

**IN THE UNITED STATES DISTRICT COURT OF MISSOURI  
WESTERN DISTRICT-SOUTHERN DIVISION**

CRISTA HOGAN-SHULER, and )  
TARA LEA KING, and )  
SONDRA K. STARBUCK )

Individually and on behalf of a )  
Class of Persons Similarly Situated )

Plaintiffs, )

vs. )

Case No. \_\_\_\_\_

LESTER E COX MEDICAL CENTERS )  
D/B/A OZARK PROFESSIONAL )  
COLLECTIONS )

Serve: RA Larry Wallis )  
1423 N. Jefferson Ave. )  
Springfield, MO 65802 )

Defendant. )

**COMPLAINT FOR DAMAGES AND CLASS CERTIFICATION**

COMES NOW, Plaintiffs, by and through their attorneys of records, The Law Firm of O'Reilly & Jensen, LLC, The Montgomery Law Firm, LLC, and state, allege and otherwise aver as follows:

**INTRODUCTION AND PARTIES**

1. Plaintiff Christa Hogan-Shuler is a resident of Greene County, Missouri.
2. Plaintiff Tara Lea King is a resident of Greene County, Missouri.
3. Plaintiff Sondra K. Starbuck is a resident of Cedar County, Missouri.
4. This action is brought by Plaintiffs individually and on behalf of a class of persons similarly situated pursuant to Federal Rule of Civil Procedure 23, as a

class action suit for damages. Plaintiffs, individually and as class representatives, also seek damages against Defendant.

5. The class consists of all consumers who are alleged to owe a debt to Lester E Cox Medical Center or its related entities and have received communications regarding collection attempts of alleged debts from Lester E Cox Medical Center employees using the name “Ozark Professional Collections” for the last year from the date of the filing of this Complaint through the present, and continuing throughout this lawsuit.
6. Defendant Lester E. Cox Medical Center is a Missouri corporation, with its principle place of business located at 1423 North Jefferson Avenue, Springfield, Missouri.
7. Defendant Lester E. Cox Medical Center also does business as “Ozark Professional Collections”, 210 South Union, Springfield, Missouri 65802.
8. Ozark Professional Collections is a fictitious name registered with the Secretary of State of the State of Missouri, and is registered to Lester E. Cox Medical Center.
9. Defendant Lester E. Cox Medical Center d/b/a Ozark Professional Collections regularly attempts to collect debts of patients of Lester E. Cox Medical Center and has attempted to collect said debts from at least the year 2000 to the present.

#### **JURISDICTION AND VENUE**

10. Jurisdiction and venue are proper in this Court under 15 USC § 1692k(b) since the actions complained of occurred within the last year and the violations of the Fair Debt Collection Practices Act occurred in or about Greene County, Missouri.

Jurisdiction is also proper in that a federal question is involved and the acts from which such cause of action arise occurred within this judicial district, under 28 U.S.C. § 1331.

### **CLASS ALLEGATIONS**

11. The class consists of all alleged debtors of Lester E Cox Medical Centers who have received a written or oral communication from Defendant's employees under the name "Ozark Professional Collections" for the last year from the date of this filing.
12. The class is so numerous as to make joinder of all members impracticable.
13. Upon information and belief, the eligible consumers in the class numbers in the hundreds or in the thousands.
14. The named Plaintiffs are representative and typical of the class of persons who have been damages by Defendant's actions.
15. There are questions of law and fact common to all class members in that all were subjected to the same exact violation of the Fair Debt Collection Practices Act by Defendant's use of the false and misleading name "Ozark Professional Collections."
16. The named Plaintiffs, as representative parties, will fairly and adequately protect the interest of the class. Said Plaintiffs are represented by counsel with experience in federal court and with cases under the Fair Debt Collection Practices Act.
17. All or a large majority of the Plaintiffs and class members now are or were residents of Southwest Missouri, rendering adjudication in this Court efficient.

18. The Plaintiffs meet all of the criteria for certification of a class under Rule 23(a) and (b)(2).
19. The prosecution of several hundred or a thousand or more separate lawsuits by individual members of this class would create a risk of (a) inconsistent or varying adjudications with respect to the individual members of the class which would establish incompatible standards of conduct for the party opposing the class; and (b) the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and the class action is superior to other available methods for the fair and efficient adjudication of this controversy.
20. The extent and nature of any litigation concerning the controversy, and the nature of any litigation concerning the controversy commenced in this lawsuit would be beneficial to the entire class.
21. The desirability of concentrating the litigation in one forum would be tremendous in that the debt collection has all centered in Greene County, Missouri, and there are little to no difficulties likely to be encountered in the management of the class action.

#### **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

22. Plaintiffs, and members of the class, are “consumers” under 15 USC § 1692a since they are natural persons allegedly obligated to pay debts to Defendant.
23. Defendant Lester E. Cox Medical Centers d/b/a Ozark Professional Collections is a “debt collector” under 15 USC § 1692a(6) and it uses instruments of interstate commerce in the mails and phones to collect debts.

24. Defendant Lester E. Cox Medical Centers d/b/a Ozark Professional Collections is subject to the regulations and prohibitions of the Fair Debt Collection Practices Act, 15 USC § 1692, et seq.
25. All employees who work under the name “Ozark Professional Collections” are employed by Lester E. Cox Medical Center.
26. All employees who work under the name “Ozark Professional Collections” are paid by Lester E. Cox Medical Center.
27. Lester E. Cox Medical Center d/b/a Ozark Professional Collections collects debts under the fictitious name “Ozark Professional Collections” which is not its legal corporate name.
28. Defendant violated 15 USC § 1692e generally and more specifically in the following manner:
  - (a) Using the name “Ozark Professional Collections” to communicate with Plaintiffs in violation of sub-sections 10 and 14 of § 1692e and by sending letters through the U.S. Mail to alleged debtors under the fictitious name “Ozark Professional Collections;” and
  - (b) Communicating with alleged debtors via telephone and identifying themselves as “Ozark Professional Collections” which is a fictitious name that is false and misleading to the consumer; and
  - (c) Using the name “Ozark Professional Collections” is misleading, false, and deceptive to a consumer.
29. Plaintiffs, individually and as a class, are entitled to their actual damages, reasonable attorneys’ fees and costs under 15 USC § 1692k, additional damages

under 1692k(a)(2) of at least One Thousand Dollars per violation and or per letter or phone conversation, whichever is greater, for class action damages of \$500,000.00 as set forth in 1692k(a)(2)(B), and for additional damages as deemed just by the Court.

30. Defendants' actions and omissions set forth above were done persistently, frequently, intentionally.
31. Defendant instructs its employees not to reveal who the true owner of "Ozark Professional Collections" is to alleged debtors in its instruction manual given to employees.
32. Defendant concealed its true identity from Plaintiffs and all class members.
33. Plaintiffs, individually and in their representative capacity, demand a **jury trial** on all claims.

**WHEREFORE**, Plaintiffs pray, individually and in their representative capacities as follows:

- (1) that the Court enter its order certifying the class action pursuant to Federal Rule of Civil Procedure 23;
- (2) that the Court enter its order appointing and denominating the undersigned counsel as Class Counsel;
- (3) that the Court convene a jury trial;
- (4) that judgment be entered for actual and compensatory damages as allowed under the Fair Debt Collection Practices Act;
- (5) that judgment be entered for additional damages under 15 U.S.C. § 1692k(a)(2) of at least One Thousand Dollars per violation and/or per letter or phone conversation, whichever is greater;

- (6) that judgment be entered for the class for at least \$500,000.00 under 15 U.S.C. § 1692k(a)(2)(B), or in the alternative one percent of the net worth of Defendant and its related entities.
- (7) that the Court fairly apportion all damages among the class members;
- (8) that the Court enter an award of reasonable attorney's fees to Plaintiffs and their counsel pursuant to 15 U.S.C. § 1692k; and pursuant to Rule 23 to undersigned class counsel, and awarding all taxable costs and expert witness fees;
- (9) that the Court enter its order granting such other and further relief as is just and proper.

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