

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

Eva M. Green, individually and on behalf of all other similarly situated

Plaintiff,

V.

No. 1:13-cv-418-SEB-MJD

Monarch Recovery Management, Inc.,  
a Pennsylvania corporation,

Defendant.

**PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Eva M. Green (“Green”), individually and on behalf of all others similarly situated, hereby moves this Court for Summary Judgment, pursuant to Fed.R.Civ.P. 56, as to Defendant’s liability under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), and in support thereof, states:

1. Plaintiff Green filed her initial Complaint on March 13, 2014 (Dkt. 1), and, on May 23, 2013, filed an Amended Complaint -- Class Action, alleging that Defendant Monarch Recovery Management (“Monarch”) violated the Fair Debt Collection Practices Act, 15 U.S.C. §1692, et seq. (“FDCPA”). (Dkt. 22).

2. Specifically, Plaintiff's Amended Complaint -- Class Action alleges that Defendant's February 8, 2013 collection letter did not state the name of the creditor to whom the debt was owed, in violation of § 1692g(a)(2) of the FDCPA, and falsely stated that the creditor was DHC Consulting Services, in violation of § 1692e of the FDCPA. (Dkt. 22, at ¶¶ 10, 14-15, 18-25 and p. 20). Moreover, Defendant Monarch took an action it could not legally take by attempting to collect a time-barred debt, in violation of

§1692e(5) of the FDCPA. (Dkt. 22, at ¶¶ 10, 13-15, 26-30 and p. 20). Finally, Defendant contacted Ms. Green in an attempt to collect the Bank One debt when it knew or should have known she was represented by counsel as to this debt, in violation of §1692c(a)(2) of the FDCPA. (Dkt. 22, at ¶¶ 10-14, 31-34 and p. 20).

3. Defendant Monarch, in its answer, asserted an affirmative defense of bona fide error, see, Dkt. 57, p. 20, but pled absolutely no facts in support, see, Fed. R. Civ. Pro Rule 8(a), Fed. R. Civ. Pro Rule 9(b); see, Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56 (2007). The evidence produced by Monarch in discovery, however, demonstrates that Monarch did not maintain procedures reasonably adapted to avoid the multiple errors it made with the letter it sent to Ms. Green and the putative class.

4. There are no remaining issues of material necessary to render a judgment in this matter and summary judgment in favor of Ms. Green and the putative class as to Defendant's liability under the FDCPA is appropriate.

5. A memorandum of law in support of this Motion is attached hereto.

WHEREFORE, Plaintiff, Eva M. Green, individually and on behalf of all others similarly situated, requests that this Court enter summary judgment in favor of her and the Class as to Defendant Monarch's liability on their claims under the FDCPA.

Respectfully Submitted,

Eva M. Green, individually and on behalf  
of all others similarly situated,

By: /s/ David J. Philipps  
One of Plaintiff's Attorneys

Dated: October 10, 2014

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**CERTIFICATE OF SERVICE**

I, David J. Philipps, an attorney, hereby certify that on October 10, 2014, a copy of the foregoing **Plaintiff's Motion For Summary Judgment** was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

**SERVICE LIST**

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