some guy and he was transferring balances and I just have no
102 idea what it all led in because that broke up along time ago.
103 He was trying to keep us a float, but he didn't do such a good job I guess.
104
105
106 Jason: Ok, but you're not foreseeing anything like any type of probate that would
107 be necessary for anything or any will or trust or anything.
108
109 Linda: There was no will, no probate because there was nothing. I don't know
110 what we can do.
111
112
113 Jason: Ok, Now is there anything since this is most of what's owed, it looks like
114 there's about \$18,000.00 in revolving credit, all but a couple thousand of it, I am
115 in a position where I can get the balance reduced to \$12,500.00, if that makes any
116 difference or if there's any family that can help with the situation.
117
118 Linda: Jeez, I have no idea who.
119
120 Jason: Ok -- ok
121
122 Linda: I couldn't even tell you who.
123
124 Jason: Ok, alright ma'am. Well, what I can do here, I'm just gonna go ahead and
125 update the file here. Put down that there is no probate or Will involved at all for
126 Mr. Long. That there is no home or vehicle that is solely in his name at this point
127 and that a settlement, it doesn't sound like there's any way that that can be
128 reached. But if you do find at a later time that there's anything at all that can be
129 offered towards the account, let us know and we'd be happy to work with you on
130 things.
131

132 Linda: Ok
133
134 Jason: We also did mail something out to 5266 Nautilus Drive in Cape Coral
135
136 Linda: Yes, that's my Aunt's home, yes.
137
138 Jason: Ok, and that should, did you say you received that today? Or were you
139 responding to?
140
141 Linda: no, I haven't received anything yet that I know of.
142
143 Jason: Ok, that should be about today it was received, it was sent a week ago.
144
145 Linda: Ok
146
147 Jason: Ok, so I'll just go ahead and note that and obviously if you do have any
148 questions regarding the asset search, then the best number for you is that 994-149
150 1847?
151
152 Linda: Yes, that's my cell phone, like I say that's the only thing I got
153
154 Jason: Ok, Alright ma'am, well I hope everything picks up for you here
155
156 Linda: Well, I thank you very much for
157
158 Jason: sure
159
160 Linda: Like I say I have no idea, I had no idea this was gonna happen, he just, it
161 came all on me all of the sudden. I mean 8 months and he's gone. It's nothing I
162 expected and neither did he. Ok, thank you.
163
164 Jason: You bet ma'am. Thanks for letting us know the situation. Thank you
165
166

Second call:

167 Computer: Call one on Wednesday November 17, 2010 at 8:44 a.m. with a
168 GMAC offset of negative 360 minutes, agent i.d. extension is 22 thousand 20.
169
170 Jason: The late Millard Long
171
172 Linda: Hello?
173

174 Jason: Yeah, can you hear me ok?
175
176 Linda: Yes I can.
177
178 Jason: Ok, I'm trying to get in touch with the person handling estate matters for
179 the late Millard Long.
180
181 Linda: Yes, you're talking to her, I'm the widow.
182
183 Jason: Ok, is this Linda?
184
185 Linda: Yes it is.
186
187 Jason: Ok, Linda well I had talked to you a couple months back. I'm just doing a
188 follow up call here regarding Mr. Long. Again I do need to go through those brief
189 disclosures. Again, this is Jason Shea with West Asset Management. Again this is
190 an attempt to collect a debt any information obtained will be used for that purpose
191 and this call may be monitored and/or recorded for quality assurance purposes.
192 This in regards to the Bank of America Visa, it's in the amount of \$16, 651.52
193 and be advised as a family member, you are not personally responsible for to pay
194 this debt. I just want to see if there's any change over the last couple months, to
195 make it possible to address this bill at this current time.
196
197
198 Linda: There is, nothing changed. It's the same as its been since the last time you
199 called. There is nothing
200
201 Jason: Ok, last time you said there was no probate that's being opened up for Mr.
202 Long
203
204 Linda: There was no probate because there wasn't anything, we lost everything
205 we had. I'm living with my Aunt, I mean, what more can I do. Destitute if you
206 want to say.
207
208 Jason: Ok according to the notes, about the home you said that was lost years ago
209 and the auto was returned is that correct?
210
211 Linda: Right, we lost an auto, we lost a house, we lost a motor home, I had to sell
212 it for a short sale. I've got that debt hitting me at the end of the month, at the end
213 of the year. So, I mean, I just don't have anything. There's nothing.
214
215 Jason: Ok, ok. Was there any life insurance that was left for Mr. Long?
216
217 Linda: Just a small life insurance, It'll probably, it's only a couple thousand
218 dollars, that's all I've got.
219

220 Jason: Ok, if we were able to reduce this substantially. I mean last time I told you
221 it was 12,500.00, I know that's really hard to come up with, is there anything at
222 all that can be offered? I could take it to our client, sometimes even two or three
223 thousand dollars is enough to get it approved and get this bill taken care of.
224

225 Linda: Like I say if I give you two or three thousand dollars, then I don't have
226 anything left, now do I? I'm just gonna be on my own
227

228 Jason: I just wanna ask to see if there's anything that can be done since it is a
229 large bill, just a couple thousand dollars to be writing off over \$14,000.00.
230

231 Linda: Right
232

233 Jason: You don't think the family's in a position to help you out with that, and get
234 this taken off your plate?
235

236 Linda: I doubt it, but I could try to give you two thousand just out of his life
237 insurance but then I won't have much left, but that's fine I can do that, anything
238 just to get this off of my head.
239

240 Jason: So if I was able to get this approved through our client you believe you
241 could come up with two thousand?
242

243 Linda: I guess, I could probably come up with two thousand somehow, I'd just
244 have to scrimp and save but I could do it I think
245

246 Jason: Ok, I should, if I submit this to them, I should be able to hear by tomorrow
247 afternoon if it's approved, are the funds available to do a check by phone if I do
248 get approval for that?
249

250 Linda: I'll have to move it out of something and put it in something I guess
251

252 Jason: Ok, alright ma'am, well I can go ahead and try to get it approved. I think
253 based on the circumstance I would be able to do that. Is this the best number to
254 reach you or is it the cell phone?
255

256 Linda: Yes, this is my cell phone
257

258 Jason: Oh it is, I see that. Well let me see if I can get that approved and I should
259 be able to get back to you again tomorrow afternoon then and let you know.
260

261 Linda: ok
262

263 Jason: Well, I'll get that done and give you a call. Let me give you my name and
264 number too in case you don't hear anything back from me, you can atleast get in
265 touch with me.

266
267 Linda: Wait a minute. Let me get a pen. --- Ok
268
269 Jason: ok, again my name is Jason, the last name is Shea, it's S-H-E-A. The
270 number here is 888-999-2156
271
272 Linda: ok
273
274 Jason: Ok let me give you the file number too ma'am and that is important when
275 calling back in. That number is 194202159
276
277 Linda: ok, thank you
278
279 Jason: you bet. Thank you for going over everything with me ma'am and I'll let
280 you know as soon as I get word
281
282 Linda: Ok, thank you
283
284 Jason: Thank you ma'am
285
286
287
288
289
290
291
292
293

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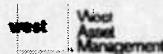
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16 Fla. L. Weekly Supp. 576a

Online Reference: FLWSUPP 166CASSE

Consumer law -- Florida Consumer Collection Practices Act -- Punitive damages -- Litigants seeking recovery of punitive damages under FCCPA are afforded separate and distinct, non-exclusive, standards through which punitive damages may be recovered from trial court or jury under sections 559.77(2) and 768.72 -- Leave to amend complaint to seek punitive damages is granted

CAROL J. CASSELMAN, Plaintiff, v. MIDLAND FUNDING, LLC and MIDLAND CREDIT MANAGEMENT, INC., Defendants. County Court, 10th Judicial Circuit in and for Polk County, Civil Division. Case No. 53-2008-CC-1375-WH. March 3, 2009. Anne Kaylor, Judge. Counsel: Richard K. Peck, The Tischhauser Law Group, Tampa, for Plaintiff. Michelle Bell, for Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR
LEAVE TO AMEND TO SEEK PUNITIVE DAMAGES**

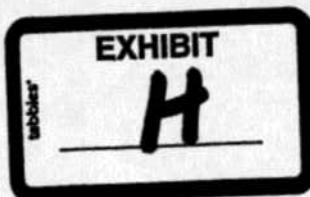
This cause came on to be heard on March 16, 2009, upon Plaintiff's Motion for Leave to Amend to Seek Punitive Damages, and this Honorable Court, having examined the Plaintiff's Motion and court file, read the supporting memoranda submitted by the parties, heard the argument of counsel and otherwise being fully advised in the premises hereby makes the following findings:

1. Both Fla. Stat. 559.77(2) and Fla. Stat. 768.72, provide authority for the imposition of punitive damages in claims under the FCCPA. Although Fla. Stat. 559.77(2) authorizes the trial court to award punitive damages in its discretion, Fla. Stat. 559.77(2) does not exclude the additional submission of punitive damage consideration to a jury. In contrast, Fla. Stat. 768.72 not only addresses the submission of punitive damages to a jury, but in fact, establishes a distinctive standard and process through which such damages would be permissibly recovered. As such it appears clear that litigants seeking recovery of punitive damages for violation of the FCCPA are afforded two (2) separate and distinct, though not exclusive, standards through which such damages may be recovered.
2. That Plaintiff has made a reasonable showing of evidence in the record, or by way of proffer, which would provide a reasonable basis for the recovery of punitive damages pursuant to Fla. Stat. 768.72.

Therefore, It is ORDERED and ADJUDGED that:

1. Plaintiff's Motion for Leave to Amend to Seek Punitive Damages is hereby GRANTED and the Plaintiff is hereby authorized to plead and seek recovery of punitive damages pursuant to Fla. Stat. 768.72 in addition to those available under Fla. Stat. 559.77(2).
2. Plaintiff shall have twenty (20) days from the date of entry of this Order for which to serve an Amended Complaint, consistent with this Order.

* * *



IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT IN AND FOR
HILLSBOROUGH COUNTY, STATE OF FLORIDA
CIVIL DIVISION

HEATHER HOWARD

Plaintiff,

-vs-

WOLPOFF & ABRAMSON, LLP

Defendant.

CASE NO.: 06-CA-001045
DIVISION I

2010 OCT 14 PM 3:13

HILLSBOROUGH COUNTY, FL.
CIRCUIT COURT CIVIL

MM

**ORDER ON PLAINTIFF'S AMENDED MOTION
TO AMEND FOR PUNITIVE DAMAGES**

THIS CAUSE came before this Honorable Court on October 14, 2010, upon Plaintiff's Amended Motion to Amend her Florida Consumer Collection Practices Act ("FCCPA") Complaint for Punitive Damages and after reviewing the record, hearing argument of counsel, and for the reasons stated orally in open court which shall constitute the decision of this Court, and being otherwise fully advised in the premises, hereby finds as follows:

A. The Plaintiff has the ability to seek punitive damages in claims under the FCCPA pursuant to both Florida Statute §559.77(2) and §768.72. Although F.S. §559.77(2) authorizes the trial court to award punitive damages in its discretion, F.S. §768.72 does not exclude the additional submission of punitive damages for consideration by a jury. F.S. §768.72 not only addresses the submission of punitive damages to a jury, but also establishes a distinctive standard and process through which such damages would be permissibly recovered. As such, it appears clear that litigants seeking recovery of punitive damages for a violation of the FCCPA are afforded two (2) separate and distinct, though not exclusive, standards through which damages may be recovered.



JB

B. Plaintiff has made a reasonable showing of evidence in the record by way of proffer which would provide a reasonable basis for the recovery of punitive damages, which proffer includes the following:

(1) The proffer in this case illustrates the alleged debt with MBNA AMERICA BANK, N.A. n/k/a FIA CARD SERVICES, N.A. included in this lawsuit was the responsibility of Edward Nugent and was discharged in bankruptcy.

(2) MBNA AMERICA BANK, N.A. n/k/a FIA CARD SERVICES, N.A. hired their attorneys WOLPOFF & ABRAMSON, L.L.P. to collect the MBNA AMERICA BANK, N.A. n/k/a FIA CARD SERVICES, N.A. debt which WOLPOFF & ABRAMSON, L.L.P knew the Plaintiff did not owe.

(3) WOLPOFF & ABRAMSON, L.L.P. intentionally harassed and abused the Plaintiff by calling her and attempting to collect a debt owed solely by her father and which had been discharged in bankruptcy.

(4) WOLPOFF & ABRAMSON, L.L.P. attempted to compel the Plaintiff into the NATIONAL ARBITRATION FORUM "arbitration" using an agreement that the Plaintiff never agreed to or signed. It is the corporate policy of WOLPOFF & ABRAMSON, L.L.P., as attorneys for MBNA AMERICA BANK, N.A. n/k/a FIA CARD SERVICES, N.A., to attempt to collect on debts that are not owed and then to force them into an "arbitration" proceeding which is actually owned by WOLPOFF & ABRAMSON, L.L.P

(5) The State of Minnesota Attorney General uncovered the fact that WOLPOFF & ABRAMSON, L.L.P. actually had an ownership interest in the NATIONAL ARBITRATION FORUM and filed suit against the NATIONAL ARBITRATION FORUM on July 14, 2009.

(6) Stuart Wolpoff and Ronald Abramson of WOLPOFF & ABRAMSON, L.L.P. each have a 7.58% ownership interest in the NATIONAL ARBITRATION FORUM.

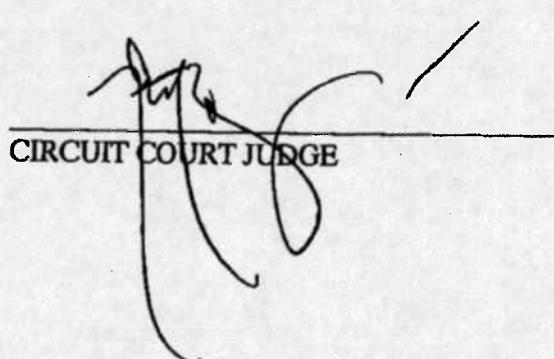
It is therefore, ORDERED AND ADJUDGED as follows:

1. Plaintiff's Amended Motion to Amend her Florida Consumer Collection Practices Act Complaint to include a count for Punitive Damages is hereby **GRANTED**.
2. Plaintiff's Amended Complaint attached to Plaintiff's Amended Motion to Amend for Punitive Damages dated October 6, 2010, is deemed properly filed.
3. Defendant shall have twenty (20) days from the date of this Order to file its response to Plaintiff's Amended Complaint.

DONE AND ORDERED in Chambers in Hillsborough County, Florida this 14 day of October, 2010.

Conformed copies to:

William Pearce Howard, Esquire
Cheryl E. Rose, Esquire


CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, STATE OF FLORIDA
CIVIL DIVISION

LYNDA NUGENT,

Plaintiff,

CASE NO.: 06-002042-CI

-vs-

WOLPOFF & ABRAMSON, L.L.P.

Defendant.

**ORDER ON PLAINTIFF'S AMENDED MOTION
TO AMEND FOR PUNITIVE DAMAGES**

THIS CAUSE came before this Honorable Court on July 30, 2010, upon Plaintiff's Amended Motion to Amend her Florida Consumer Collection Practices Act ("FCCPA") Complaint for Punitive Damages and after reviewing the record, hearing argument of counsel, and for the reasons stated orally in open court which shall constitute the decision of this Court, and being otherwise fully advised in the premises, hereby finds as follows:

A. The Plaintiff has the ability to seek punitive damages in claims under the FCCPA pursuant to both Florida Statute §559.77(2) and §768.72. Although F.S. §559.77(2) authorizes the trial court to award punitive damages in its discretion, F.S. §768.72 does not exclude the additional submission of punitive damages for consideration by a jury. F.S. §768.72 not only addresses the submission of punitive damages to a jury, but also establishes a distinctive standard and process through which such damages would be permissibly recovered. As such, it appears clear that litigants seeking recovery of punitive damages for a violation of the FCCPA are afforded two (2) separate and distinct, thought not exclusive, standards through which damages may be recovered.



B. Plaintiff has made a reasonable showing of evidence in the record by way of proffer which would provide a reasonable basis for the recovery of punitive damages, which proffer includes the following:

(1) The proffer in this case illustrates the alleged debt with MBNA AMERICA BANK, N.A. n/k/a FIA CARD SERVICES, N.A. included in this lawsuit was the responsibility of Edward Nugent and was discharged in bankruptcy.

(2) MBNA AMERICA BANK, N.A. n/k/a FIA CARD SERVICES, N.A. hired their attorneys WOLPOFF & ABRAMSON, L.L.P. to collect the MBNA AMERICA BANK, N.A. n/k/a FIA CARD SERVICES, N.A. debt which WOLPOFF & ABRAMSON, L.L.P knew the Plaintiff did not owe.

(3) WOLPOFF & ABRAMSON, L.L.P. intentionally harassed and abused the Plaintiff by calling her and attempting to collect a debt owed solely by her husband and which had been discharged in bankruptcy, to the point of becoming derogatory on the phone and even stating to the Plaintiff that if she were "any type of wife" she would pay off her husband's debt.

(4) WOLPOFF & ABRAMSON, L.L.P. compelled the Plaintiff into the NATIONAL ARBITRATION FORUM "arbitration" using an agreement that the Plaintiff never agreed to or signed. It is the corporate policy of WOLPOFF & ABRAMSON, L.L.P., as attorneys for MBNA AMERICA BANK, N.A. n/k/a FIA CARD SERVICES, N.A., to attempt to collect on debts that are not owed and then to force them into an "arbitration" proceeding which is actually owned by WOLPOFF & ABRAMSON, L.L.P

(5) WOLPOFF & ABRAMSON, L.L.P. compelled the Plaintiff into the NATIONAL ARBITRATION FORUM using a bogus MBNA AMERICA BANK, N.A. n/k/a FIA CARD SERVICES, N.A. credit card agreement which was never signed by the Plaintiff and

then obtained an arbitration "award" against the Plaintiff, adding approximately \$5,000.00 in additional illegitimate fees.

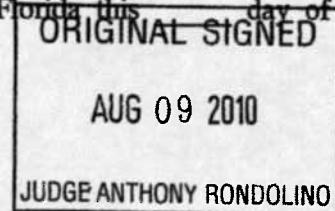
(6) The State of Minnesota Attorney General uncovered the fact that WOLPOFF & ABRAMSON, L.L.P. actually had an ownership interest in the NATIONAL ARBITRATION FORUM and filed suit against the NATIONAL ARBITRATION FORUM on July 14, 2009.

(7) Stuart Wolpoff and Ronald Abramson of WOLPOFF & ABRAMSON, L.L.P. each have a 7.58% ownership interest in the NATIONAL ARBITRATION FORUM.

It is therefore, ORDERED AND ADJUDGED as follows:

1. Plaintiff's Amended Motion to Amend her Florida Consumer Collection Practices Act Complaint to include a count for Punitive Damages is hereby GRANTED
2. Plaintiff's Amended Complaint attached to Plaintiff's Amended Motion to Amend for Punitive Damages dated July 22, 2010, is deemed properly filed.
3. Defendant shall have twenty (20) days from the date of this Order to file its response to Plaintiff's Amended Complaint.

DONE AND ORDERED in Chambers in Pinellas County, Florida this _____ day of August, 2010.



CIRCUIT COURT JUDGE

Conformed copies to:

William Pearce Howard, Esquire
Cheryl E. Rose, Esquire

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL DIVISION**

LINDA J. LONG,

Plaintiff,

CASE NO.: 11CA-000133

v.

FIA CARD SERVICES, N.A. f/k/a BANK OF AMERICA, N.A.; and, WEST ASSET MANAGEMENT, INC.,

Defendants.

AMENDED COMPLAINT

Plaintiff, LINDA J. LONG ("LONG"), by and through the undersigned counsel, sues the Defendants, FIA CARD SERVICES, N.A. f/k/a BANK OF AMERICA, N.A. ("FIA") and WEST ASSET MANAGEMENT, INC. ("WEST"), and in support thereof respectfully alleges the following:

JURISDICTION AND VENUE

1. This is an action brought pursuant to Chapter 559.55 – 559.785, *Florida Statutes*, cited as the Florida Consumer Collector Practices Act ("FCCPA") which prohibits debt collectors from engaging in any conduct which is abusive or harassing.
2. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00) exclusive of interest, costs and attorney's fees.
3. The jurisdiction of this Court arises under Chapter 559, *Florida Statutes*.
4. The alleged violations described in the Complaint occurred in Lee County, Florida where the Plaintiff resides.
5. Plaintiff is a debtor and/or alleged debtor as defined by Chapter 559.55(2),



Florida Statutes.

6. FIA is a “debtor collector” pursuant to the FCCPA.

7. WEST is a “debtor collector” pursuant to the FCCPA.

8. FIA is a corporate entity responsible for attempting to collect a consumer debt from Plaintiff and is transacting business in the State of Florida.

9. WEST is a corporate entity responsible for attempting to collect a consumer debt from Plaintiff and is transacting business in the State of Florida.

FACTS COMMON TO ALL COUNTS

10. FIA consented to and has knowledge and control of the collection activities of its agents and representatives, including supervisors, managers, affiliates, subsidiaries, divisions, employees, servants, partners, agents, vendors, assignees, transferees, collectors and/or contractors (specifically including WEST).

11. WEST consented to and has knowledge and control of the collection activities of its agents and representatives, including supervisors, managers, affiliates, subsidiaries, divisions, employees, servants, partners, agents, vendors, assignees, transferees, collectors and/or contractors.

12. FIA has a business practice to collect debts directly through WEST from individuals that they know do not owe the debts.

13. FIA has an agreement with WEST to collect the deceased accounts from individuals who just lost a loved one although FIA knows these individuals do not legally owe these debts.

14. FIA and WEST have an agreement that benefits FIA financially for using WEST to collect deceased accounts.

15. FIA and WEST attempt to make individuals who just lost a loved one to make a "morality payment."

16. FIA and WEST have a business practice of attempting to collect payments of deceased accounts from living family members.

17. FIA and WEST, in despicable fashion, intentionally prey upon the emotions of individuals who just lost a loved one and make them pay for debts they do not owe.

18. FIA directly and indirectly communicated with the Plaintiff through WEST in an attempt to collect a debt Plaintiff does not owe.

19. FIA and WEST entered into an arrangement whereby WEST attempted to collect an alleged debt of the deceased husband of the Plaintiff, Millard K. Long, (Account Number **99080646) in the approximate amount of \$16,651.52 from the Plaintiff.

20. These collections attempts occurred on behalf of and at the direction of the principal, FIA, thereby making FIA vicariously liable for the acts of its agent, WEST.

21. Both FIA and WEST knew that the Plaintiff did not owe this debt. The debt did not belong to the Plaintiff, but rather was owed to FIA by the Plaintiff's deceased husband.

22. FIA is aware the Plaintiff was never a co-applicant, co-debtor or co-signor and never legally responsible for the debt.

23. FIA is aware that the Plaintiff was added only as an authorized user on the account.

24. FIA is aware the Plaintiff never charged any money on her deceased husband's credit card account.

25. FIA has an illegal routine practice and corporate policy of collecting debts from individuals that are authorized users on credit cards and are not responsible for the debts.

26. FIA and WEST have intentionally harassed and abused the Plaintiff on numerous occasions in outrageous format by their agents and representatives calling with such frequency as can be reasonably expected to harass the Plaintiff, in attempt to collect an alleged debt belonging to the Plaintiff.

27. On September 7, 2010, WEST, on behalf of FIA, sent a notice addressed to the deceased to the Plaintiff's address advising that, "as a family member or third party handling the affairs of the decedent, you are not personally responsible to pay this debt." And requesting payment from the Estate of the deceased. A copy of said letter is attached hereto as Exhibit A.

28. However, beginning in October, 2010, FIA and WEST intentionally harassed and abused the Plaintiff on numerous occasions through its agents and representatives calling the Plaintiff several times during one day and on back to back days with such frequency as can reasonably be expected to harass, including but not limited to calls on October 17, 2010 at 2:22 p.m., November 17, 2010 at 9:44 a.m., November 29, 2010 at 10:30 a.m. and 3:04 p.m., November 30, 2010 at 5:31 p.m., December 1, 2010 at 8:39 a.m., December 6, 2010 at 3:48 p.m., December 7, 2010 at 7:24 p.m. and December 10, 2010 at 1:31 p.m. These actions were taken in an attempt to intimidate the Plaintiff and insinuate that the Plaintiff was obligated to pay her deceased husband's debt.

29. WEST intentionally harassed and abused Plaintiff through its agents and representatives calling Plaintiff repeatedly, including a collector identified as Jason Shea speaking to Plaintiff on two occasions. On the first occasion, he was nice and assured her that she was not responsible for the debt. On the second occasion, he tried to get her to agree to pay \$2,000.00 on her deceased husband's debt and asked her if there was any family member who she could "hit up for money" in an attempt to coerce the Plaintiff to pay her deceased husband's

debt.

30. In 2010, FIA reported to the Credit Reporting Agencies (“CRAs”), including Equifax and TransUnion that the Plaintiff owes FIA \$16,651.00. These false statements to the CRAs were made with actual knowledge of their falsity and with reckless disregard for whether they were true or false.

31. FIA has implemented an illegal routine practice and corporate policy of collecting debts from individuals for deceased accounts by reporting these debts to CRAs.

32. FIA’s reportings were made with malice and willful intent to injure the Plaintiff.

33. FIA knew Plaintiff did not owe this debt; however, FIA maliciously ruined Plaintiff’s credit in an attempt to collect this illegal debt from her and cause emotional distress.

34. FIA attempts to collect illegal debts by continuously reporting these debts to the Credit Reporting Agencies including but not limited to Equifax and TransUnion.

35. FIA knowingly and intentionally reported this false debt with a conscious disregard for the Plaintiff’s rights.

36. Because of the stress, anxiety, and embarrassment from the continued calls and threats by the Defendants in an attempt to coerce the Plaintiff to pay a debt, Plaintiff has sustained mental pain and suffering, emotional distress, mental anguish, inconvenience, and loss of capacity for the enjoyment of life. Plaintiff has also suffered damages to her credit, including ruining her otherwise good credit.

37. FIA’s collection harassment described in this Amended Complaint is a state and nationwide procedure and has damaged an unknown amount of individuals.

38. Plaintiff’s damages pursuant to Florida Statutes including § 559.77 have continued and are continuing as of the filing of this complaint.

39. All conditions precedent to the filing of this action has occurred.

COUNT I

(Violation of the Florida Consumer Collection Practices Act "FCCPA")
FIA CARD SERVICES, N.A.

40. Plaintiff re-alleges paragraphs one (1) through thirty-nine (39) above as if fully set forth herein, and further states:

41. Defendant is subject to and must abide by the law of Florida, including Florida Statute § 559.72.

42. FIA acknowledged that WEST, its agent, would act on its behalf.

43. WEST accepted and ratified this agency relationship with FIA.

44. FIA retained the right to control and exercised such control over the actions of WEST.

45. FIA thus is vicariously liable for the actions of its agent, WEST.

46. In addition to being liable for the actions of WEST based upon an agency relationship, FIA also hired and/or contracted WEST to perform an act, specifically the collection of the invalid debt at issue in this case, that it knew to be unlawful and tortuous. In essence, FIA used WEST as an instrumentality for unlawful debt collections, including the debt collection efforts at issue in this case. FIA is thus directly liable for the misconduct of WEST alleged in this case as if it were its own.

47. FIA has violated *Florida Statute §559.72(7)* by willfully communicating with the alleged debtor with such frequency as can reasonably be expected to harass the debtor or her family.

48. FIA has violated *Florida Statute §559.72(7)* by willfully engaging in conduct which can reasonably be expected to abuse or harass the alleged debtor or any member of her

family.

49. FIA has violated *Florida Statute* §559.72(5) by disclosing to a person other than the debtor or her family information affecting the debtor's reputation with knowledge that the other person does not have a legitimate business need for the information.

50. FIA has violated *Florida Statute* §559.72(9) by claiming, attempting, or threatening to enforce a debt when such person knows that the debt is not legitimate or asserting the existence of some other legal right when such person knows that the right does not exist.

51. FIA's actions have directly and proximately resulted in Plaintiff's prior and continuous sustaining of damages as described by *Florida Statute* §559.77.

WHEREFORE, Plaintiff respectfully request judgment be entered against FIA for statutory damages, actual damages, punitive damages, costs, interest, attorney fees, enjoinder from further violations of these parts and any other such relief the court may deem just and proper.

COUNT II
(Intentional Infliction of Emotional Distress)
FIA CARD SERVICES, N.A.

52. Plaintiff re-alleges paragraphs one (1) through thirty-nine (39) above as if fully set forth herein, and further states:

53. FIA individually, and through its employees, agents, representatives and collectors, has intentionally inflicted emotional distress on the Plaintiff by its outrageous conduct.

54. The outrageous conduct as set forth in paragraphs one (1) through thirty-nine (39) herein, were directed at Plaintiff, by and through WEST's employees, agents, apparent agents or other persons acting to benefit and further the interests of FIA, in the course and scope of their

employment or agency with FIA.

55. As a direct and proximate result of the outrageous acts described in paragraphs one (1) through thirty-nine (39) herein, Plaintiff sustained mental pain and suffering, emotional distress, mental anguish, inconvenience, and loss of capacity for the enjoyment of life.

WHEREFORE, Plaintiff respectfully this Honorable Court enter judgment in favor of Plaintiff against FIA for statutory damages, actual damages, punitive damages, enjoinder from further violations, costs, interest, attorney fees, and for such other and further relief as this Honorable Court deems just and proper.

COUNT III
(Florida Common Law Defamation)
FIA CARD SERVICES, N.A.

56. Plaintiff reiterates and incorporates the allegations of paragraphs one (1) through thirty-nine (39) above as if fully alleged herein and further states:

57. FIA, individually, and through its employees, agents, representatives and collectors, willfully and maliciously made false statements to various credit reporting agencies regarding the Plaintiff's non-payment of a disputed debt despite even though it was aware that the debt at issue was disputed and belonged solely to the Plaintiff's deceased husband.

58. As set forth in paragraphs one (1) through thirty-nine (39) above, at the time that FIA, filed the false report with the various credit reporting agencies, FIA knew about the Plaintiff's dispute of the charges to the account and knew the statements that it reported to the various credit reporting agencies to be false.

59. FIA, individually, and through its employees, agents, representatives and collectors, filed a false report with the various credit reporting agencies with the willful intent of damaging the Plaintiff's credit history and preventing the Plaintiff from procuring credit.

60. The actions of FIA, individually, and through its employees, agents, representatives and collectors, caused irreparable injury and damage to Plaintiff's credit rating and worthiness.

61. The false information reported on the Plaintiff's credit report by FIA hindered and continues to hinder the Plaintiff's ability to obtain credit, bank loans and other types of financial credit has been adversely impacted.

WHEREFORE, Plaintiff requests this Honorable Court enter judgment in favor of Plaintiff against FIA, for damages, punitive damages, costs, interest, attorney fees, and for such other and further relief this Honorable Court deems just and proper.

COUNT IV
(Violation of the Florida Consumer Collection Practices Act "FCCPA")
WEST ASSET MANAGEMENT, INC.

62. Plaintiff re-alleges paragraphs one (1) through thirty-nine (39) above as if fully set forth herein, and further states:

63. WEST is subject to and must abide by the laws of the State of Florida, including *Florida Statute § 559.72*.

64. WEST has violated *Florida Statute §559.72(7)* by willfully communicating with the alleged debtor with such frequency as can reasonably be expected to harass the debtor or her family.

65. WEST has violated *Florida Statute §559.72(7)* by willfully engaging in conduct which can reasonably be expected to abuse or harass the alleged debtor or any member of her family.

66. WEST has violated *Florida Statute §559.72(9)* by claiming, attempting, or threatening to enforce a debt when such person knows that the debt is not legitimate or asserting

the existence of some other legal right when such person knows that the right does not exist.

67. WEST's actions have directly and proximately resulted in Plaintiff's prior and continuous sustaining of damages as described by *Florida Statute §559.77*.

WHEREFORE, Plaintiff respectfully request this Honorable Court enter judgment in favor of Plaintiff against WEST for statutory damages, actual damages, punitive damages, costs, interest, attorney fees, enjoinder from further violations of these parts, and for such other and further relief as this Honorable Court deems just and proper.

COUNT V
(Intentional Infliction of Emotional Distress)
WEST ASSET MANAGEMENT, INC.

68. Plaintiff re-alleges paragraphs one (1) through thirty-nine (39) above as if fully set forth herein, and further states:

69. WEST individually, and through its employees, agents, representatives and collectors, has intentionally inflicted emotional distress on the Plaintiff by its outrageous conduct.

70. The outrageous conduct as set forth in paragraphs one (1) through thirty-nine (39) herein, were directed at Plaintiff, by and through WEST's employees, agents, apparent agents or other persons acting to benefit and further the interests of FIA, in the course and scope of their employment or agency with FIA.

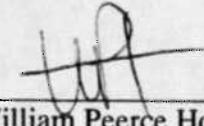
71. As a direct and proximate result of the outrageous acts described in paragraphs one (1) through thirty-nine (39) herein, Plaintiff sustained mental pain and suffering, emotional distress, mental anguish, inconvenience, and loss of capacity for the enjoyment of life.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in favor of Plaintiff against WEST for statutory damages, actual damages, punitive damages, enjoinder from

further violations, costs, interest, attorney fees, and for such other and further relief this Honorable Court deems just and proper.

DEMAND FOR JURY TRIAL

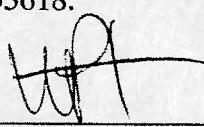
Plaintiff, LINDA J. LONG, demands a trial by jury of all issues so triable.



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Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Plaintiff's Amended Complaint has been served, via facsimile, First Class U.S. Mail, postage prepaid, and e-mail, this 27th day of August, 2011 to: Dayle M. Van Hoose, Esquire, Sessions, Fishman, Nathan & Israel, LLC, 3350 Buschwood Park Drive, Suite 195, Tampa, FL 33618.



William Peerce Howard, Esquire