

## DEBT COLLECTION LAWSUIT CHECKLIST

Please answer the following questions to determine whether you have a lawsuit for improper debt collection activity:

Are you being contacted by the original creditor or a third-party debt collector?

### ORIGINAL CREDITOR

- |   | <u>YES</u>               | <u>NO</u>                |
|---|--------------------------|--------------------------|
| ➤ Did the creditor inaccurately report your credit history?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did you dispute the debt but the creditor failed to report it to the credit bureaus as disputed?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the creditor pull your credit file without permissible purpose?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the credit bureau refuse to correct information after being provided with proof?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the credit bureau reinsert a removed item from your credit report without notifying you in writing within 5 business days?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the credit bureau fail to respond to your written dispute within 30 days?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the creditor or credit bureau try to “re-age” your account by updating the date of the last activity on your credit report in the hopes of keeping negative information on your account longer?             | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the creditor deceive you into believing that they are law enforcement officials or associated with the government?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the creditor collect money from you in excess of your debt?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the creditor knowingly collect, attempt to collect, or assert a right to any collection fee, attorney's fee, court cost or expense when such charges are not justly due and legally chargeable?             | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the creditor reveal information about your debt, or threaten to reveal information, that would affect your reputation for credit worthiness with knowledge or reason to know that the information is false? | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the creditor communicate or threaten to communicate the nature of the claim to your employer prior to obtaining final judgment?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the creditor disclose or threaten to disclose information concerning the existence of a debt known to be disputed by you without disclosing that fact?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the creditor communicate with you or any family member or household member with such frequency or at such unusual hours or in such a manner as can reasonably be expected to abuse or harass?               | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the creditor threaten any action which the creditor in the  |                          |                          |

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- usual course of his business does not in fact take?
- Did the creditor claim, or attempt or threaten to enforce a right with knowledge or reason to know that the right does not exist?
- Did the creditor use a communication which simulates in any manner legal or judicial process or which gives the appearance of being authorized, issued or approved by a government, governmental agency, or attorney when it is not?

### DEBT COLLECTOR

- Is the debt collector both purchaser and “assignee”?
- Did the debt collector fail to send you a written notice within five days of their initial contact that includes, among other things, the amount of the debt, the name of the creditor to whom the debt is owed, and a statement that if within thirty days of receiving the notice you dispute the debt in writing the collector will obtain verification of the debt and mail it to you?
- Did the debt collector misrepresent who they are?
- Did the debt collector misrepresent themselves as an attorney?
- Did the debt collector misrepresent themselves as a government representative?
- Did the debt collector misrepresent themselves as owning or working for a credit bureau?
- Did the debt collector misrepresent the character, amount, or legal status of the debt?
- Did the debt collector try to “re-age” your account by updating the date of the last activity on your credit report in the hopes of keeping negative information on your account longer?
- Did you dispute the debt but the debt collector failed to report it to the credit bureaus as disputed?
- Did you request that the debt be validated, but the debt collector continued collection activities without validating the debt?
- Did you request that the debt be validated, but the debt collector continued to report to the credit bureaus?
- Did the collection agency continue to call you despite being sent a letter in writing saying that you want all communication to stop or that you refuse to pay the debt?
- Did the debt collector collect money that exceeds the debt?
- Did the debt collector accept a check that was post-dated by more than five days?
- Did the debt collector deposit or threaten to deposit a post-dated

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- |  |                          |                          |
|--|--------------------------|--------------------------|
| check before the date on the check?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector cost you money by making you accept collect calls or Collect on Delivery mail?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector take or threaten to take any personal property without a judgment?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector threaten imprisonment, seizure, garnishment, attachment or sale of property or wages?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector threaten civil or criminal prosecution, job loss or damage to your credit rating?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector threaten to take action that could not be legally taken, including threatening to disclose the debt to your employer or threatening to report the debt to consumer reporting agencies even though the debts is past the credit reporting periods? | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector call you before 8 am or after 9 pm or at other inconvenient times?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector call you at your place of employment after knowing or having reason to know that your employer prohibits you from receiving such communication?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector contact any third party about the debt?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector use or threaten the use of violence or other criminal means to harm the physical person, reputation, or property of any person?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector use obscene or profane language or language the natural consequence of which is to abuse the hearer or reader?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector publish your name on a list of consumers who allegedly refuse to pay debts?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector advertise your debt for sale?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector cause your telephone to ring or engage you in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass you at the called number?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector threaten to take action that cannot be legally taken or that they had no intention of taking?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector fail to disclose their identity?  | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector disclose in all communications that he or she is a debt collector and, in the first communication with you that he or she is attempting to collect a debt and that any information obtained will be used for that purpose?                        | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector send you a paper that looks like a legal document or a document from a government agency?   | <input type="checkbox"/> | <input type="checkbox"/> |
| ➤ Did the debt collector collect unauthorized fees, interest, or   |                          |                          |

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- expenses?
- Did the debt collector contact you via postcard?
- Did the debt collector contact you with an envelope that identifies the sender as a debt collector?
- Did the debt collector contact you in any unusual or inconvenient place?
- Does the debt collector call you more than twice a week?

If you answered yes to any of these questions, and the improper debt collection actions have taken place within the past year, then it is very possible (but not certain) that you have a viable lawsuit for abusive debt collection activities. This list is meant to be comprehensive but is not exclusive. Even if you did not answer yes to any question, but the creditor or debt collector has engaged in other questionable activity, you may be entitled to legal relief. Every case must be evaluated on an individual basis. Please call or write today for a free consultation.

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