

JUL 26, 2019 11:49 AM

*Angie T. Davis*  
Angie T. Davis, Clerk of State Court  
Cobb County, Georgia

**IN THE STATE COURT OF COBB COUNTY  
STATE OF GEORGIA**

PAUL MILLER,	)	
	)	CIVIL ACTION NO.
Plaintiff,	)	
	)	
v.	)	
	)	<b>JURY TRIAL</b>
CAPITAL ACCOUNTS INC,	)	
INC., and DOES 1-10, INCLUSIVE,	)	<b>DEMAND</b>
	)	
	)	
Defendants.	)	
_____	)	

**COMPLAINT FOR TRANSGRESSION OF  
CONSUMER PROTECTION LAW**

COMES NOW, PAUL MILLER (“Plaintiff”), Plaintiff in the above-styled action, by and through counsel, and files this, his Complaint against Defendants Capital Accounts Inc. and DOES 1-10 (“Defendants”), and shows the following:

**PRELIMINARY STATEMENT**

1. This case centers on the failure of Capital Accounts. (Hereinafter CAPITAL) and its agents (collectively, "Defendants") to properly provide the disclosures required by 15 U.S.C. § 1692g in their initial written communications to Georgia consumers, or within five days thereafter. Specifically, Defendants

routinely violate the FDCPA by failing to provide consumers with the right to dispute the debt and overshadowing the prior stated federally mandated disclosures to Georgia consumers with misleading statements in violation of the FDCPA and Georgia Fair Business Practices Act. In failing to provide any initial communication to Plaintiff, Defendant reported false and misleading information to Credit Reporting agencies after being issued evidence of an identity breach of Mr. Millers credit in violations of the Fair Debt Collection Practices Act (“FDCPA”) 15 U.S.C. § 1692, *et seq.*, and Georgia Fair Business Practices Act, O.C.G.A. § 10-1-390, *et seq.*, and the invasion of Plaintiff’s privacy by the Defendant and its agents in their illegal efforts to collect a consumer debt. Further, Defendant placed repeated phone calls to Plaintiff’s Cell Phone(s), without permission or emergency purpose, and using an autodialer (ATDS) and/or predictive dialing equipment in violation of the Telephone Consumer Protection Act (TCPA) 47 U.S.C. § 227 *et. seq.*

### **PARTIES**

2. Plaintiff, Paul Miller, is a natural person who resides in Cobb County, Georgia.

3. Plaintiff is allegedly obligated to pay a debt(s) and is therefore a “consumer” as the term is defined by 15 U.S.C. § 1692a(3).

4. Defendant(s), Capital Accounts is an organization known to furnish and maintain the collection of Defaulted credit card Debt all over the nation and Georgia.

5. Does 1-10 may also include (the “Collectors”) are individual collectors shareholders, officers, or directors or employees of Capital and whose identities are currently unknown to the Plaintiff. One or more of the collectors may be joined as parties once their identities are disclosed through discovery.

6. Defendant(s) uses interstate commerce or mail in business the principal purpose of which is the collection of any debts and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due to asserted to be owned or due another and is therefore a “debt collector” as that term is defined by U.S.C. § 1692a(6).

7. Capital at all times acted by and through one or more of the collectors or contracted entities.

8. Defendants acted jointly and severally in committing violations of the FDCPA, TCPA and GFBPA.

### **JURISDICTION AND VENUE**

9. Because this case arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

10. Venue is proper in this Court because a substantial part of the claim arose in Cobb County Georgia, and Plaintiff “resides” in Georgia,

11. Defendant Capital Accounts, LLC is a foreign limited liability company and may be served through its registered agent c/o INCORP SERVICES, INC. at 2000 Riveredge Pkwy. Nw Ste. 885, Atlanta, GA, 30328.

### **ALLEGATIONS APPLICABLE TO ALL COUNTS**

#### **A. THE DEBT**

12. Plaintiff allegedly incurred a financial obligation(s) (the “Debt(s)”) to an original creditor (the “Creditor”).

13. The debt arose from services provided by the original creditor, which are primarily for family, personal or household purposes, which meet the definition of a “debt”, under 15 U.S.C. § 1692a(5).

14. The debt was purchased, assigned or transferred to Capital for collection, or Capital Collection was employed by the creditor to collect the debt.

15. The Defendant attempted to collect the debt, as such, engaged in “communications” as defined in 15 U.S.C. §1692a(2).

#### **B. CAPITAL ACCOUNTS ENGAGES IN HARASSMENT AND ABUSIVE TACTICS**

16. On or about 2016, Plaintiff, Mr. Miller, was the victim of identity theft

after living abroad in Japan. (Aff. Miller)

17. At this point Mr. Miller contacted the Cobb County Police Department and reported the theft to the various credit agencies. (Ex. 1). Experian and Transunion both corrected the error.

18. On or about June of 2019 Mr. Miller discovered Equifax had not removed a collection attempt from Capital while attempting to secure a loan. (Aff. Miller).

19. Equifax still showed a collection account for a Dr. Bakke DDS, the account was handled by Capital Accounts LLC. (Aff. Miller).

20. On or about the last year Mr. Miller began to receive collection calls from Defendant at his work mobile device. (Aff. Miller).

21. During calls received by Mr. Miller he heard pauses or clicks on the line prior to an agent coming to the line.

22. At no point in time was Mr. Miller furnished with the opportunity to request validation of the debt or informed the alleged account had been sold or assigned for collections.

23. On April and Early June of 2019 Mr. Miller received several calls from Defendant to his mobile device in the attempt to collect a debt.

24. On several instances Mr. Miller requested Defendant issue some form of

validation of the alleged debt in the form of correspondence to his address.

25. Mr. Miller did not receive any communication to his home address.

26. Mr. Miller stated he would not make a payment or consider payment unless validation of the debt was issued.

27. Mr. Miller informed agents of Capital Accounts on several occasions that his identity was stolen. As a result the charge was made on his behalf at a Dentist office.

28. Agents of Capital Accounts told Mr. Miller “People don’t steal identities so they can go to the dentist.

29. Mr. Miller asked for some evidence of the debt alleged and no answer was provided.

30. Mr. Miller spoke with Dr. Bakke’s DDS office in an attempt to clear the matter. Dr. Bakke’s office vividly remembers the man who left the office without providing payment for the surgery performed. The office confirmed it was not Mr. Miller. (Aff. Miller)

31. The Consumer Financial Protection Bureau (CFPB), the agency charged with the enforcement and regulation of consumer protection laws, financial institutions including but not limited to third party debt collection agencies such

as Defendant; interprets this action, overshadowing, as a violation of 15 U.S.C. 1692g(a)(5).

32. Indeed, the CFPB examination procedures for debt collection, Module 4 – Consumer Complaints, Dispute Resolution and Debt Validation; Section 2 States in part:

“Determine whether during this 30-day period, the debt collector’s communications and/or collection activities overshadow or are inconsistent with the disclosure of the consumer’s rights to dispute the debt and to request the name and address of the original creditor. (15 U.S.C. 1692g(b)). This could occur, for example, if a debt collector threatens dire consequences for the consumer if the consumer fails to make an immediate payment or if a debt collector demands immediate payment *without noting that the consumer has 30 days to dispute the debt.*”<sup>1</sup> (Emphasis added).

33. Upon information and belief, Defendant used an auto-dialer and or predictive dialing equipment in its calls to Plaintiff.

34. Plaintiff heard pauses or clicks prior to an agent coming to the line.

35. Plaintiff never provided expressed consent for Defendant or Defendant’s client, to call him on his cell phone. (Ex. 4).

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<sup>1</sup> [https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/201210\\_cfpb\\_debt-collection-examination-procedures.pdf](https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/201210_cfpb_debt-collection-examination-procedures.pdf)

36. Defendant's calls to Plaintiff had no emergency purpose. (Id.).
37. Defendant made at least one (1) call to (\*\*\*) \*\*\*-6344. (Id.).
38. Defendant made at least one (1) call (\*\*\*) \*\*\*-6344 using an "automatic telephone dialing system" (ATDS). (Id.).
39. Defendant made at least five (5) calls to (\*\*\*) \*\*\*-6344. (Id.).
40. Defendant made at least five (5) calls to (\*\*\*) \*\*\*-6344 using an ATDS. (Id.).
41. Defendant made at least fifteen (10) calls to (\*\*\*) \*\*\*-6344. (Id.).
42. Defendant made at least ten (10) calls to (\*\*\*) \*\*\*-6344 using an ATDS. (Id.).
43. Defendant made at least ten (15) calls to (\*\*\*) \*\*\*-6344. (Id.).
44. Defendant made at least fifteen (15) calls to (\*\*\*) \*\*\*-6344 using an ATDS. (Id.).
45. Defendant made at least fifteen (15) calls to (\*\*\*) \*\*\*-6344. (Id.).
46. On June 12, 2019 counsel issued a demand letter in compliance with the Georgia Fair Business Practices Act's *ante litem* requirement informing Defendants of Plaintiff's representation, demand to the alleged claims and requesting a full validation of the account. (Ex. 2).

47. On June 18, 2019 counsel issued a second demand letter in compliance with the Georgia Fair Business Practices Act's *ante litem* requirement informing Defendants of Plaintiff's representation, demand to the alleged claims and requesting a full validation of the account. (Ex. 3).

48. To date, all administrative remedies have been exhausted.

### **C. PLAINTIFF SUFFERED ACTUAL DAMAGES**

49. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendants' unlawful conduct.

50. As a direct consequence of the Defendants' acts, practices and conduct, the plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

51. The Defendants' conduct was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency and to be regarded as atrocious, and utterly intolerable in a civilized community.

### **COUNT I** **VIOLATIONS OF THE FDCA 15 U.S.C. § 1692, et seq.**

33. The Plaintiff incorporates by reference all of the above paragraphs of this complaint though fully stated therein.

33. The Defendants' conduct violated 15 U.S.C. § 1692c in that

Defendants continued to communicate with Plaintiff after being informed to cease and desist communications

34. The Defendants' conduct violated 15 U.S.C. § 1692d in that Defendants engaged in behavior, the natural consequence of which was to harass, oppress, or abuse the Plaintiff in connection with the collection of the debt.

35. The Defendants' conduct violated 15 U.S.C. § 1692e in that Defendants employed false and deceptive means to collect a debt.

36. The Defendants' conduct violated 15 U.S.C. § 1692f in that the Defendants used unfair and unconscionable means to collect a debt.

37. The Defendants' conduct violated 15 U.S.C. § 1692g In that the Defendants failed to issue Plaintiff a 30-day validation period by which Plaintiff could dispute the validity of the alleged debt. In addition, failed to provide the name of the creditor to whom the debt is owed.

38. The foregoing acts and omissions of Defendants continue numerous in multiple violations of the FDCPA, including every one of the above cited provisions.

39. The Plaintiff is entitled to damages as a result of Defendants' violations.

**COUNT II**  
**VIOLATIONS OF THE GEORGIA FAIR BUSINESS PRACTICES**  
**ACT, O.C.G.A. § 10-1-391, et seq.**

40. The Plaintiff incorporates by all reference all of the above paragraphs of this complaint as the fully stated therein.

41. The Plaintiff is a “consumer” as a term is defined by O.C.G.A. § 10-1-392(6).

42. The Plaintiff incurred debt as a result of engaging into “[c]onsumer transactions” as a term is defined by O.C.G.A. § 10-1-392(10).

43. The Defendant used unfair or deceptive acts to collect the debt incurred in commerce, in violation of O.C.G.A. § 10-1-393(a).

44. The Plaintiff suffered mental anguish, emotional distress and in an amount to be proven at trial.

45. Defendants’ failure to comply with these provisions constitutes an unfair or deceptive act buy under O.C.G.A. § 10-1-393(a) and, as such, the Plaintiff is entitled to damages plus reasonable attorney’s fees.

**COUNT III**  
**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION**  
**ACT 27 U.S.C. § 227 et seq.**

46. The Plaintiff incorporates by all reference all of the above paragraphs of this complaint as the fully stated therein.

47. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by making repeated phone calls to Plaintiff's Cell Phone(s), without permission or emergency purpose, and using an autodialer and/or predictive dialing equipment, and as such, Defendants are subject to punitive damages.

### **PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff prays that judgment be entered against defendants:

1. Actual damages pursuant to 15 U.S.C. § 1692(k)(a)(1) and O.C.G.A. § 10-1-399(a) against Defendants;
2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692(k)(2)(a) against Defendants;
3. Treble damages pursuant to O.C.G.A. § 10-1-399(c) against Defendants;
4. Cost of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692(k)(a)(3) and O.C.G.A. § 10-1-399(d) against Defendants;
6. Punitive damages pursuant to O.C.G.A. § 10-1-399(a) against Defendants.
7. Actual Damages from Defendants for all damages including emotional distress suffered as a result of intentional, reckless, and/or negligent FDCPA

violations and intentional, recklessness, and/or negligent invasions of privacy in an amount to be determined at trial for the Plaintiff;

8. As a result of Defendant's violations of 47 U.S.C. § 227(b)(1)(A)(iii), Plaintiff is entitled to recover a minimum of \$500.00 for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

9. Accordingly, pursuant to 47 U.S.C. § 227(b)(3)(C), Defendant's knowing and/or willful violations of the TCPA entitles Plaintiff to triple the amount of damages to which Plaintiff is otherwise entitled under \$1,500.00 for each call 47 U.S.C. § 227(b)(3)(B); and

10. Such other and further relief as maybe just and proper.

**TRIAL BY JURY DEMAND ON ALL COUNTS**

Dated: 07/26/2019

Respectfully submitted,

/S/ David Prado

By: David A. Prado Esq.

Attorney Bar No. 876286

Attorney for Plaintiff: Paul Miller

*The Prado Law Firm, LLC*

3056 Greyfield Place

Marietta, GA 30067

OFFICE: (470) 353-8870

MOBILE: (770) 597-3269

E-mail: Dprado@ThePradoLawFirm.com





The Prado Law Firm, P.C.

3056 Greyfield Place | Marietta, GA 30062  
Dprado@ThePradoLawFirm.com | (470) 353-8870

EXHIBIT

2

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Capital Accounts, LLC  
310 Billingsly Ct  
Franklin, Tn 37067-4624

Georgia Department of Law  
Consumer Protection Unit  
2 Martin Luther King Jr. Drive, Suite 356  
Atlanta, Georgia 30334-9077

USPS: 7017-3040-0000-8074-6810

Wednesday, June 12, 2019

Demand Letter  
Anté Litem & Cease and Desist

Re: Paul Miller V. Capital Accounts, LLC

To Whom It May Concern:

This law firm represents Paul Miller and is prepared to file a federal lawsuit against Capital Accounts, LLC., (hereinafter "CAL") for violations of the Fair Debt Collection Practices Act, 15 U.S.C., §1692, *et seq.* ("FDCPA"), Georgia Fair Business Practices Act, O.C.G.A., §10-1-390, *et seq.*, and the Fair Credit Reporting Act., 15 U.S.C. § 1681s-2(b)., *inter alia*. ("FCRA").

On or about early 2018 CAL attempted to collect a debt a product of a dentistry services provided to an individual who stole Mr. Miller's identity. (*See Police Report Attached*). In its first communication, PAM failed to provide a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector pursuant 15 U.S.C. § 1692g(a).

On several communications on 2018 and 2019 Mr. Miller explained to CAL that his identity had been stolen and the charges it attempted to collect were not valid. Mr. Miller provided police reports and evidence to CAL showing the invalidity of the debt alleged. Regardless, CAL continued its collection activities. As a product of CAL's continued credit reporting Mr. Miller has been substantially damaged and has been unable to qualify to purchase a home or new vehicle.

On several occasions Mr. Miller requested validation of the alleged debt but one has yet to be provided. As such, CAL has effectively violated 15 U.S.C., §1692g as the statements

This offer to compromise is not admissible as evidence under FRE 408. All rights reserved without prejudice.

overshadow or are inconsistent with the disclosure of Mr. Miller's rights to dispute the debt or request the name and address of the original creditor. CAL's attempts to validate this debt are misleading and inconsistent with evidence provided to the original creditor. The original creditor has admitted to Mr. Miller that the individual who received dental services was not him.

Regardless, agents of CAL have told him that Medical debt "cannot be subject to identity theft" and they would hold the debt valid. In turn, CAL has violated 15 U.S.C. § 1692e *et seq.* in that it falsely represented the character and status of the debt, effectively using unfair and unconscionable means to collect a debt. 15 U.S.C. § 1692f *et seq.*

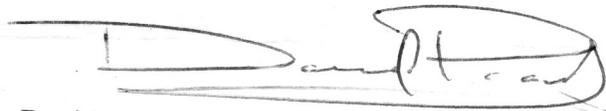
Mr. Miller disputes the validity and methods used in collections as they are in violation of the above statutes. (See Declaration attached) Mr. Miller will settle the matter and forego all legal claims against CAL for actual statutory and punitive damages, including attorney fees and cost, if CAL complies with the following settlement demand:

FDCPA Statutory Violations	\$1,000.00
FCRA Statutory Violations	\$1,500.00
Actual and Punitive Damages -GA- FPBA	\$5,000.00
Attorney Fees and Cost	\$1,750.00
<b>Total:</b>	<b>\$9,250.00</b>

Payable to The Prado Law Firm, LLC. Trust Account by July 13, 2018 at 4:00PM EST, at which time all State, Federal, and Local claims will be dropped. Failure to comply with this demand will result in a filing of suit the following day at 8:00AM EST.

If we have to file a lawsuit in order to collect damages for our client fees will be substantially higher as treble damages are assessed by the relevant state statute (O.C.G.A. § 10-1-399(c)) (which the violating party is required to pay per 15 U.S.C. § 1692k(a)(3)) and O.C.G.A. § 10-1-399(d).

Sincerely,



David A. Prado, Esq.  
The Prado Law Firm, P.C.  
Founding Partner

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

PAUL MILLER,	)	
	)	CIVIL ACTION NO.
Plaintiff,	)	
	)	
v.	)	
	)	
CAPITAL ACCOUNTS, LLC.,	)	
and DOES 1-10, INCLUSIVE,	)	
	)	
Defendants.	)	
<hr/>		

**DECLARATION OF PAUL MILLER**

1.

My name is Paul Miller. I have personal knowledge of the facts set forth in this Declaration and know them to be true and correct. I am over the age of eighteen years old, am suffering no disabilities and am competent to execute this Declaration.

2.

After returning home from working and living in Japan in December of 2016 I discovered that I had been a victim of identity theft while abroad. I was unaware because I did not use my US based accounts or credit while living abroad.

3.

I contacted the Cobb County Police Department and reported the theft to the various credit agencies. Experian and Transunion seemed to have handled it right away, but I found out in June of 2019 that Equifax had not while attempting to secure a loan.

4.

Equifax still showed collections for a Dr. Bakke, the account handled by Capital Accounts LLC.

5.

On numerous occasions Capital Accounts, LLC., has attempted to collect this alleged debt and continues to report it to my credit a product of identity theft.

6.

I have informed agents of Capital Accounts, LLC., on several occasions that the debt was not valid and subject to identity theft; providing the police report filed with the Cobb County Police department. However calls continued.

7.

I was told by multiple agents of Capital Accounts, LLC., that "people don't steal identities so that they can go to the dentist." I asked agents of Capital Accounts what evidence I needed to provide and they refused to give a clear answer.

8.

I have spoken to Dr. Bakke's Dental office in attempting to clear this matter and have them invalidate the account. Dr. Bakke's office vividly remembers the man who had the surgery performed and they admit it was not I.

9.

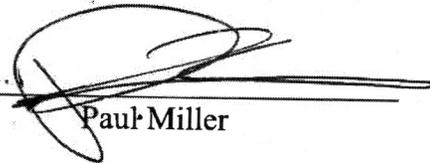
Capital Accounts continues to report on my credit and refuses to contact the client to verify my account was a product identity theft.

10.

I declare under penalty of perjury that the foregoing is true and correct.

6/13/19

DATE



Paul Miller

# INCIDENT/INVESTIGATION REPORT

Agency Name  
**Cobb County Sheriff's Office**

ORI  
**GA 0330000**

Case#  
**17-02068**

Date / Time Reported  
**02/15/2017 13:19 Wed**

Last Known Secure  
**01/01/2016 00:01 Fri**

At Found  
**12/30/2016 23:59 Fri**

Location of Incident  
**3577 Downing St, Marietta GA 30066-**

Premise Type  
**House**

Zone/Tract  
**C**

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N  
C  
I  
D  
E  
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#1	Crime Incident(s) <b>Identity Fraud</b>	(Com)	Weapon / Tools <b>NOT APPLICABLE/NONE</b>	Activity
	<b>2604</b>	<b>F</b>	Entry	Exit
			Security	
#2	Crime Incident	( )	Weapon / Tools	Activity
			Entry	Exit
			Security	
#3	Crime Incident	( )	Weapon / Tools	Activity
			Entry	Exit
			Security	

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# of Victims **1** Type: **INDIVIDUAL( NON LE)** Injury: \_\_\_\_\_ Domestic: **N**

V1 Victim/Business Name (Last, First, Middle)  
**MILLER, PAUL JASON**

Victim of Crime # **1** DOB **10/08/1983** Race **W** Sex **M** Relationship To Offender \_\_\_\_\_ Resident Status **Resident** Military Branch/Status \_\_\_\_\_

Age **32**

Home Address  
**3577 DOWNING ST NE, Marietta, GA 30066-** Home Phone **770-928-1250**

Employer Name/Address  
**MAIN AUTO PARTS** Business Phone **770-422-1746** Mobile Phone **770-686-6344**

VYR Make Model Style Color Lic/Lis VIN

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CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: \_\_\_\_\_ Injury: \_\_\_\_\_

Code Name (Last, First, Middle) Victim of Crime # DOB Age Race Sex Relationship To Offender Resident Status Military Branch/Status

Home Address \_\_\_\_\_ Home Phone \_\_\_\_\_

Employer Name/Address \_\_\_\_\_ Business Phone \_\_\_\_\_ Mobile Phone \_\_\_\_\_

Type: \_\_\_\_\_ Injury: \_\_\_\_\_

Code Name (Last, First, Middle) Victim of Crime # DOB Age Race Sex Relationship To Offender Resident Status Military Branch/Status

Home Address \_\_\_\_\_ Home Phone \_\_\_\_\_

Employer Name/Address \_\_\_\_\_ Business Phone \_\_\_\_\_ Mobile Phone \_\_\_\_\_

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1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)

V1 #	Code	Status Pnn/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID# **MORRIS, R. B. (SO02021)**

Invest ID# **MORRIS, R. B. (SO02021)** Supervisor **(0)**

Status Complainant Signature Case Status **Inactive/pending** Date **02/16/2017** Case Disposition: \_\_\_\_\_ Page 1

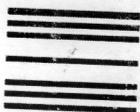


Wid A. Prado, Esq.  
Prado Law Firm, P.C.  
56 Greyfield Pl SE  
Marietta GA 30067

**CERTIFIED MAIL**



7017 3040 0000 8074 6810



**\$0.50**  
US POSTAGE  
FIRST-CLASS  
FROM 30067  
06/13/2019  
Stamps  
endicia



062S0011168607

Capital Accounts LLC  
Attn Compliance / Legal  
310 Billingsly Ct  
Franklin TN 37067-4624

*FWD*

FWD  
37005225230

NIXIE 372 FE 1040 0006/22/19  
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD  
BC: 30067553056 \*0391-06870-13-39

The Prado Law Firm, P.C.

3056 Greyfield Place | Marietta, GA 30062  
Dprado@ThePradoLawFirm.com | (470) 353-8870

EXHIBIT

3

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Capital Accounts, LLC  
2120 Crestmoor Rd  
Nashville, TN 37215

Georgia Department of Law  
Consumer Protection Unit  
2 Martin Luther King Jr. Drive, Suite 356  
Atlanta, Georgia 30334-9077

USPS: 7017-3040-0000-8074-6827

Tuesday, June 18, 2019

SECOND NOTICE  
Demand Letter  
Anté Litem & Cease and Desist

Re: Paul Miller V. Capital Accounts, LLC

To Whom It May Concern:

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Mr. Miller disputes the validity and methods used in collections as they are in violation of the above statutes. (*See Declaration attached*) Mr. Miller will settle the matter and forego all legal claims against CAL for actual statutory and punitive damages, including attorney fees and cost, if CAL complies with the following settlement demand:

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<b>Total:</b>	<b>\$9,250.00</b>

Payable to The Prado Law Firm, LLC. Trust Account by July 13, 2018 at 4:00PM EST, at which time all State, Federal, and Local claims will be dropped. Failure to comply with this demand will result in a filing of suit the following day at 8:00AM EST.

If we have to file a lawsuit in order to collect damages for our client fees will be substantially higher as treble damages are assessed by the relevant state statute (O.C.G.A. § 10-1-399(c)) (which the violating party is required to pay per 15 U.S.C. § 1692k(a)(3)) and O.C.G.A. § 10-1-399(d).

Sincerely,

David A. Prado, Esq.  
*The Prado Law Firm, P.C.*  
Founding Partner

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

PAUL MILLER,	)	
	)	CIVIL ACTION NO.
Plaintiff,	)	
	)	
v.	)	
	)	
CAPITAL ACCOUNTS, LLC.,	)	
and DOES 1-10, INCLUSIVE,	)	
	)	
Defendants.	)	
_____	)	

**DECLARATION OF PAUL MILLER**

1.

My name is Paul Miller. I have personal knowledge of the facts set forth in this Declaration and know them to be true and correct. I am over the age of eighteen years old, am suffering no disabilities and am competent to execute this Declaration.

2.

After returning home from working and living in Japan in December of 2016 I discovered that I had been a victim of identity theft while abroad. I was unaware because I did not use my US based accounts or credit while living abroad.

3.

I contacted the Cobb County Police Department and reported the theft to the various credit agencies. Experian and Transunion seemed to have handled it right away, but I found out in June of 2019 that Equifax had not while attempting to secure a loan.

4.

Equifax still showed collections for a Dr. Bakke, the account handled by Capital Accounts LLC.

5.

On numerous occasions Capital Accounts. LLC., has attempted to collect this alleged debt and continues to report it to my credit a product of identity theft.

6.

I have informed agents of Capital Accounts, LLC., on several occasions that the debt was not valid and subject to identity theft; providing the police report filed with the Cobb County Police department. However calls continued.

7.

I was told by multiple agents of Capital Accounts, LLC., that "people don't steal identities so that they can go to the dentist." I asked agents of Capital Accounts what evidence I needed to provide and they refused to give a clear answer.

8.

I have spoken to Dr. Bakke's Dental office in attempting to clear this matter and have them invalidate the account. Dr. Bakke's office vividly remembers the man who had the surgery performed and they admit it was not I.

9.

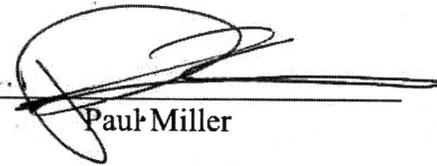
Capital Accounts continues to report on my credit and refuses to contact the client to verify my account was a product identity theft.

10.

I declare under penalty of perjury that the foregoing is true and correct.

6/13/19

DATE



Paul Miller



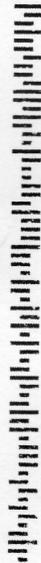


David A. Prado, Esq.  
The Prado Law Firm, P.C.  
3056 Greyfield Pl SE  
Marietta GA 30067

**CERTIFIED MAIL**



7017 3040 0000 8074 6827



Capital Accounts, LLC  
ATTN: Legal Compliance  
2120 Crestmoor Rd  
Nashville TN 37215-2654

ANK

062S0011168607



\$4.00  
US POSTAGE  
FIRST-CLASS  
FROM 30067  
06/18/2019  
stamps  
endicia



NIXIE

372 FE 1040

0006/22/19

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

ANK  
30067>5530

BC: 30067553056

\*2824-02497-19-43



< 201882



EXHIBIT

4

exhibitsticker.com

Recents

13 found ^



(201) 882-4929 (2)

New Jersey

Jun 12



(201) 882-4929

New Jersey

Jun 12



(201) 882-4929

New Jersey

Jun 3



(201) 882-4929

New Jersey

May 24



(201) 882-4929

New Jersey

May 13



(201) 882-4928

New Jersey

Apr 25



(201) 882-4929

New Jersey

Apr 11



(201) 882-4929

New Jersey

Mar 26



nd

inches

feet



< 201882



(201) 882-4929

New Jersey

May 13



(201) 882-4928

New Jersey

Apr 25



(201) 882-4929

New Jersey

Apr 11



(201) 882-4929

New Jersey

Mar 26



(201) 882-4929

New Jersey

Mar 13



(201) 882-4929

New Jersey

Mar 1



(201) 882-4929

New Jersey

Feb 22



(201) 882-4929

New Jersey

Feb 13



(201) 882-4929

New Jersey

Jan 30



nd

inches

feet



1

2

3

4

5

6

7

8

9

0

+

