

CIVIL COVER SHEET

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

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|---|---|
| <p>I. (a) PLAINTIFFS Jean Eddis</p> <p>(b) County of Residence of First Listed Plaintiff <u>Camden Co, NJ</u></p> <p>(c) Attorney's (Firm Name, Address, Telephone Number and Email Address) Donald M. Doherty, Jr., Esq. The Law Office of Donald M. Doherty, Jr. 125 N. Route 73 West Berlin, NJ 08091 609-336-1297 DMD@DonaldDoherty.com</p> | <p>DEFENDANTS Midland Funding, LLC and Pressler and Pressler, LLP</p> <p>County of Residence of First Listed Defendant <u>San Diego Co., CA</u></p> <p style="text-align: center;">NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) Unknown at this time</p> |
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|--|--|----------------------------|---|----------------------------|----------------------------|------------|------------|-----------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|--------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|---|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| <p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p> | <p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <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 style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-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. NATURE OF SUIT (Place an "X" in One Box Only) | | | | | |
|--|--|--|--|---|---|
| CONTRACT | TORTS | | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
| <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 Loans (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 | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal 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 | 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 PERSONAL PROPERTY <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 | <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 | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" 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 type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <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 Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <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 | CIVIL RIGHTS <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 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <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 | <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 | SOCIAL SECURITY <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)) | |
| | | | LABOR <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 | FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | |
| | | | IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions | | |

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. 1692a

Brief description of cause:
Fair Debt Collection Practices Act class action w/class and subclass

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$ 200,000.00
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) (See instructions):

JUDGE _____ DOCKET NUMBER _____

Explanation:

DATE 07/07/2011

SIGNATURE OF ATTORNEY OF RECORD

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases. Provide a brief explanation of why the cases are related.

Date and Attorney Signature. Date and sign the civil cover sheet.

The Law Office of Donald M. Doherty, Jr.
Donald M. Doherty, Jr., Esq.
(DD-0446)
125 North Route 73
West Berlin, NJ 08091
(609) 336-1297
Attorney for the Plaintiff and the putative class

**United States District Court
For the District of New Jersey
(CAMDEN VICINAGE)**

| | | |
|--|---|----------------|
| Jean Eddis, on behalf of herself and all those similarly situated, | : | Civil Case No. |
| | : | |
| <i>Plaintiff,</i> | : | |
| vs. | : | Complaint |
| | : | (Class Action) |
| Midland Funding, LLC and Pressler and Pressler, L.L.P., | : | |
| | : | |
| <i>Defendants.</i> | : | |

Plaintiff hereby complains against the Defendants as follows:

1. Plaintiff Jean Eddis resides and is domiciled in Haddon Township, Camden County, NJ.
2. a. Defendant Midland Funding, LLC is a Delaware Limited Liability Company that regularly conducts and engages in business in New Jersey and is principally located at 8875 Aero Drive, Suite 200, San Diego, CA 92123.
- b. Defendant Pressler and Pressler, LLP, is a law firm located at 7 Entin Road, Parsippany, NJ 07054.
- c. At all times material and relevant hereto, Pressler acted as an agent in furtherance of the objectives of its principal, Midland; accordingly, Midland is jointly and severally liable for the acts and omissions of its agent, Pressler.

JURISDICTION

3. Jurisdiction is proper in the Federal District Court as the case is premised solely upon a federal question as defined under 28 U.S.C. 1331, to wit, application and interpretation of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et. seq.
4. a. Venue properly lies in the District of New Jersey pursuant to 15 U.S.C. 1692k(d), as the plaintiff and those similarly situated to her, by definition, reside in New Jersey. The Defendant Pressler and Pressler, LLC is also located in New Jersey.
- b. The Camden vicinage is proper as Plaintiff resides within its bounds and both Defendants routinely engage in business in that vicinage.

Violation of Fair Debt Collection Practices Act, 15 U.S.C. 1692 et. seq.

5. Plaintiff defaulted on a credit card obligation.
6. The debt owed by the Plaintiff was an obligation to arising from personal, family or household purposes and is a “debt” within the meaning ascribed to the term by the FDCPA.
7. Defendant Midland acquired the defaulted Eddis debt.
8. Defendant Midland is a debt collector within the meaning of FDCPA jurisprudence.
9. Defendant Midland engaged Defendant Pressler and Pressler to collect the Eddis debt.
10. Defendant Pressler and Pressler is New Jersey’s largest collection law firm and specializes in “retail collections”.
11. Defendant Pressler and Pressler is a debt collector within the meaning of the Fair Collection Practices Act and attendant case law.
12. As part of its collection methods, Defendant Midland engaged Defendant Pressler and Pressler to dun Eddis, and those similarly situated to her, with collection correspondence.
13. Plaintiff, along with those similarly situated to her, was sent a dunning letter that read in part as follows:

This is to notify you that your account.....has been purchased by Midland Funding LLC and has been placed with the firm of Pressler and Pressler, LLP for collection.

We shall afford you this opportunity to pay this immediately and avoid further action against you. Make your check or money order payable to Pressler and Pressler LLP.....

At this time, no attorney with this firm has personally reviewed the particular circumstances of your account. However, if you failed to contact this office, our client may consider additional remedies to recover the balance due.

PLEASE READ THE FOLLOWING PROVIDED TO YOU PURSUANT TO FEDERAL STATUTE:

This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose. Unless you notify this office within 30 days after receipt of this notice that you dispute the validity of the debt, or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from the receipt of this notice that the debt or any portion thereof is disputed, this office will obtain verification of the debt or obtain a copy of the judgment and mail you a copy of such judgment or verification. Upon your request in writing, within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

12. This letter was sent to the Plaintiff on/about February 24, 2011 and was received a short time thereafter.
13. The letter prominently notes that the Pressler and Pressler organization is a law firm as it references "Counsellors at Law", references "attorney with this firm" and discusses "further action against you".
13. Defendant Pressler and Pressler's claim to be engaged for collection of the debt yet than subsequently "disclaiming" knowledge of the matters it seeks to collect is confusing, false, deceptive, misleading and unfair to debtors and is a violation of the Rules of Professional Conduct.
14. Defendant Pressler and Pressler's letter creates a sense of urgency that the debt be paid "immediately" so that further action against the debtor would be avoided.
15. The demand "to pay this debt immediately" under the duress of avoiding further action overshadows the 30 day window for the debtor to dispute the debt.
16. The demand for "immediate" payment under circumstances threatening "further action against you", while subsequently referencing a 30 day right to dispute the debt and is an unfair collection practice as it confuses and/or misleads a debtor regarding their rights.
17. Defendant Midland is a sophisticated debt collection entity in its own right and initially acts on behalf of Midland Credit Management, Inc. a/k/a MCM an affiliated entity operating from the same address.
18. After MCM/Midland fail in their dunning and collection efforts, Midland then engages the Pressler and Pressler firm to collect the debts.
19. Pressler then sent the dunning correspondence described above.
20. As Midland already has access to dunning letter capabilities through its MCM affiliate collection agency, the only purpose of engaging a law firm to dun a debtor - particularly a law firm that eschews any knowledge of the file - is to utilize the implicit threat inherent in stationary emblazoned with "counsellors at law", a roster of attorney names and obtuse threats of "further action against you" and falsely imply that a law firm is meaningfully involved in the collection process.
21. Defendant Pressler engages in a highly automated, assembly-line collection practice. The letter sent to the Plaintiff bears the hallmarks of a form letter - bar code for tracking and large spaces for inserting original creditor references.
22. Defendant Pressler was not meaningfully engaged in the collection process and but created the false impression that it was.
23. Members of the prospective class(es) are so numerous that joinder of all class members is impractical. Plaintiff's good faith belief is that there are at least several hundred class members based upon the size and scope of the Defendants' activities in the field of consumer debt

collection. The exact number and identities of the class members are currently unknown and can be ascertained from the books/records of the Defendants and/or appropriate discovery.

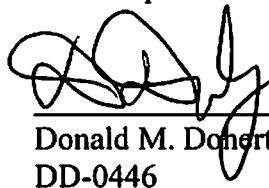
24. Common questions of law and fact exist as to all members of the class(es) that predominate over any questions affecting any individual class members of the class(es).
25. Common questions of fact include, but may not be limited to:
 - a. How many collection letters were sent by the Defendant Pressler similar to the one sent to the Plaintiff during the relevant statute of limitation period;
 - b. How many collection letters were sent by the Defendant Pressler on behalf of Defendant Midland similar to the one sent to the Plaintiff during the relevant statute of limitation period;
 - c. Whether or not either Defendant has changed or modified the disclaimer language during the relevant applicable time period.
 - d. The nature of the relationship between Midland and the Pressler firm.
26. Common questions of law include, but are not limited to, whether or not the letters sent by/on behalf of the Defendants comply with the Fair Debt Collection Practices Act.
27. Plaintiff's claims are typical of the claims of the class(es) as she was subjected to the collection correspondence sent by Defendant Pressler on behalf Defendant Midland which contained the language and "disclaimer" worded as referenced in ¶ 11, above.
28. Plaintiff has the same interest as all other members of the class(es) - ensuring Defendants comply with all laws affecting the collection of consumer debts.
29. Plaintiff will fairly and adequately represent and protect the interest of the class(es). Plaintiff has no known conflicts with any class member and could never have any conflict with another class member relevant to this case as the matter is wholly dependant on Defendants' unilateral conduct. The interest(s) of the Plaintiff is coincident to, and not antagonistic to, the interest of other members of the class.
30. Plaintiff has retained counsel with experience in class action litigation, as well as other complex litigation.
31. The questions of law and fact common to members of the class(es) predominant over any questions affecting individual class members as the legality of Defendants' unilateral conduct is a precursor to establishing liability for the complained-of correspondence and/or disclaimer and no class member can have an issue involving the correspondence that rises above this threshold determination.
32. Class litigation is the superior method to adjudicate the common questions. The prosecution of separate actions by individual members of the class would result in duplicitous litigation over the same issues and possibly create a risk of inconsistent or varying adjudications that could

result in establishing inconsistent standards of conduct, policies and/or procedures for the Defendants. The Defendants act(ed) in ways that affect all class members identically.

33. The class action mechanism is superior to other available methods for the fair and efficient adjudication of this controversy.
34. Neither Plaintiff, nor her counsel, will have difficulty managing their respective roles in prosecuting this action as a class action.
28. The litigation postures two possible classes at this time, a "master class" and a "subclass".
 - a. The master class would consist of all those natural persons in the State of New Jersey that were sent collection correspondence by Defendant Pressler and Pressler, L.L.P. in furtherance of debt collection for a debt incurred primarily for personal, family or household purposes within the 1 year preceding the filing date of the complaint and which contained the language and disclaimer referenced in paragraph 11, above.
 - b. The subclass would consist of all those natural persons in the State of New Jersey that were sent collection correspondence by Defendant Pressler and Pressler, L.L.P. on behalf of Defendant Midland Funding, LLC in furtherance of debt collection for a debt incurred primarily for personal, family or household purposes within the 1 year preceding the filing date of the complaint and which contained the language and disclaimer referenced in paragraph 11, above.

Wherefore, Plaintiffs request judgment as follows:

- a. Certifying this matter as a class action, with multiple classes, or sub-classes, as may be appropriate;
- b. Awarding such sums as appropriate under 15 U.S.C. 1692k;
- c. Awarding counsel fees and costs of suit;
- d. Awarding pre-judgment interest;
- e. Awarding other such relief as the Court may deem fair and equitable.

 7/7/11

Donald M. Donerty, Jr., Esq.
DD-0446