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VENTURA SUPERIOR COURT

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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 IN AND FOR THE COUNTY OF VENTURA - CENTRAL JUSTICE CENTER

17	IRENE CHIANG,)	Case No.
18)	
19	Plaintiff,)	COMPLAINT FOR DAMAGES
20)	1. VIOLATION OF ROSENTHAL FAIR
21	v.)	DEBT COLLECTION PRACTICES ACT
22)	
23	RUSHMORE LOAN MANAGEMENT)	
24	SERVICES LLC,)	
25)	JURY TRIAL DEMANDED
26	Defendant.)	
27)	
28)	

For this Complaint, Plaintiff, Irene Chiang, by undersigned counsel, states as follows:

PRELIMINARY STATEMENT

1. This is an action arising out of Defendant's repeated violations of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788, *et seq.*

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PARTIES

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- 10 2. Plaintiff, Irene Chiang, is an individual residing at 391 Country Club Drive #3, Simi
- 11 Valley, California, 93065.
- 12 3. Rushmore Loan Management Services LLC (hereinafter "Defendant") is a California
- 13 corporation with a principal place of business at 15480 Laguna Canyon Road, Suite 100,
- 14 Irvine, California, 92618,

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STATEMENT OF FACTS

- 16 4. An individual other than Plaintiff and unknown to Plaintiff by the name of Daniel (the
- 17 "Debtor") allegedly incurred a debt.
- 18 5. The debt was a "consumer credit transaction" as defined in Cal. Civ. Code § 1788.2(e).
- 19 6. Within the past year, Defendant began calling Plaintiff in an attempt to collect the debt.
- 20 7. On or around May 29, 2020, Plaintiff called Defendant to ask who it was attempting to
- 21 reach.
- 22 8. Defendant verified that Plaintiff was not the individual it was attempting to reach and told
- 23 Plaintiff to disregard the calls.
- 24 9. Nevertheless, despite knowing that Plaintiff was not the Debtor, Defendant continued to
- 25 place calls to Plaintiff on or around June 27, 2020, and June 30, 2020.
- 26 10. Defendant's actions caused Plaintiff to suffer frustration and annoyance.

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COUNT I

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VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT
Cal. Civ. Code § 1788, et seq.

11. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

- 1 12. The Rosenthal Fair Debt Collection Practices Act, California Civil Code section 1788, *et*
2 *seq.* (“Rosenthal Act”) prohibits unfair and deceptive acts and practices in the collection of
3 consumer debts.
4
5 13. Defendant, in the regular course of its business, engages in debt collection and is a “debt
6 collector” as defined by Cal. Civ. Code § 1788.2(c).
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8 14. Defendant caused Plaintiff’s telephone to ring repeatedly or continuously to annoy
9 Plaintiff, in violation of Cal. Civ. Code § 1788.11(d).
10
11 15. Defendant did not comply with the provisions of 15 U.S.C. § 1692, *et seq.*, in violation of
12 Cal. Civ. Code § 1788.17.
13
14 16. Plaintiff was harmed and is entitled to damages as a result of Defendant’s violations.

15 **DEMAND FOR RELIEF**

16 WHEREFORE, Plaintiff prays that judgment be entered against Defendant for:

- 17 1. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);
18 2. Statutory damages of \$1,000 for knowingly and willfully committing
19 violations pursuant to Cal. Civ. Code § 1788.30(b); and
20 3. Such other and further relief as may be just and proper.

21 Dated: October 7, 2020

TRINETTE G. KENT

22 By: /s/ Trinette G. Kent

23 Trinette G. Kent, Esq.

24 Lemberg Law, LLC

25 Attorney for Plaintiff, Irene Chiang
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