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For Immediate Release

Bay Area Legal Aid files suit against junk debt buyer for fraudulent collection practices.

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Oakland, CA-

Today, Bay Area Legal Aid (BayLegal) filed a lawsuit challenging a “litany of debt collection abuses against hundreds, if not thousands, of California consumers.” According to the Complaint ([link](#)), junk debt buyer Achievable Solutions, Inc. (ASI) conspired with a process service agency and even its own lawyers to “exploit and manipulate the normal operation of California’s overburdened courts to obtain fraudulent default judgments with only the barest effort at subterfuge.”

California law requires a plaintiff in a lawsuit to “serve” (give notice of a case to) a defendant, usually by personally delivering papers to their home or office. The plaintiff then must file a signed affidavit (a “proof of service”) stating—under penalty of perjury—that they gave notice of the lawsuit. BayLegal’s complaint explains that proper service is one of the “fundamental safeguards” required for due process. “If you don’t know that you’ve been sued, you can’t defend yourself,” said Noah Zinner, Managing Attorney for BayLegal’s Consumer Unit. “You automatically lose.”

BayLegal’s lawsuit alleges that ASI files debt collection cases against consumers and then deliberately fails to serve them with notice of the case. This practice is common enough that it has its own name: “sewer service.” According to the Complaint, ASI has its process service agency fill out false proofs of service and its lawyers file the fraudulent documents with the court.

The proofs of service filed in these cases make impossible and obviously fraudulent claims, BayLegal alleges. For example, ASI claimed that a single person, James Crawford, served two people approximately 49 miles apart within five minutes of each other, traveled 30 miles in three minutes, and appeared in two locations, approximately 30 miles apart, at the same time.

BayLegal's lawsuit also asserts that the proofs of service are "improbably similar." Each of the 36 proofs of service filed by ASI in San Francisco claim that the person served was a "Jane Doe" or "John Doe," "Hispanic," and in their "Late 30's" or "Late 40's."

"If you look at ASI's lawsuits individually, their claims might seem plausible," said Zinner, "but when you look at what they file across a number of cases, the fraud is clear."

BayLegal's Complaint alleges that ASI uses the false proofs of service and other false and misleading affidavits to get default judgments—court orders that allow debt collectors to garnish wages, take money directly out of bank accounts, and put a secured interest on homes. In California, judgments never expire and collect 10% interest each year.

"The worst part is that many of these cases wouldn't survive if people were able to defend themselves," said Kai Haswell, a Senior Attorney with BayLegal's Consumer Unit. "Debt buyers bring these cases with little or no evidence about the accounts. They want quick, easy money and due process gets in the way of that."

That ASI was able to get fraudulent judgments without anyone noticing for years is an indication of the negative impact that collection lawsuits are having on our state courts. A 2020 study found that debt collection lawsuits have more than doubled over the past decade and are now the single biggest category of civil litigation, making up about 25% of all civil cases filed. With such a high volume of cases filed, courts may not have the capacity to investigate debt collectors' sworn affidavits of proper service, much less the ability to cross-reference these plaintiffs' filings in other counties.

"Debt collection lawsuits are breaking our state courts," said Zinner. "This case is what that looks like."

The law firms of Kemnitzer, Barron & Krieg, LLP and Bramson, Plutzik, Mahler & Birkhaeuser, LLP are BayLegal's co-counsel on the lawsuit.