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2 **MASHIRI LAW FIRM**  
3 A Professional Corporation  
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8 Attorney for Plaintiff:  
9 JESSICA MANTHEI

10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 JESSICA MANTHEI ) Case No. '16CV2188 JLS JMA  
13 )  
14 Plaintiff, )  
15 ) **COMPLAINT FOR DAMAGES**  
16 vs. )  
17 )  
18 CREDENCE RESOURCE )  
19 MANAGEMENT, LLC. ) **[DEMAND FOR JURY TRIAL]**  
20 )  
21 Defendants. )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

29 Plaintiff JESSICA MANTHEI alleges as follows:

30 **I.**  
31 **INTRODUCTION**

32 1. Plaintiff JESSICA MANTHEI (hereinafter referred to as “Plaintiff”),  
33 brings this lawsuit against CREDENCE RESOURCE MANAGEMENT, LLC.  
34 (hereinafter “Defendant”) for violations of the Federal Fair Debt Collection Practices  
35 Act (“FDCPA”) and Rosenthal Fair Debt Collections Practice Act (“Rosenthal  
36 FDCPA”).

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1           2.     Plaintiff brings this action to seek actual damages, statutory damages,  
2 Attorney's fees and costs, and other relief the Court deems appropriate.

3  
4   **II.**  
5   **PARTIES**

6           3.     Plaintiff is, and at all times mentioned herein was, an individual, residing  
7 in the County of San Diego, State of California.

8           4.     Plaintiff is a consumer as defined by 15 U.S.C. section 1692a(3) and a  
9 debtor as that term is defined by California Civil Code section 1788.2(h).

10          5.     Plaintiff is informed and believes, and thereupon alleges, that CRM is,  
11 and at all times mentioned herein was, a corporation who was conducting and  
12 engaging in business in the County of San Diego, California.

13  
14          6.     Plaintiff is informed and believes, and thereupon alleges, that Defendant  
15 uses an instrumentality of interstate commerce or the mails in a business the principal  
16 purpose of which is the collection of debts, or who regularly collects or attempts to  
17 collect, directly or indirectly, debts owed or due or asserted to be owed or due another  
18 and is therefore a debt collector as that phrase is defined by 15 U.S.C. section  
19 1692a(6).  
20  
21

22          7.     Plaintiff is informed and believes, and thereupon alleges that Defendant  
23 is a debt collector as defined under Civil Code section 1788.2(c).  
24

25          8.     Defendant attempted to collect a consumer debt as defined under the  
26 FDCPA and Rosenthal FDCPA.  
27

28          9.     Plaintiff is informed and believes and thereupon alleges that at all times

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1 herein mentioned each of the Defendant was the agent, servant, employee, or partner  
2 of each of the remaining defendants and, in committing the acts and omissions  
3 hereinafter alleged, was acting within the course and scope of such agency,  
4 employment, partnership, or other business relationship, and were each responsible  
5 for the acts and omissions alleged in this complaint.  
6

7  
8 **III.**  
**JURISDICTION AND VENUE**

9  
10 10. This Court has jurisdiction under 15 U.S.C. section 1692k(d), 28 U.S.C.  
11 section 1331, and 28 U.S.C. section 1367 for supplemental state claims.

12 11. This action arises out of Defendant's violations of the FDCPA and  
13 Rosenthal FDCPA. Because Defendant does business within the County of San  
14 Diego, State of California, personal jurisdiction is established.

15  
16 12. Venue is proper pursuant to 28 U.S.C. section 1391.

17  
18 **IV.**  
**RELEVANT FACTS**

19  
20 13. Sometime after November 2, 2015, Plaintiff received a collection letter,  
21 dated November 2, 2015 from Defendant, attempting to collect a debt in the amount  
22 of \$529.06 from Plaintiff. This debt was allegedly owed to AT&T UVERSE.  
23 Plaintiff currently takes no position as to the validity of this alleged debt. A copy of  
24 the November 2, 2015 collection notice is attached hereto as **Exhibit 1**, and is  
25 incorporated herein by reference.  
26

27  
28 14. On January 27, 2016 Plaintiff's counsel sent a letter to Defendant

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1 informing them that Plaintiff was represented by his office and that all  
2 communications should be addressed to Plaintiff's counsel. Plaintiff's counsel also  
3 disputed the debt and requested a verification of the alleged debt. A copy of  
4 Plaintiff's counsel January 27, 2016 letter is attached hereto as **Exhibit 2**, and is  
5 incorporated herein by reference.  
6

7  
8 15. Sometime after February 11, 2016, Defendant sent a letter, dated  
9 February 11, 2016, to Plaintiff's counsel, acknowledging that Plaintiff was  
10 represented by counsel. A copy of the February 11, 2016 letter is attached hereto as  
11 **Exhibit 3**, and is incorporated herein by reference.  
12

13 16. Sometime after February 19, 2016, despite having actual knowledge that  
14 Plaintiff was represented by an attorney, Defendant sent a collection letter directly to  
15 Plaintiff in attempt to collect \$529.09. A copy of Defendant's February 19, 2016  
16 collection notice is attached hereto as **Exhibit 4**, and is incorporated herein by  
17 reference.  
18

19  
20 **V.**  
21 **FIRST CAUSE OF ACTION**  
22 **(Violation of the FDCPA Against All Defendants)**

23 17. Plaintiff re-alleges paragraphs 1 through 16, above, as if fully set forth  
24 herein.

25 **COUNT 1**

26 18. Defendant violated 15 U.S.C. section 1692c(a)(2) by contacting Plaintiff  
27 directly in writing, in an attempt to collect a debt, despite knowing that Plaintiff was  
28

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1 represented by an attorney.

2 **COUNT 2**

3 19. Defendant violated 15 U.S.C. section 1692c(c) because it continued  
4 communicating with Plaintiff, when in fact Defendant was told in writing to stop  
5 further communication with Plaintiff.  
6

7 20. As a result of each and every violation of the FDCPA, Plaintiff has  
8 suffered actual damages and harm resulting from Defendants' actions as heretofore  
9 alleged, including but not limited to worry, emotional distress, anxiety, humiliation,  
10 and out-of-pocket expenses including but not limited to gasoline expenses, postage  
11 expenses, and telephone charges, the exact amount of which is to be proven at trial.  
12

13 21. As a result of each and every violation of the FDCPA, Plaintiff is entitled  
14 to actual damages pursuant to 1692k(a)(1); statutory damages in an amount up to  
15 \$1,000.00 pursuant to 1692k(a)(2)(A) and reasonably attorneys' fees and costs  
16 pursuant to 15 U.S.C. section 1692k(a)(3).  
17

18  
19 **VI.**  
20 **SECOND CAUSE OF ACTION**  
21 **(Violation of the Rosenthal FDCPA against All Defendants)**

22 22. Plaintiffs re-allege paragraphs 1 through 21, above, as if fully set forth  
23 herein.  
24

25 **COUNT 1**

26 23. Any violation of the FDCPA is a violation of California Civil Code  
27 section 1788.17, because section 1788.17 incorporates the FDCPA.  
28

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1 24. Defendant violated Civil Code section 1788.17 because it violated 15  
2 U.S.C. sections 1692c(a)(2) and 1692c(c).

3 **COUNT 2**

4  
5 25. Defendant violated California Civil Code section 1788.14(c) because it  
6 contacted Plaintiff beyond statements of the account, after being directly notified in  
7 writing by Plaintiff's attorney to stop contacting Plaintiff.

8  
9 26. As a result of each and every violation of the Rosenthal FDCPA,  
10 Plaintiff has suffered actual damages and harm resulting from Defendant's actions as  
11 heretofore alleged, including but not limited to worry, emotional distress, anxiety,  
12 humiliation, and out-of-pocket expenses including but not limited to gasoline  
13 expenses, postage expenses, and telephone charges, the exact amount of which is to  
14 be proven at trial.

15  
16  
17 29. As a result of each and every violation of the Rosenthal FDCPA,  
18 Plaintiff is entitled to actual damages pursuant to California Civil Code section  
19 1788.30(a); statutory damages under 1692k(a)(2)(A) which is incorporated by  
20 California Civil Code section 1788.17; statutory damages for a knowing or willful  
21 violation in the amount of up to \$1,000.00 pursuant to California Civil Code section  
22 1788.30(b); and reasonable attorney's fees and costs pursuant to California Civil  
23 Code section 1788.30(c).

24  
25  
26 **VII.**  
27 **PRAYER FOR DAMAGES AND OTHER REMEDIES**

28 1. For actual damages;

- 1 2. For statutory damages;
- 2 3. For interest according to law;
- 3 4. For attorneys' fees;
- 4 5. For costs of suit herein incurred; and
- 5 6. For other and further relief as the court may deem proper.

7 DATED: August 29, 2016

**MASHIRI LAW FIRM**  
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By: /s/Alex Asil Mashiri  
Alex Asil Mashiri  
Attorney for Plaintiff,  
JESSICA MANTHEI

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