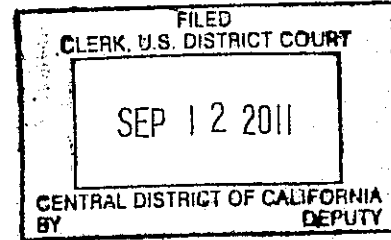


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11 UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 FEDERAL TRADE COMMISSION,  
14 Plaintiff,  
15 v.  
16 FORENSIC CASE MANAGEMENT  
17 SERVICES, INC. d/b/a Commercial  
18 Investigations, Inc., FCMS, Inc., Commercial  
19 Recovery Solutions, Inc., and Rumson,  
20 Bolling & Associates, a California  
21 corporation; SPECIALIZED RECOVERY,  
22 INC. d/b/a Joseph, Steven & Associates and  
23 Specialized Debt Recovery, a California  
24 corporation; COMMERCIAL  
25 RECEIVABLES ACQUISITION, INC. d/b/a  
26 Commercial Recovery Authority, Inc. and  
27 The Forwarding Company, a California  
28 corporation; DAVID M. HYNES II a/k/a  
David M. Hynes, Jr.; JAMES HYNES;  
KEVIN MEDLEY; HEATHER TRUE;  
FRANK E. LINDSTROM, JR.; and  
LORENA QUIROZ-HYNES a/k/a Lorena  
Quiroz and Lorena Hynes,  
Defendants.

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CENTRAL DISTRICT OF CALIF.

LACV11-7484 RGK(SS)

Case No.:  
**COMPLAINT FOR  
PRELIMINARY AND  
PERMANENT  
INJUNCTION AND  
OTHER EQUITABLE  
RELIEF**  
**(LODGED UNDER SEAL)**

Plaintiff, the Federal Trade Commission ("FTC"), by its undersigned

1 attorneys, for its Complaint alleges:

2 1. The FTC brings this action under Sections 13(b) and 19 of the  
3 Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b, and  
4 Section 814 of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §  
5 1692*l*, to obtain temporary, preliminary, and permanent injunctive relief against  
6 Defendants to prevent them from engaging in unfair and deceptive acts or  
7 practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and  
8 from engaging in unfair, deceptive, and abusive acts or practices in violation of  
9 the FDCPA, 15 U.S.C. §§ 1692-1692p, and to obtain other equitable relief,  
10 including rescission of contracts, restitution, disgorgement, and other ancillary  
11 equitable relief as is necessary to redress injury to consumers and the public  
12 interest resulting from Defendants’ violations of the FTC Act and the FDCPA.

13 **JURISDICTION AND VENUE**

14 2. This Court has subject matter jurisdiction over this action pursuant  
15 to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a), 53(b), 57b,  
16 and 1692*l*. This action arises under 15 U.S.C. §§ 45(a) and 1692*l*.

17 3. Venue in the Central District of California is proper under 28  
18 U.S.C. §§ 1391(b) and (c), and 15 U.S.C. § 53(b).

19 **THE PLAINTIFF**

20 4. Plaintiff FTC is an independent agency of the United States  
21 Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section  
22 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts  
23 or practices in or affecting commerce. The FTC also enforces the FDCPA, 15  
24 U.S.C. §§ 1692-1692p, which prohibits abusive, deceptive, and unfair  
25 collection practices.

26 5. The FTC is authorized to initiate federal district court proceedings,  
27 by its own attorneys, to enjoin violations of the FTC Act and the FDCPA, and  
28 to secure such equitable relief as may be appropriate in each case, including

1 rescission or reformation of contracts, restitution, the refund of monies paid,  
2 and the disgorgement of ill-gotten monies. 15 U.S.C. §§ 53(b), 56(a)(2)(A),  
3 56(a)(2)(B), 57b, and 1692l(a). Section 814 of the FDCPA further authorizes  
4 the FTC to use all of its functions and powers under the FTC Act to enforce  
5 compliance with the FDCPA, including the power to enforce the provisions of  
6 the FDCPA in the same manner as if the violations were violations of an FTC  
7 trade regulation rule. 15 U.S.C. § 1692l.

8 **THE DEFENDANTS**

9 6. Defendant Forensic Case Management Services, Inc., also doing  
10 business as Commercial Investigations, Inc., FCMS, Inc., Commercial  
11 Recovery Solutions, Inc., and Rumson, Bolling & Associates, is a California  
12 corporation with its principal place of business in Van Nuys, California.  
13 Forensic Case Management Services transacts, or has transacted, business in  
14 this District and throughout the United States.

15 7. Defendant Specialized Recovery, Inc., also doing business as  
16 Joseph, Steven & Associates, and Specialized Debt Recovery, is a California  
17 corporation with its principal place of business in Ventura, California.  
18 Specialized Recovery transacts, or has transacted, business in this District and  
19 throughout the United States.

20 8. Defendant Commercial Receivables Acquisition, Inc., also doing  
21 business as Commercial Recovery Authority, Inc., and The Forwarding  
22 Company, is a California corporation with its principal place of business in Van  
23 Nuys, California. Commercial Receivables Acquisition transacts, or has  
24 transacted, business in this District and throughout the United States.

25 9. Defendant David M. Hynes II, also known as David. M. Hynes, Jr.,  
26 is or has been a manager, officer, director, or principal of all of the Defendants  
27 identified in Paragraphs 6-8 above. Specifically, David Hynes is or has been, at  
28 times material to this Complaint: the president of Forensic Case Management

1 Services, Commercial Investigations, Inc., Commercial Receivables  
2 Acquisition, and Specialized Recovery; the owner of Specialized Recovery; a  
3 director of Forensic Case Management Services, The Forwarding Company,  
4 Commercial Receivables Acquisition, Inc., and Specialized Recovery; and the  
5 chief executive officer, secretary, chief financial officer, and treasurer of  
6 Specialized Recovery and Forensic Case Management Services. David Hynes  
7 has also received a salary from Forensic Case Management Services, Inc. since  
8 at least 2007. At all times material to this Complaint, acting alone or in concert  
9 with others, he has formulated, directed, controlled or had authority to control,  
10 or participated in the acts and practices set forth in this Complaint. David  
11 Hynes resides in this District and, in connection with the matters alleged herein,  
12 transacts, or has transacted, business in this District and throughout the United  
13 States.

14 10. Defendant James Hynes is or has been a manager, officer, director,  
15 or principal of Forensic Case Management Services and Specialized Recovery.  
16 Specifically, James Hynes is or has been, at times material to this Complaint:  
17 the chairman, chief financial officer, vice president, treasurer, director, and  
18 secretary of Forensic Case Management Services; as well as the president of  
19 Specialized Recovery. James Hynes also has received a salary from Forensic  
20 Case Management Services, Inc. since at least 2008. At times material to this  
21 Complaint, acting alone or in concert with others, he has formulated, directed,  
22 controlled or had authority to control, or participated in the acts and practices  
23 set forth in this Complaint. James Hynes resides in this District and, in  
24 connection with the matters alleged herein, transacts, or has transacted, business  
25 in this District and throughout the United States.

26 11. Defendant Kevin Medley is or has been a manager, officer,  
27 director, or principal of Forensic Case Management Services and Specialized  
28 Recovery. Specifically, Kevin Medley is or has been, at times material to this

1 Complaint: the treasurer and secretary of Specialized Recovery, as well as the  
2 president, chief executive officer, or director of Forensic Case Management  
3 Services. Kevin Medley has received a salary from Forensic Case Management  
4 Services, Inc. since at least 2007. At times material to this Complaint, acting  
5 alone or in concert with others, he has formulated, directed, controlled or had  
6 authority to control, or participated in the acts and practices set forth in this  
7 Complaint. Kevin Medley resides in this District and, in connection with the  
8 matters alleged herein, transacts, or has transacted, business in this District and  
9 throughout the United States.

10 12. Defendant Heather True is or has been a manager, officer, director,  
11 or principal of Forensic Case Management Services. Specifically, Heather True  
12 is or has been, at times material to this Complaint: the corporate secretary,  
13 treasurer, vice president, chief financial officer of Forensic Case Management  
14 Services, as well as a supervisor. True has received a salary from Forensic Case  
15 Management Services, Inc. since at least 2007. At times material to this  
16 Complaint, acting alone or in concert with others, she has formulated, directed,  
17 controlled or had authority to control, or participated in the acts and practices  
18 set forth in this Complaint. Heather True resides in this District and, in  
19 connection with the matters alleged herein, transacts, or has transacted, business  
20 in this District and throughout the United States.

21 13. Defendant Frank E. Lindstrom, Jr. is or has been a manager,  
22 officer, director, or principal of Commercial Receivables Acquisition and  
23 Forensic Case Management Services. Specifically, Frank Lindstrom is or has  
24 been, at times material to this Complaint: the president or chief executive  
25 officer of Commercial Receivables Acquisition. Lindstrom also has received a  
26 salary from Forensic Case Management Services, Inc. since at least 2007. At  
27 times material to this Complaint, acting alone or in concert with others, he has  
28 formulated, directed, controlled or had authority to control, or participated in

1 the acts and practices set forth in this Complaint. Lindstrom resides in this  
2 District and, in connection with the matters alleged herein, transacts, or has  
3 transacted, business in this District and throughout the United States.

4 14. Defendant Lorena Quiroz-Hynes a/k/a Lorena Quiroz and Lorena  
5 Hynes is or has been a manager, officer, director, principal, or employee of  
6 Forensic Case Management Services. Specifically, Lorena Quiroz-Hynes is or  
7 has been, at times material to this Complaint: the secretary and chief financial  
8 officer of Commercial Receivables Acquisition. She has received a salary from  
9 Forensic Case Management Services since at least 2008. She is also the wife of  
10 David Hynes. At times material to this Complaint, acting alone or in concert  
11 with others, she has formulated, directed, controlled or had authority to control,  
12 or participated in the acts and practices set forth in this Complaint. Lorena  
13 Quiroz-Hynes resides in this District and, in connection with the matters alleged  
14 herein, transacts, or has transacted, business in this District and throughout the  
15 United States.

16 **COMMON ENTERPRISE**

17 15. Defendants Forensic Case Management Services, Specialized  
18 Recovery, and Commercial Receivables Acquisition (“collectively, the  
19 “Corporate Defendants”) have operated as a common enterprise while engaging  
20 in the unlawful acts and practices alleged below. The Corporate Defendants  
21 have conducted the business practices described below through interrelated  
22 companies that have had common ownership, officers, managers, business  
23 functions, employees, and/or office locations, and have commingled funds.  
24 Because the Corporate Defendants have operated as a common enterprise, each  
25 of them is jointly and severally liable for the acts and practices alleged below.  
26 Individual Defendants David Hynes, James Hynes, Kevin Medley, Heather  
27 True, Frank Lindstrom, and Lorena Quiroz-Hynes have formulated, directed,  
28 controlled or had authority to control, or participated in the acts and practices of



1 the Corporate Defendants that comprise the common enterprise. The common  
2 enterprise transacts or has transacted business in this District and a substantial  
3 part of the events or omissions giving rise to the claims asserted herein have  
4 occurred in this District.

5 **COMMERCE**

6 16. At all times material to this Complaint, Defendants have  
7 maintained a substantial course of trade in or affecting commerce, as  
8 “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

9 **NATURE OF ENFORCEMENT ACTION**

10 17. This enforcement action is brought to remedy unlawful acts and  
11 practices by Defendants in: (1) marketing and providing their third-party debt  
12 collection services to creditors, mostly small businesses; and (2) collecting  
13 money from alleged debtors, including individuals and small businesses.  
14 Defendants have engaged in deceptive, unfair, and abusive practices in almost  
15 every facet of their dealings with both their clients and the alleged debtors from  
16 whom they try to collect.

17 18. Marketing themselves as third-party, contingency fee, debt  
18 collectors, Defendants have promised small businesses with outstanding debts  
19 owed by their customers that Defendants will collect those debts for the  
20 business. Among other things, Defendants have represented that they will: (1)  
21 not charge a fee unless they successfully collect on the debt, and even then will  
22 only charge a single contingency fee that is a pre-determined percentage of the  
23 amount collected; and (2) forward any money they collect to the creditor, minus  
24 the contingency fee.

25 19. After obtaining the client’s business, however, Defendants often  
26 have induced the client to pay “legal fees,” representing that they have located  
27 some of the alleged debtor’s assets but must initiate legal proceedings to obtain  
28

1 the assets. In many instances, however, Defendants did not locate the assets  
2 and/or never undertook the promised actions.

3 20. In addition, in many instances, even if Defendants have  
4 successfully collected money from the alleged debtor, Defendants have not  
5 forwarded the collected money, minus the agreed-upon contingency fee, to the  
6 client.

7 21. Defendants also have engaged in deceptive and abusive practices  
8 in collecting, or attempting to collect, debts. In their collection efforts,  
9 Defendants have frequently and unlawfully: (1) harassed and abused alleged  
10 debtors with repeated phone calls and profane insults and threats; (2) disclosed  
11 debts to third-parties, including co-workers and employers; and (3) falsely  
12 threatened legal action, arrest, imprisonment, garnishment, or seizure. In  
13 addition, even when alleged debtors have paid off or settled their debts with  
14 Defendants, Defendants often have deprived them of the benefits of doing so  
15 because Defendants have not forwarded the appropriate payments on to the  
16 creditor.

17 **DEFENDANTS' BUSINESS ACTIVITIES**

18 22. Defendants are third-party debt collectors that collect consumer  
19 and commercial debts owed to creditors, mostly small businesses, that hire  
20 Defendants for that purpose.

21 **Defendants' Unfair and Deceptive Practices in**  
22 **Dealing with Their Small Business Clients**

23 23. At all times material to this Complaint, Defendants have marketed  
24 their debt collection services to creditors through a variety of means and media,  
25 including telephone calls to prospective clients and through a number of  
26 Internet websites.

27 24. Defendants market themselves to potential clients as contingency  
28 fee collectors, claiming that they will charge their clients only when they



1 successfully collect a debt, often using the slogan “no recovery, no fee.”  
2 Defendants also claim that they will limit their charge to a single fee that  
3 generally ranges from 18% to 50% of the amount collected, depending on  
4 factors including the age and amount of the debt and whether they must file a  
5 collection lawsuit to collect the debt. Implicit in this claim is that any amounts  
6 they collect, minus the above-referenced fee, will be forwarded to the client.  
7 These representations often are repeated both orally during Defendants’ “sales  
8 pitch” to the potential client, and in the contract Defendants ask their clients to  
9 sign.

10 25. In fact, even when Defendants have successfully collected a debt  
11 owed to a client, Defendants in many cases have not forwarded to the client the  
12 full amount of money due to the client, instead keeping the proceeds from the  
13 collection efforts for themselves.

14 26. Moreover, in many cases, after clients have retained Defendants to  
15 collect clients’ past-due accounts on a contingency basis, Defendants have  
16 sought and obtained additional fees from the clients.

17 27. Defendants frequently have contacted clients and claimed that  
18 Defendants have located the alleged debtor’s assets – in some cases a specific  
19 kind of asset or amount of money – and will secure those assets through legal  
20 proceedings if the client pays Defendants an additional fee (variously referred  
21 to as, among other things, a “legal fee,” a “filing fee,” a “court fee,” a  
22 “processing fee,” or an “attorney’s fee”). The requested fee, which is in  
23 addition to the contingency fee described in paragraph 24, ranges in amount  
24 from several hundred to several thousand dollars. Further, Defendants often  
25 have promised or guaranteed that they will recoup this fee for the client, in  
26 addition to the amount of the underlying debt, through the promised legal  
27 action.  
28

1           28. In fact, in many cases where Defendants have claimed to have  
2 identified or located assets, Defendants have not done so or have not identified  
3 or located the amount of assets or money that they had claimed. Moreover, in  
4 many cases, after receiving the additional fee described in Paragraph 27,  
5 Defendants have failed to take legal action against the alleged debtor and thus  
6 have failed to recoup this fee for the client.

7           29. In addition, after receiving additional fees from a client,  
8 Defendants in many instances have gone back to the client repeatedly and  
9 claimed that they need even more fees for legal action to collect on one or more  
10 delinquent accounts.

11           30. In many of these cases, however, Defendants neither undertook the  
12 promised legal action to collect the debt nor refunded the fees paid by the client.

13           **Defendants' Unfair, Deceptive, and Abusive Collection Practices**

14           31. Once a client engages Defendants to collect a debt, Defendants use  
15 telephone calls and dunning letters to contact the individual or small business  
16 that allegedly owes the debt, to try to collect payment from them.

17           32. In many instances, in collection calls or in dunning letters,  
18 Defendants have threatened that, unless Defendants receive prompt payment,  
19 they will have the alleged debtor arrested, or will seize, garnish, attach, or sell  
20 the alleged debtor's property or wages. In fact, after Defendants have made  
21 these threats, they have not sought to have the alleged debtor arrested or seized,  
22 garnished, attached or sold any of the alleged debtor's property or wages, even  
23 if payment was not made.

24           33. In many cases, Defendants have told alleged debtors that legal  
25 action against them has been taken or will be taken shortly. For example, one  
26 of Defendants' form dunning letters states that "[t]he only choice you leave us  
27 is to transfer this account to our legal department so that it may send this  
28 account to our attorney who will enforce our rights through the courts," and

1 “[i]f we have not received the payment within 7 calendar days of the date of this  
2 letter, our legal department will proceed by sending this account to counsel for  
3 filing suit.”

4 34. Another of Defendants’ form dunning letters used on numerous  
5 occasions threatens that Defendants “are therefore recommending to our client  
6 that they immediately institute legal action to secure the payment of this  
7 outstanding account.”

8 35. A third form letter used by Defendants warns, “UNLESS YOU  
9 IMMEDIATELY REMIT THE AMOUNT OWED, BE PREPARED TO BE  
10 SERVED WITH LEGAL PROCESS AND A COMPLAINT FOR A COURT  
11 APPEARANCE AS DEFENDANT IN THIS ACTION AGAINST YOU.”

12 36. In many instances, Defendants’ letters also state that alleged  
13 debtors whom Defendants or their clients sue will be responsible for paying the  
14 cost of legal fees and other expenses incurred by Defendants or their client. For  
15 example, one of Defendants’ form dunning letters states that, “[i]n the event  
16 that litigation is begun prior to receiving payment, you will be responsible for  
17 all expenses associated herewith.”

18 37. In fact, after Defendants have threatened legal action, Defendants  
19 in many cases have not filed any such action to collect the debt. In addition,  
20 because they have not filed an action, obtained a judgment, and received an  
21 award of costs, Defendants cannot hold alleged debtors liable for any expenses  
22 or legal fees that they or their clients incur.

23 38. On numerous occasions, Defendants have called alleged debtors  
24 repeatedly or continuously with the intent to annoy, harass, or abuse. For  
25 example, Defendants have: (a) continued to call alleged debtors even after being  
26 told, either orally or in writing, to stop; (b) continued to call alleged debtors  
27 even after being told that the person with whom they are speaking is not the  
28 alleged debtor whom Defendants are attempting to contact; (c) immediately

1 called back alleged debtors right after the alleged debtor has terminated the  
2 previous call; and (d) called alleged debtors multiple times per day or multiple  
3 times over an extended period of time.

4 39. In many instances, Defendants have used obscene or profane  
5 language or language the natural consequence of which is to abuse the hearer or  
6 reader. For example, Defendants have screamed at alleged debtors, and used  
7 abusive and profane language against them. For example, Defendants have  
8 called alleged debtors "deadbeat," "sheepf\*\*ker," "goatf\*\*ker," "white trash,"  
9 "piece of crap," "crackerhead," "scumbag," "lowlife," and "a\*\*hole."

10 40. In many cases, Defendants also have threatened to use violence or  
11 other criminal means to harm the physical person, reputation, or property of  
12 alleged debtors. For example, Defendants' have threatened to "f\*\*k [an alleged  
13 debtor's] mother in her bed," to kill a consumer's dog, and to physically harm  
14 an alleged debtor. And on at least two occasions, while attempting to collect  
15 debts owed to funeral homes, Defendants have threatened to desecrate the  
16 bodies of alleged debtors' deceased children if the debt was not paid.

17 41. For example, Defendants, using the trade name Rumson, Bolling &  
18 Associates, attempted to collect from a consumer who was unable to pay the  
19 balance due for her daughter's funeral. During the calls, Rumson, Bolling &  
20 Associates told her they were going to dig her daughter up and hang her from a  
21 tree, if she did not pay the debt. They also threatened to have her "dog arrested  
22 . . . . shoot him up and . . . eat him," and to send the sheriff to her home to arrest  
23 her. And they called her vulgar names, including "deadbeat piece of crap  
24 crackerhead" and "white trash." They also threatened to kill her: "are you  
25 going to pay this bill right now . . . or am I going to have to kill you?"

26 42. Defendants, using the trade name Rumson, Bolling & Associates,  
27 also attempted to collect a debt owed by another alleged debtor to a funeral  
28 home. This individual fell behind on her debt to a funeral home after both of

1 her sons died within a week of each other. Defendants called her a “deadbeat,”  
2 and asked how she would feel if her son’s body was dug up and dropped  
3 outside her door.

4 43. Defendants also have on many occasions disclosed debts to alleged  
5 debtors’ coworkers, employers, neighbors, and other third parties, revealing the  
6 existence of the debt, its amount, and/or its nature.

7 44. In numerous instances, Defendants have represented to alleged  
8 debtors that payments made by them to Defendants would be applied in full or  
9 partial satisfaction of their debt, when, in fact, Defendants did not forward the  
10 appropriate payment to the client or otherwise credit the payment against the  
11 original debt. These practices have exposed alleged debtors to possible efforts  
12 by the creditor or its agents to continue collecting the debt, including through  
13 lawsuits, and to the posting of inaccurate negative information on the alleged  
14 debtor’s credit reports.

15 **VIOLATION OF SECTION 5 OF THE FTC ACT**

16 45. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or  
17 deceptive acts or practices in or affecting commerce.”

18 46. Misrepresentations or deceptive omissions of material fact  
19 constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.  
20 Acts or practices are unfair under Section 5 of the FTC Act if they cause  
21 substantial injury to consumers (small businesses or individuals) that consumers  
22 cannot reasonably avoid themselves and that is not outweighed by  
23 countervailing benefits to consumers or competition. 15 U.S.C. § 45(n).

24 **COUNT ONE**

25 47. In numerous instances, in connection with soliciting debt  
26 collection business from potential clients, Defendants have represented,  
27 expressly or by implication, that, if Defendants collect from alleged debtors any  
28

1 amounts owed, Defendants will forward the collected amount, minus a specified  
2 contingency fee for debt collection services, to the client.

3 48. In truth and in fact, in numerous instances, when Defendants have  
4 collected money from alleged debtors, Defendants have not forwarded to their  
5 client the full amount of money to which their client was entitled, *i.e.*, the  
6 collected amount minus the specified contingency fee.

7 49. Therefore, Defendants' representations as set forth in Paragraph 47  
8 are false or misleading and constitute deceptive acts or practices in violation of  
9 Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

10 **COUNT TWO**

11 50. In numerous instances, after a client has given past due accounts to  
12 Defendants for collection, Defendants have contacted the client and  
13 represented, expressly or by implication, that:

- 14 (a) Defendants have identified or located at least some of the  
15 alleged debtor's assets, which can be used toward the  
16 satisfaction of the alleged debt;
- 17 (b) Defendants will undertake certain legal actions, such as the  
18 filing of a collection lawsuit, the garnishment of wages, or  
19 seizure of assets, if the client pays Defendants a fee to  
20 initiate those actions; or
- 21 (c) Collection of at least some of the money owed on the  
22 alleged debt is guaranteed if the client pays Defendants a fee  
23 to initiate the specified legal action(s).

24 51. In truth and in fact, in numerous instances in which Defendants  
25 have made the representations set forth in Paragraph 50:

- 26 (a) Defendants have not identified or located the assets that they  
27 represented that they had identified or located;
- 28



- 1 (b) Defendants have not undertaken the represented legal  
2 action(s) after receiving the requested fee from the client; or  
3 (c) Even though Defendants guaranteed that they would collect  
4 at least some of the money owed on the alleged debt if the  
5 client paid the requested fee, and received the requested fee  
6 from the client, the client never has received any money  
7 toward the satisfaction of the alleged debt.

8 52. Therefore, Defendants' representations as set forth in Paragraph 50  
9 are false or misleading and constitute deceptive acts or practices in violation of  
10 Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

11 **COUNT THREE**

12 53. In numerous instances, in connection with the collection of debts,  
13 Defendants have represented to alleged debtors, including individuals and small  
14 businesses, expressly or by implication, that:

- 15 (a) They will be sued unless they promptly pay Defendants;  
16 (b) Nonpayment of a debt will result in the arrest or  
17 imprisonment of the alleged debtor, or seizure, garnishment,  
18 attachment, or sale of the alleged debtor's property or  
19 wages;  
20 (c) They will be liable for paying the Defendants' or the  
21 creditor's legal fees and costs if Defendants file a lawsuit to  
22 collect the debt; or  
23 (d) Any payments they make to Defendants will be applied in  
24 whole or partial satisfaction of their debt.

25 54. In truth and in fact, in numerous instances:

- 26 (a) Defendants have not sued or caused to be sued the alleged  
27 debtors whom they threatened to sue;  
28

- 1 (b) Nonpayment of a debt has not resulted in the arrest or
- 2 imprisonment of the alleged debtor, or seizure, garnishment,
- 3 attachment or sale of the alleged debtor's property or wages;
- 4 (c) The alleged debtors have not been held liable for
- 5 Defendants' or the creditor's legal fees and costs; and
- 6 (d) Payments alleged debtors made to Defendants have not been
- 7 applied in whole or partial satisfaction of their debt, because
- 8 Defendants have not remitted those payments to the creditor.

9 55. Therefore, Defendants' representations as set forth in Paragraph 53  
10 are false or misleading and constitute deceptive acts or practices in violation of  
11 Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

12 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

13 56. In 1977, Congress passed the FDCPA, 15 U.S.C. §§ 1692-1692o,  
14 which became effective on March 20, 1978, and has been in force ever since  
15 that date. Section 814 of the FDCPA, 15 U.S.C. § 1692l, provides that a  
16 violation of the FDCPA shall be deemed an unfair or deceptive act or practice  
17 in violation of the FTC Act.

18 57. Defendants are "debt collectors" as defined in Section 803(6) of  
19 the FDCPA, 15 U.S.C. § 1692a(6).

20 58. A "consumer," as defined in Section 803(3) of the FDCPA, 15  
21 U.S.C. § 1692a(3), "means any natural person obligated or allegedly obligated  
22 to pay any debt."

23 59. A "consumer debt," as defined in Section 803(5) of the FDCPA,  
24 15 U.S.C. § 1692a(5), "means any obligation or alleged obligation of a  
25 consumer to pay money arising out of a transaction in which the money,  
26 property, insurance or services which are the subject of the transaction are  
27 primarily for personal, family, or household purposes, whether or not such  
28 obligation has been reduced to judgment."

1 **COUNT FOUR**

2 60. In numerous instances, in connection with the collection of  
3 consumer debts, Defendants have communicated with third parties for purposes  
4 other than acquiring location information about a consumer, without having  
5 obtained directly the prior consent of the consumer or the express permission of  
6 a court of competent jurisdiction, and when not reasonably necessary to  
7 effectuate a post judgment judicial remedy, in violation of Section 805(b) of the  
8 FDCPA, 15 U.S.C. § 1692c(b).

9 61. Pursuant to Section 814(a) of the FDCPA, 15 U.S.C. § 1692l(a),  
10 the acts and practices alleged in Paragraph 60 also constitute unfair acts or  
11 practices in violation of the FTC Act.

12 **COUNT FIVE**

13 62. In numerous instances, in connection with the collection of  
14 consumer debts, Defendants have engaged in conduct the natural consequence  
15 of which is to harass, oppress, or abuse a person, in violation of Section 806 of  
16 the FDCPA, 15 U.S.C. § 1692d, including, but not limited to:

- 17 (a) Using or threatening to use violence or other criminal means  
18 to harm the physical person, reputation, or property of any  
19 person, in violation of Section 806(1) of the FDCPA, 15  
20 U.S.C. § 1692d(1);
- 21 (b) Using obscene or profane language or language the natural  
22 consequence of which is to abuse the hearer, in violation of  
23 Section 806(2) of the FDCPA, 15 U.S.C. § 1692d(2); and
- 24 (c) Causing a telephone to ring or engaging a person in  
25 telephone conversation repeatedly or continuously with the  
26 intent to annoy, abuse, or harass a person at the number  
27 called, in violation of Section 806(5) of the FDCPA, 15  
28 U.S.C. § 1692d(5).



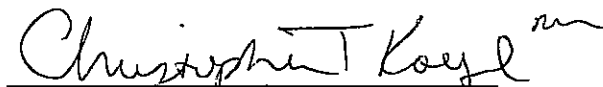


- 1           restraining order, preliminary injunction, and other ancillary relief;
- 2           2. Enter a permanent injunction to prevent future violations of the
- 3           FTC Act by Defendants;
- 4           3. Enter a permanent injunction to prevent future violations of the
- 5           FDCPA by Defendants;
- 6           4. Award such relief as the Court finds necessary to redress injury
- 7           resulting from Defendants' violations of the FTC Act and the
- 8           FDCPA, including but not limited to, rescission or reformation of
- 9           contracts, the refund of monies paid, restitution, and the
- 10          disgorgement of ill-gotten gains by Defendants; and
- 11          5. Award plaintiff the costs of bringing this action, as well as such
- 12          other and additional relief as the Court may determine to be just and
- 13          proper.

14  
15 Dated: September 12, 2011

Respectfully submitted,

16 WILLARD K. TOM  
17 General Counsel

18 

19 CHRISTOPHER T. KOEGEL  
20 SEENA D. GRESSIN  
21 REBECCA M. UNRUH  
22 Federal Trade Commission  
23 600 Pennsylvania Avenue, N.W., NJ-3158  
24 Washington, DC 20580  
25 (ph) 202-326-2761 (Koegel)  
26 (ph) 202-326-2717 (Gressin)  
27 (ph) 202-326-3565 (Unruh)  
28 (fax) 202-326-3768  
[ckoegel@ftc.gov](mailto:ckoegel@ftc.gov);  
[sgressin@ftc.gov](mailto:sgressin@ftc.gov)  
[runruh@ftc.gov](mailto:runruh@ftc.gov)

RAYMOND E. McKOWN  
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Los Angeles, CA 90024  
P: (310) 824-4343; F: (310) 824-4380  
[rmckown@ftc.gov](mailto:rmckown@ftc.gov)



Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge R. Gary Klausner and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

**CV11- 7484 RGK (SSx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

-----  
**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Christopher T. Koegel  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W., NJ-3158  
Washington, DC 20580

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Federal Trade Commission

PLAINTIFF(S)

v.

Forensic Case Mgmt. Servs., Inc.; Specialized  
Recovery, Inc.; Commercial Receivables Acquisition,  
Inc.; et al.

See attached

DEFENDANT(S).

CASE NUMBER

LACV11-7484 (RbKISSx)

SUMMONS

TO:

DEFENDANT(S): David M. Hynes II aka David M. Hynes Jr.; James Hynes;  
Kevin Medley; Heather Tunc; Frank E. Livestram, Jr.; and Lorena Quiroz Hynes aka  
Lorena Hynes and Lorena Quiroz.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Christopher T. Koegel, whose address is FTC, 600 Penn. Ave., NW, NJ-3158, Washington, DC 20580. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: SEP 14 2011

By: [Signature]  
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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WILLARD K. TOM  
General Counsel  
CHRISTOPHER T. KOEGEL  
SEENA D. GRESSIN, CA Bar No. 163368 (inactive)  
REBECCA M. UNRUH  
[ckoegel@ftc.gov](mailto:ckoegel@ftc.gov); [sgressin@ftc.gov](mailto:sgressin@ftc.gov); [runruh@ftc.gov](mailto:runruh@ftc.gov)  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W., NJ-3158  
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RAYMOND E. MCKOWN  
[rmckown@ftc.gov](mailto:rmckown@ftc.gov)  
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10877 Wilshire Blvd., Ste. 700  
Los Angeles, CA 90024  
P: (310) 824-4343; F: (310) 824-4380

Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

FORENSIC CASE MANAGEMENT  
SERVICES, INC. d/b/a Commercial  
Investigations, Inc., FCMS, Inc., Commercial  
Recovery Solutions, Inc., and Rumson,  
Bolling & Associates, a California  
corporation; SPECIALIZED RECOVERY,  
INC. d/b/a Joseph, Steven & Associates and  
Specialized Debt Recovery, a California  
corporation; COMMERCIAL  
RECEIVABLES ACQUISITION, INC. d/b/a  
Commercial Recovery Authority, Inc. and  
The Forwarding Company, a California  
corporation; DAVID M. HYNES II a/k/a  
David M. Hynes, Jr.; JAMES HYNES;  
KEVIN MEDLEY; HEATHER TRUE;  
FRANK E. LINDSTROM, JR.; and  
LORENA QUIROZ-HYNES a/k/a Lorena  
Quiroz and Lorena Hynes,

Defendants.

Case No.:

**COMPLAINT FOR  
PRELIMINARY AND  
PERMANENT  
INJUNCTION AND  
OTHER EQUITABLE  
RELIEF**

**(LODGED UNDER SEAL)**

Plaintiff, the Federal Trade Commission ("FTC"), by its undersigned

Name & Address:

Christopher T. Koegel  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W., NJ-3158  
Washington, DC 20580

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Federal Trade Commission

CASE NUMBER

PLAINTIFF(S)

LACV11-7484RBKISSX

v.

Forensic Case Mgmt. Servs., Inc.; Specialized  
Recovery, Inc.; Commercial Receivables Acquisition,  
Inc.; et al.

SUMMONS

See attached

DEFENDANT(S).

TO: DEFENDANT(S): Forensic Case Management Services, Inc. d/b/a Commercial  
Investigations, Inc., FCMS, Inc., Commercial Recovery Solutions, Inc. and Rumon  
Bolling and Associates

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  \_\_\_\_\_ amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Christopher T. Koegel, whose address is FTC, 600 Penn. Ave., NW, NJ-3158, Washington, DC 20580. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: SEP 14 2011

By: [Signature]  
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1 WILLARD K. TOM  
General Counsel  
2 CHRISTOPHER T. KOEGEL  
SEENA D. GRESSIN, CA Bar No. 163368 (inactive)  
3 REBECCA M. UNRUH,  
ckoegel@ftc.gov; sgressin@ftc.gov; runruh@ftc.gov  
4 Federal Trade Commission  
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P: (202) 326-3224; F: (202) 326-3768

6 RAYMOND E. McKOWN  
rmckown@ftc.gov  
7 Federal Trade Commission  
10877 Wilshire Blvd., Ste. 700  
8 Los Angeles, CA 90024  
9 P: (310) 824-4343; F: (310) 824-4380

10 Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

11 UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13  
14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 v.

17 FORENSIC CASE MANAGEMENT  
SERVICES, INC. d/b/a Commercial  
18 Investigations, Inc., FCMS, Inc., Commercial  
Recovery Solutions, Inc., and Rumson,  
19 Bolling & Associates, a California  
corporation; SPECIALIZED RECOVERY,  
20 INC. d/b/a Joseph, Steven & Associates and  
Specialized Debt Recovery, a California  
21 corporation; COMMERCIAL  
RECEIVABLES ACQUISITION, INC. d/b/a  
22 Commercial Recovery Authority, Inc. and  
The Forwarding Company, a California  
23 corporation; DAVID M. HYNES II a/k/a  
David M. Hynes, Jr.; JAMES HYNES;  
24 KEVIN MEDLEY; HEATHER TRUE;  
FRANK E. LINDSTROM, JR.; and  
25 LORENA QUIROZ-HYNES a/k/a Lorena  
Quiroz and Lorena Hynes,

26 Defendants.  
27

Case No.:

**COMPLAINT FOR  
PRELIMINARY AND  
PERMANENT  
INJUNCTION AND  
OTHER EQUITABLE  
RELIEF**

**(LODGED UNDER SEAL)**

28 Plaintiff, the Federal Trade Commission ("FTC"), by its undersigned



Name & Address:  
Christopher T. Koegel  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W., NJ-3158  
Washington, DC 20580

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Federal Trade Commission

CASE NUMBER

PLAINTIFF(S)

LACV11-7484RBKISSX

v.

Forensic Case Mgmt. Servs., Inc.; Specialized  
Recovery, Inc.; Commercial Receivables Acquisition,  
Inc.; et al.

SUMMONS

See attached

DEFENDANT(S).

TO: DEFENDANT(S): Specialized Recovery, INC. Alpha Joseph Steven & Associates and  
Specialized Debt Recovery

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Christopher T. Koegel, whose address is FTC, 600 Penn. Ave., NW, NJ-3158, Washington, DC 20580. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: SEP 14 2011

By: [Signature]  
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1 WILLARD K. TOM  
General Counsel  
2 CHRISTOPHER T. KOEGEL  
SEENA D. GRESSIN, CA Bar No. 163368 (inactive)  
3 REBECCA M. UNRUH  
ckoegel@ftc.gov; sgressin@ftc.gov; runruh@ftc.gov  
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P: (310) 824-4343; F: (310) 824-4380

9 Attorneys for Plaintiff  
10 FEDERAL TRADE COMMISSION

11 UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13  
14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 v.

17 FORENSIC CASE MANAGEMENT  
SERVICES, INC. d/b/a Commercial  
18 Investigations, Inc., FCMS, Inc., Commercial  
Recovery Solutions, Inc., and Rumson,  
19 Bolling & Associates, a California  
corporation; SPECIALIZED RECOVERY,  
20 INC. d/b/a Joseph, Steven & Associates and  
Specialized Debt Recovery, a California  
21 corporation; COMMERCIAL  
RECEIVABLES ACQUISITION, INC. d/b/a  
22 Commercial Recovery Authority, Inc. and  
The Forwarding Company, a California  
23 corporation; DAVID M. HYNES II a/k/a  
David M. Hynes, Jr.; JAMES HYNES;  
24 KEVIN MEDLEY; HEATHER TRUE;  
FRANK E. LINDSTROM, JR.; and  
25 LORENA QUIROZ-HYNES a/k/a Lorena  
Quiroz and Lorena Hynes,

26 Defendants.  
27

Case No.:

**COMPLAINT FOR  
PRELIMINARY AND  
PERMANENT  
INJUNCTION AND  
OTHER EQUITABLE  
RELIEF**

**(LODGED UNDER SEAL)**

28 Plaintiff, the Federal Trade Commission ("FTC"), by its undersigned

Name & Address:

Christopher T. Koegel  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W., NJ-3158  
Washington, DC 20580

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Federal Trade Commission

CASE NUMBER

PLAINTIFF(S)

LACV11-7484RBKISSX

v.

Forensic Case Mgmt. Servs., Inc.; Specialized  
Recovery, Inc.; Commercial Receivables Acquisition,  
Inc.; et al.

SUMMONS

See attached

DEFENDANT(S).

TO: DEFENDANT(S): Commercial Receivables Acquisition, Inc. d/b/a  
Commercial recovery authority, Inc., and The Forwarding Company

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  \_\_\_\_\_ amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Christopher T. Koegel, whose address is FTC, 600 Penn. Ave., NW, NJ-3158, Washington, DC 20580. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: SEP 14 2011

By: [Signature]  
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1 WILLARD K. TOM  
General Counsel  
2 CHRISTOPHER T. KOEGEL  
SEENA D. GRESSIN, CA Bar No. 163368 (inactive)  
3 REBECCA M. UNRUH,  
ckoegel@ftc.gov; sgressin@ftc.gov; runruh@ftc.gov  
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9 P: (310) 824-4343; F: (310) 824-4380

10 Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

11 UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13  
14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 v.

17 FORENSIC CASE MANAGEMENT  
SERVICES, INC. d/b/a Commercial  
18 Investigations, Inc., FCMS, Inc., Commercial  
Recovery Solutions, Inc., and Rumson,  
19 Bolling & Associates, a California  
corporation; SPECIALIZED RECOVERY,  
20 INC. d/b/a Joseph, Steven & Associates and  
Specialized Debt Recovery, a California  
21 corporation; COMMERCIAL  
RECEIVABLES ACQUISITION, INC. d/b/a  
22 Commercial Recovery Authority, Inc. and  
The Forwarding Company, a California  
23 corporation; DAVID M. HYNES II a/k/a  
David M. Hynes, Jr.; JAMES HYNES;  
24 KEVIN MEDLEY; HEATHER TRUE;  
FRANK E. LINDSTROM, JR.; and  
25 LORENA QUIROZ-HYNES a/k/a Lorena  
Quiroz and Lorena Hynes,

26 Defendants.  
27

Case No.:

**COMPLAINT FOR  
PRELIMINARY AND  
PERMANENT  
INJUNCTION AND  
OTHER EQUITABLE  
RELIEF**

**(LODGED UNDER SEAL)**

28 Plaintiff, the Federal Trade Commission ("FTC"), by its undersigned

**COPY**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> Federal Trade Commission	<b>DEFENDANTS</b> Forensic Case Mgmt. Servs., Inc.; Specialized Recovery, Inc.; Commercial Receivables Acquisition, Inc.; David M. Hynes II; James Hynes; Kevin Medley; Heather True; Frank E. Lindstrom, Jr.; Lorena Quiroz-Hynes
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Christopher T. Koegel, Seena D. Gressin, Rebecca M. Unruh: FTC, 600 Pennsylvania Ave., NW, NJ-3158, Washington, DC 20580, 202.326.3224 Raymond E. McKown: 10877 Wilshire Blvd. Ste. 700, LA 90024, 310.824.4343	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
---	---	--	---	---	--	---

**V. REQUESTED IN COMPLAINT:** JURY DEMAND:  Yes  No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23:  Yes  No      MONEY DEMANDED IN COMPLAINT: \$ TRO/PI/Other Equitable Relief

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 15 U.S.C. Section 45(a); 15 U.S.C. Sections 1692-1692p

**VII. NATURE OF SUIT** (Place an X in one box only.)

<del>OTHER STATUTES</del> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<del>CONTRACT</del> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <del>REAL PROPERTY</del> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<del>TORTS</del> <del>PERSONAL INJURY</del> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <del>IMMIGRATION</del> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<del>TORTS</del> <del>PERSONAL PROPERTY</del> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <del>BANKRUPTCY</del> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <del>CIVIL RIGHTS</del> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<del>PRISONER PETITIONS</del> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <del>FORFEITURE/PENALTY</del> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<del>LABOR</del> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <del>PROPERTY RIGHTS</del> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <del>SOCIAL SECURITY</del> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <del>FEDERAL TAX SUITS</del> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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LACV11-7484

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
All corporate defendants and individuals except as stated below reside in Los Angeles County. Defendants H. True and F. Lindstrom reside in Ventura County; Defendant J. Hynes may reside in Ventura County.	Defendant J. Hynes may also maintain residence in Georgia.

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	Nationwide

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** Christopher T. Vogel Date September 12, 2011

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))