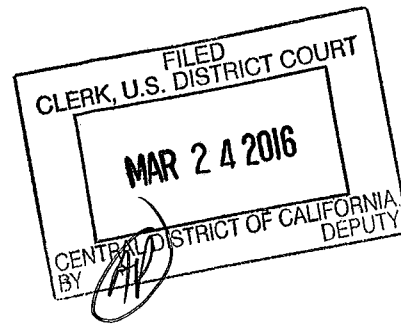


1 Jaron Brignac  
2 16450 Palomino PL, #204  
3 Canyon Country, CA 91604



4 Plaintiff in pro se

5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**

9  
10  
11 **JARON BRIGNAC**, an individual,

**CV 16-02030-DMG (PLA)**  
Case No.

12 **Plaintiff,**

**COMPLAINT FOR DAMAGES**

13 vs.

(DEMAND FOR JURY TRIAL)

14  
15 **TRUEACCORD CORP**, a California  
16 Corporation; **YELP INC.**, a Delaware  
17 Corporation doing business in California; and  
18 **DOES 1 through 10 inclusive,**

**Defendants.**

19  
20 Plaintiff, Jaron Brignac, as and for his complaint against Defendants **TRUEACCORD**  
21 **CORP.**, and **YELP INC**, alleges as follows:

22 **INTRODUCTION**

23 1. This is an action for damages brought by an individual consumer for  
24 Defendants violating the Fair Debt Collection Practices Act, 1 USC, Sec. 1692, and  
25 the Rosenthal Fair Debt Collection Practice Act, Cal. Civ. Code, Sec. 1788, which  
26 prohibits debt collectors and creditors from engaging in abusive, deceptive and unfair  
27

1 practices. Plaintiff also alleges violations of the California Business and Professions  
2 Code, Sec. 17200.

3 **PARTIES**

4 2. Plaintiff is a natural person residing in Los Angeles, California.

5 3. Upon information and belief, the Defendant **TRUEACCORD CORP.**, is a  
6 “debt collector” as defined pursuant to 15 U.S.C Sec.1692a(6) with its principal place  
7 of business in San Francisco, California.  
8

9 4. Upon information and belief, the Defendant **YELP INC.**, is a “corporation”  
10 and is a “creditor” as defined pursuant to Cal. Civ. Code Sec. 1788.2 with its principal  
11 place of business in San Francisco, California  
12

13 **JURISDICTION**

14 5. This Court has jurisdiction pursuant to 15 U.S.C. Sec. 1692k (FDCPA) and 28  
15 U.S.C. Sec. 1331. Venue is proper in this district pursuant to 28 U.S.C. sec. 1391 (c),  
16 as the Defendant corporations reside and regularly conduct business in this district.  
17

18 **FIRST CAUSE OF ACTION**

19 6. Plaintiff re-alleges paragraphs 1 through 5 below herein

20 7. A personal debt was allegedly incurred by Plaintiff to Yelp Inc.

21 8. That at a time unknown to Plaintiff herein, the aforementioned debt was  
22 referred and/or assigned to TRUEACCORD CORP.

23 *Count One*

24 9. Plaintiff re-alleges paragraphs 1 through 8 below herein

25 10. That Defendant **TRUEACCORD CORP.**, e-mailed numerous notices to  
26 Plaintiff in an attempt to collect the aforementioned debt.  
27  
28

1 11. Said notices were intentionally deceptive which read on the email subject lines,  
2 in pertinent part, but not limited to:

3 *“Life can be a beach”*

4 Afterwards, upon opening the email, the body of email stated:

5 *“But until you settle up this balance, things are anything but beachy. We’ve*  
6 *given you ample opportunities to take care of this balance, but you have taken*  
7 *no action. Lift the burden off your shoulders, take care of this debt and life will*  
8 *be beachy again”*

9 *“Are you just slacking!?! Stop that. This is serious business. If you don’t handle*  
10 *your debt to Yelp, it could have a long-term effect on your financial standing.*  
11 *Trust me, it’s not worth it.”*

12  
13  
14 12. Defendant’s use of false, deceptive, misleading and overshadowing language,  
15 is confusing the Plaintiff as to his rights. It contains false statements and threats of  
16 action that cannot legally be taken or that are not actually intended to be taken and are  
17 designed to coerce payment under duress.

18 *Count Two*

19  
20 13. Plaintiff repeats and re-alleges each and every allegation set forth above in  
21 paragraphs 1 through 12 as if reasserted and re-alleged herein.

22 14. That upon information and belief, That Defendant **TRUEACCORD CORP.**,  
23 has attempted to collect on amounts that are not authorized by agreement or permitted  
24 by law.

25  
26 15. That That Defendant **TRUEACCORD CORP.**, in an attempt to collect a debt,  
27 engages in a pattern of practice of communicating with consumers where the  
28

1 representations made by the Defendant are confusing, misleading, deceptive and/or  
2 unfair.

3 16. That as a result of Defendant's conduct, Plaintiff has suffered damages which  
4 include, but are not limited to, statutory damages, any actual damages sustained, other  
5 resulting monetary losses and damages, unnecessary stress, aggravation and anxiety.

6 17. That Defendant's conduct violates 15 U.S.C 1692, including but not limited to  
7 subsections (e), (f), and (g) in that the representations made by the Defendants are  
8 confusing, misleading, deceptive, harassing, unfair and fail to advise the consumer of  
9 her legal rights as required by law.  
10

- 11 a. Defendant has violated 1692e by using false representations and employing  
12 deceptive and misleading means in an attempt to collect a debt;  
13  
14 b. Defendant has violated 1692f by using unfair and unconscionable means to  
15 collect or attempt to collect a debt; and  
16  
17 c. Defendant has violated 1692g by using misleading and overshadowing  
18 language in an attempt to collect the alleged debt and by contradicting  
19 Plaintiff's rights.

20 18. That as per 15 USC Sec., 1692, and as result of the above violations,  
21 the Defendant is liable to the Plaintiff for actual damages and statutory damages in an  
22 amount to be determined at the time of trial but not less than \$1,000.00 per violation,  
23 plus cost and attorney's fees.  
24  
25  
26  
27  
28

1 Rosenthal Act. Such damages include, without limitation, statutory damages, any  
2 actual damages sustained, other resulting monetary losses and damages, and emotional  
3 distress suffered by Plaintiff, which damages are in an amount to be proven at trial.

4 24. In addition, because the Defendant's violations of the Rosenthal Act were  
5 committed willingly and knowingly, Plaintiff is entitled to recover, in addition to his  
6 actual damages, penalties of at least \$1,000 per violation as provided for in the Act.

7  
8 25. According to section 1788.30(c) Rosenthal Act, Plaintiff is entitled to recover  
9 all attorneys' fees, cost and expenses incurred in the bringing of this action.

10 **THIRD CAUSE OF ACTION**

11 26. Plaintiff re-alleges paragraphs 1 through 25 as if fully restated herein

12 27. The California Business and Professions Code, section 17200, prohibits unfair  
13 competition, which includes any unlawful, unfair or fraudulent business act.  
14

15 28. That Defendants, by engaging the acts hereinabove described, has committed  
16 violations under FDCPA, that said acts are therefore per se violations of the California  
17 Business and Professions Code Section 17200.

18 29. That the harm caused by the Defendant's conduct outweighs any benefits that  
19 Defendants conduct may have.

20 30. That consumers are likely to be deceived, and that Plaintiff was in fact  
21 deceived, by Defendant's conduct.

22 31. That Defendants have been unjustly enriched by committing said acts.

23 32. That as a result of the Defendant's conduct, Plaintiff has been harmed and has  
24 suffered damages in the form of monetary losses, extreme embarrassment,  
25 humiliation, shame, stress, anxiety, aggravation and sleepless nights.  
26  
27  
28

1 33. That as a direct proximate result of Defendant's unlawful, unfair and  
2 fraudulent business practices as alleged herein, Plaintiff has suffered injury in fact and  
3 lost money and/or property.

4 34. Pursuant to California Business and Professions Code section 17200, Plaintiff  
5 is entitled to recover her actual damages and restitution.  
6

7  
8 **WHEREFORE**, Plaintiff respectfully prays that judgment be entered against Defendants in  
9 the amount of:

10 (a) Statutory damages and actual damages pursuant to 15 USC sec. 1692k in an  
11 amount to be determined at the time of trial on the first cause of action.

12 (b) Statutory damages and actual damages pursuant to Civil Code section 1788.30  
13 as to the second cause of action.  
14

15 (c) Damages and restitution pursuant to the California Business and Professions  
16 Code section 17200 as to the third cause of action.

17 (d) Cost and reasonable attorney's fees pursuant to 15 USC section 1692k and  
18 Civil Code section 1788.30

19 (e) For such other and further relief as may be just and proper.  
20

21 (f) Plaintiff requests trial by jury on all issues so triable.  
22

23 Dated: 3/24/ 2016

24 Respectfully Submitted

25  
26   
27 Jaron Brignac  
28 Plaintiff

**CIVIL COVER SHEET**

<b>I. (a) PLAINTIFFS</b> ( Check box if you are representing yourself <input checked="" type="checkbox"/> )  Jaron Brignac	<b>DEFENDANTS</b> ( Check box if you are representing yourself <input type="checkbox"/> )  Trueaccord Corp, et al 1-10
<b>(b) County of Residence of First Listed Plaintiff</b> <u>Los Angeles</u> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>County of Residence of First Listed Defendant</b> _____ (IN U.S. PLAINTIFF CASES ONLY)
<b>(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.</b>	<b>Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.</b>

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <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: none;"> <tr> <td style="border: none;">Citizen of This State</td> <td style="border: none;">PTF <input type="checkbox"/> 1</td> <td style="border: none;">DEF <input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none;">PTF <input type="checkbox"/> 4</td> <td style="border: none;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none;"><input type="checkbox"/> 5</td> <td style="border: none;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none;"><input type="checkbox"/> 6</td> <td style="border: none;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <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
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <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.)

1. Original Proceeding  
  2. Removed from State Court  
  3. Remanded from Appellate Court  
  4. Reinstated or Reopened  
  5. Transferred from Another District (Specify)  
  6. Multi-District Litigation

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

**CLASS ACTION under F.R.Cv.P. 23:**  Yes  No       **MONEY DEMANDED IN COMPLAINT: \$ TO BE DETERMINED**

**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 USC Sec. 1692, (SEE ATTACHED COMPLAINT)

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

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <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 & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State 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 Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. 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 <b>REAL PROPERTY</b> <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 <b>TORTS PERSONAL INJURY</b> <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"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <b>TORTS PERSONAL PROPERTY</b> <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 <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**CIVIL COVER SHEET**

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court?  NO  YES

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

**IX(b). RELATED CASES:** Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?  NO  YES

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

**Civil cases** are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- 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.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

**A civil forfeiture case and a criminal case** are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

**X. SIGNATURE OF ATTORNEY**

**(OR SELF-REPRESENTED LITIGANT):** Jan Beyer

DATE: March 24, 2016

**Notice to Counsel/Parties:** The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

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. 405 (g))