

Atty. No. 41106

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

GINA RICOBENE,

Plaintiff,

vs.

JP MORGAN CHASE BANK, and
UNIVERSAL TRACING SERVICES, INC.,

Defendants.

FILED-18
09 APR -8 PM 3:14
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
LAW DIVISION
CLERK
NORTH BROWN

JURY DEMANDED
2008L004198
CALENDAR/ROOM J
TIME 00:00
Libel/Slander

COMPLAINT

INTRODUCTION

1. Plaintiff Gina Ricobene brings this action to secure redress against unlawful collection practices engaged in by defendants JP Morgan Chase Bank ("Chase") and Universal Tracing Services, Inc. ("Universal").

JURISDICTION AND VENUE

2. Venue and personal jurisdiction over defendants in Illinois are proper because:

- a. Chase does business here;
- b. Universal, acting as agent of Chase, committed a tort in Illinois;

PARTIES

3. Plaintiff is an individual who resides in Cook County, Illinois.

4. Defendant Chase is a bank with offices at One Chase Plaza, Chicago, Illinois.

5. Defendant Universal is a corporation chartered in the state of Washington. Its registered agent and office are National Registered Agents, 780 Barnes Blvd., SW, Tumwater, WA 98512-0410.

FACTS

6. On or about March 20, 2009, at 3.25 p.m., Universal, acting as agent of Chase, placed the following message on the MySpace page of plaintiff.

Gina Ricobene

Dear: Ms. Ricobene

We have been retained by, JPMorgan Chase Bank, to locate and repossess their missing collateral a 2007 Mercedes GL450. Please contact our office immediately so we can discuss the peaceful recovery of the collateral. Failure to contact me will result in further action against your father James Ricobene. Legal options range from having a replevin order served on you or even worse reporting the collateral as stolen to local authorities in Illinois under the A.R.S. act 18-5-504. Failure to comply with this notice of surrender is a class 5 felony and carries a maximum penalty of imprisonment for two years plus all applicable surcharges. You must contact the writer within 5 days to prevent this action from taking place. You can contact me directly at 800-667-7704 ext 222 or directly at 604-267-1581 ext 222.

Awaiting your immediate response.

**Chris Flanagan
Senior investigator.**

7. The MySpace page was not that of plaintiff's father.
8. Plaintiff had no interest in the vehicle. The subject of the posting was a transaction between plaintiff's father James Ricobene and Chase.
9. The quoted statement accuses plaintiff's father of a felony.
10. The quoted statement threatens suit against plaintiff.
11. In fact, it is not a crime to refuse to surrender collateral without a court order in Illinois.
12. In fact, there was no basis for a lawsuit against plaintiff. She is not responsible for the debts or acts of her father.
13. There is no such thing as a "class 5 felony" in Illinois.
14. Within 30 days prior to the MySpace posting, James Ricobene received multiple telephone calls from Chase's in-house collection personnel in which he was threatened

with criminal charges.

15. Several friends and family members of plaintiff saw the above-quoted MySpace statement and contacted plaintiff or her father.

16. Plaintiff was embarrassed and suffered substantial emotional distress as a result.

17. Plaintiff's father called Chase on April 2, 2009 and was informed by Chase that it used Universal as an investigator and that Chase was aware that Universal used this method of collecting debts and repossessing collateral because it was an effective collection practice.

18. The conduct of Universal was malicious and intended to injure plaintiff.

19. The conduct of Chase in knowingly using investigators or debt collectors that engage in such actions was malicious and wanton.

COUNT I – INVASION OF PRIVACY

20. Plaintiff incorporates paragraphs 1-19.

21. Defendant Universal, on behalf of defendant Chase, violated plaintiff's right to seclusion and to not be portrayed in a false light by:

- a. Involving plaintiff in the matter;
- b. Threatening litigation against plaintiff;
- c. Representing to plaintiff that her father was a felon, when that was not true.

WHEREFORE, plaintiff requests that the Court enter judgment in favor of plaintiff and against defendants for:

- (1) Actual damages, including general damages, in excess of \$50,000;
- (2) Punitive damages;
- (3) Costs of suit;

(4) Such other or further relief as the Court deems proper.

COUNT II – CONSUMER FRAUD ACT

22. Plaintiff incorporates paragraphs 1-19.

23. Defendant Universal, on behalf of defendant Chase, engaged in both unfair and deceptive acts and practices, in violation of §2 of the Illinois Consumer Fraud Act, 815 ILCS 505/2, by:

- a. Involving plaintiff in the matter;
- b. Threatening litigation against plaintiff;
- c. Representing to plaintiff that her father was a felon, when that was not true.

24. Defendants engaged in such conduct in the course of trade and commerce.

25. Defendants engaged in such conduct for the purpose of extorting money or property from plaintiff's father.

WHEREFORE, plaintiff requests that the Court enter judgment in favor of plaintiff and against defendants for:

- (1) Actual damages, in excess of \$50,000;
- (2) Punitive damages;
- (3) An injunction against further violations.
- (4) Attorney's fees, litigation expenses and costs of suit;
- (5) Such other or further relief as the Court deems proper.



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