

COUNTERCLAIM

1. Upon information and belief, Plaintiff conducts a substantial proportion of its business collecting the debts originally allegedly owed to others and is, accordingly, a “debt collector” under the terms of the Fair Debt Collection Practices Act, _____ (FDCPA).
2. Defendant-counterclaimant is a consumer within the meaning of the FDCPA.
3. In plaintiff’s attempts to collect the debts allegedly owed it by defendant in the above-styled matter, plaintiff has resorted to several practices which are defined as unfair practices under the FDCPA, to wit:
 - Plaintiff attached to its petition herein a false and deceptive affidavit, which conveyed, and attempted to convey, the false impression that plaintiff had a higher status, and more information and authority in this matter than it could have, as no agent of plaintiff’s could verify as business records the records kept by another company.
 - Plaintiff falsely and deceptively equated its position with that of an original creditor when it claimed that it had “fulfilled all the conditions” required to collect the above-styled debt, when in fact it did not fulfill any conditions, and as a debt collector of a debt allegedly owed another did not have to fulfill any conditions to collect on the debt.
 - Plaintiff seeks attorney’s fees in the above-styled matter without pleading or having an explicit right – conveyed by a contract - to attorney’s fees.
 - Plaintiff seeks interest in its action without pleading or having an explicit right – conveyed by a contract – to interest against defendant.
3. Each of the above-alleged actions were deceptive and unfair within the meaning of the FDCPA and accordingly were unfair collection practices.
4. Defendant was caused anxiety, distress, stress and emotional pain and suffering in an amount to be established at trial by plaintiff’s deceptive and unfair actions.

Wherefore Defendant requests an award of actual damages along with the appropriate statutory penalty, to be determined by the court after trial, an order requiring plaintiff to cease and desist its illegal practices, his costs and expenses of this suit, and such further and additional relief as the court deems proper and just in all the circumstances.

Respectfully,

Susie Self-Defense

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Address and phone number

CERTIFICATE OF SERVICE

The undersigned certifies that she has served upon plaintiff a copy of the foregoing documents by first class mail, postage prepaid, to Name and Address of lawyer representing Debt Collector, on this 19th day of March, 2012.