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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

LYUDMILA AND PETER LADUNSKIY,

Plaintiffs,

vs.

ANDERSON & ASSOCIATES CREDIT
SERVICES, LLC,

Defendant.

NO. 2:24-cv-00114-RSM

**PLAINTIFF’S MOTION FOR ENTRY OF
DEFAULT**

NOTE ON MOTION CALENDAR:

October 21, 2024

INTRODUCTION

This case concerns a debt collector – Defendant Anderson & Associates Credit Services, LLC (“A&A”) – who garnished the wrong person’s bank account. Defendant A&A, which has been without counsel for many months and has taken no action since the withdrawal of its counsel, is in default. As Defendant A&A has also failed to respond to Plaintiffs’ April 2024 requests for admission, Plaintiffs also respectfully ask that their few requests for admission be admitted.

Plaintiffs respectfully request this Court enter the default of A&A and set an evidentiary hearing on damages.

//

1 **FACTS**

2 Defendant Anderson & Associates Credit Services, LLC (“A&A”) was served on or about
3 December 27, 2023. Declaration of Jason D. Anderson at Ex. A (“*Anderson Decl.*”); *see also* Dkt.
4 #1 (removal) at 1; dkt. #3 (Answer). A copy of this motion has been mailed to A&A. Anderson
5 Decl. at ¶ 6.

6 While A&A was originally represented by counsel, on May 30, 2024, said counsel moved
7 to withdraw. Dkt. #8. In doing so, its counsel advised A&A that failure to retain counsel could
8 result in an entry of default. Dkt. #9 at 3 (citing LCR 83.2(b)(4)). On June 21, 2024, this Court
9 entered an order permitting the withdrawal of counsel, and “DIRECTS Defendant to retain new
10 counsel and for that counsel to appear within thirty (30) days” of the order.

11 Since this Court’s order permitting withdrawal, Plaintiffs have received no
12 communications from Defendant A&A. *Anderson Decl.* at ¶ 5.

13 Defendant A&A has not responded to any of Plaintiffs’ discovery requests, which were
14 issued in April 2024. *Id.* at ¶¶ 3-4. The requests for admission are attached as Exhibit B to the
15 Declaration of Jason D. Anderson. *Id.*

16 **LAW AND ARGUMENT**

17 “When a party against whom a judgment for affirmative relief is sought has failed to plead
18 or otherwise defend as provided by these rules and that fact is made to appear by affidavit or
19 otherwise, the clerk shall enter the party’s default.” Fed. R. Civ. P. 55(a).

20 Concerning requests for admission: “A matter is admitted unless, within 30 days after being
21 served, the party to whom the request is directed serves on the requesting party a written answer
22 or objection addressed to the matter and signed by the party or its attorney.” Fed. R. Civ. P.
23 36(a)(3).

1 Here, Defendant A&A originally filed an Answer, but after the withdrawal of its counsel,
2 Defendant did not comply with this Court’s June 21, 2024 directive to retain new counsel. Of
3 course, corporations may not appear in court without an attorney. *See Pac. Cnty. Tea Party v.*
4 *Inslee*, 2022 WL 292779 at *1 (W.D. Wash. Feb. 1, 2022) (citing cases). LCR 83.2(b)(4)
5 contemplates that a business entity’s “failure to obtain a replacement attorney by the date the
6 withdrawal is effective may result in...entry of default.” As Defendant A&A is either unwilling
7 or unable to defend itself, and this case cannot proceed without the participation of Defendant
8 A&A, Plaintiffs reluctantly but respectfully request entry of default.

9 Plaintiffs would respectfully request that this Court set a hearing where they may submit
10 testimony and other evidence to establish the amount of their damages. Given undersigned
11 counsel’s existing schedule, Plaintiffs would request a date on or after December 2, 2024 for such
12 an evidentiary hearing.¹

13 Relatedly, to save time, Plaintiffs also request that this Court enter an order deeming the
14 Requests for Admission as “admitted.” The requests were limited and straightforward, seeking
15 admission that Plaintiffs constitute “consumers” and “debtors” under the relevant debt collection
16 statutes, and that Defendant A&A is a “debt collector” and “collection agency,” respectively. *See*
17 15 U.S.C. § 1692a, RCW 19.16.100; *Anderson Decl.* at Ex. B. Over five months have passed since
18 service of these requests.

19 //

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23 _____
¹ As Plaintiffs would also need to ensure advance availability from work, Plaintiffs would respectfully
request – if at all possible – the ability to work with Court staff to identify possible dates for such a hearing.

1 **CONCLUSION**

2 Based on the foregoing, Plaintiffs respectfully request the Court enter the default of
3 Defendant A&A and order that Plaintiffs' requests for admission are deemed admitted.
4

5 DATED this 30th day of September, 2024.
6

7 **ANDERSON SANTIAGO, PLLC**

8 By: /s/ Jason D. Anderson
9 Jason D. Anderson, WSBA No. 38014
10 T. Tyler Santiago, WSBA No. 46004
11 Attorneys for Plaintiffs
12 207B Sunset Blvd. N
13 Renton, WA 98057
14 (206) 395-2665
15 (206) 395-2719 (fax)
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

LYUDMILA AND PETER LADUNSKIY,

Plaintiffs,

vs.

ANDERSON & ASSOCIATES CREDIT
SERVICES, LLC,

Defendant.

NO. 2:24-cv-00114-RSM

**DECLARATION OF JASON D.
ANDERSON RE: MOTION FOR ENTRY
OF DEFAULT**

Jason D. Anderson declares as follows:

1. I am one of the attorneys of record for Plaintiff and make this declaration of my own personal knowledge.
2. My office arranged for a process server (ABC Legal) to serve the summons and complaint in this matter. Defendant A&A was served on December 27, 2023; a true and correct copy of the proof of service is attached hereto as **Exhibit A**. [Defendant acknowledged receipt in its notice of removal (dkt. #1).]
3. On April 19, 2024, my office served requests for admission, interrogatories, and requests for production on Defendant A&A (through its then-counsel of record). A true and

1 correct copy of the requests for admission are attached as **Exhibit B**.

2 4. As of today's date, no responses to any of the discovery requests have been received.

3 5. Subsequent to the withdrawal of its counsel in June 2024, as of today's date, my office
4 has not received any communication from any representative of Defendant A&A.

5 6. As A&A has no counsel of record, I mailed a copy of this motion to Defendant A&A via
6 United States First Class mail on today's date to the following address (as provided to
7 this Court and recited in this Court's order, dkt. #10):

8 Anderson & Associates Credit Services, LLC
9 P.O. Box 230286
10 Portland, OR 97281

11 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
12 UNITED STATES AND THE STATE OF WASHINGTON THAT THE FOREGOING IS
13 TRUE AND CORRECT.

14 DATED this 30th day of September, 2024 at Renton, WA.

15
16 /s/ Jason D. Anderson
17 Jason D. Anderson

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EXHIBIT A

IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF WASHINGTON

LYUDMILA AND PETER LADUNSKIY
Plaintiff/Petitioner

Cause No.:
Hearing Date:

vs.

ANDERSON & ASSOCIATES CREDIT SERVICES, LLC
Defendant/Respondent

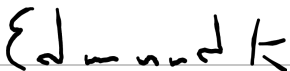
AFFIDAVIT OF SERVICE OF SUMMONS; COMPLAINT

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of Washington over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the **27th day of December, 2023 at 2:53 PM** at the address of **12971 Southwest Pacific Highway, Tigard, Washington County, OR 97223**; this declarant served the above described documents upon **Anderson & Associates Credit Services, LLC c/o James Thomas, Registered agent** by then and there personally delivering **1** true and correct copy(ies) thereof, by then presenting to and leaving the same with **James Thomas, Registered agent, I delivered the documents to James Thomas, Registered agent with identity confirmed by subject saying yes when named. The individual accepted service with direct delivery. The individual appeared to be a gray-haired white male contact 55-65 years of age, 5'8"-5'10" tall and weighing 140-160 lbs with glasses and a beard..** No information was provided or discovered that indicates that the subjects served are members of the United States military.

Service Fee Total: **\$136.74**

Per U.S. Code § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 12/27/2023



Edmund Knowles

ORIGINAL PROOF OF SERVICE

PAGE 1 OF 1



For: **Anderson Santiago, PLLC**
Ref #: **Ladunskiy**

Tracking #: **0120993576**



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EXHIBIT B

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LYUDMILA AND PETER
LADUNSKIY,

Plaintiffs,

vs.

ANDERSON & ASSOCIATES CREDIT
SERVICES, LLC,

Defendant.

NO. 2:24-cv-00114-RSM

**PLAINTIFFS' FIRST REQUESTS FOR
ADMISSION TO DEFENDANT**

To: ANDERSON & ASSOCIATES CREDIT SERVICES, LLC, through counsel:

You are hereby served with original Requests for Admission pursuant to Fed. R. Civ. P. 36. You are required to respond to each and every Request for Admission separately. A failure to admit to one Request for Admission pertaining to a particular subject does not excuse you from responding to any or all other Requests for Admission pertaining to that subject.

Each matter of which an admission is requested shall be deemed admitted unless, within thirty (30) days after service of the Request, the party to whom these Requests are directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party and by his or her attorney. If objection is made, the reasons therefore shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons

1 why the answering party cannot truthfully respond to the matter. Any answering party may not
2 give lack of information or knowledge as a reason for failure to respond, unless he or she states
3 that he or she has made reasonable inquiry and that the information known or readily available to
4 or obtainable by him or her is insufficient to enable him or her to admit or to deny.

5 **DEFINITIONS**

- 6 1. As used herein, the terms “You” and “Your” shall mean, ANDERSON & ASSOCIATES
7 CREDIT SERVICES, LLC, and all attorneys, agents, and other natural persons or
8 business or legal entities acting or purporting to act for or on behalf of ANDERSON &
9 ASSOCIATES CREDIT SERVICES, LLC, whether authorized to do so or not. By use
10 of the pronoun “you” it is intended that the answers are to include all information known
11 to or reasonably ascertainable by ANDERSON & ASSOCIATES CREDIT SERVICES,
12 LLC, your agents, attorneys, investigators, employees and other representatives.
- 13 2. Any and all data or information which is in electronic or magnetic form should be
14 produced in a reasonable manner.
- 15 3. “And” “as well as”, and “or” should be construed either disjunctively or conjunctively, as
16 necessary to bring within the scope of these requests any matter which might otherwise
17 be construed to be outside their scope.
- 18 4. The masculine gender of any word used herein includes the feminine and the neuter. The
19 past tense of a verb used herein includes the present tense, and the present tense of any
20 verb includes the past tense.
- 21 5. “Relate to”, “related to” or “relating to” as used herein, means directly or indirectly
22 referring to, alluding to, having any relationship to, pertaining to, concerning, connected
23 with, commenting on, regarding, discussing, mentioning, reflecting, analyzing,
constituting or embodying in whole or in part.
6. A document “relating” or “referring” to any given subject matter, as used herein, means
any document that constitutes, contains, embodies, identifies, bears upon or deals with
that subject, including, without limitation, emails, notes, electronic records, or documents
concerning the preparation of documents.
7. A request to “name” or “identify” a certain person or persons is deemed to require the
person's full name, last known residence and phone number, job title, employer and
employer's business address and phone number. If the job title, etc. are set out in another
answer, their repetition is unnecessary.
8. “Document” is defined to include any and all manner of electronic, written, typed, printed,
emailed, reproduced, filmed or recorded material, and all photographs, pictures, plans or

1 other representations of any kind of anything pertaining, describing, referring or relating,
2 directly or indirectly, in whole or in part, to the subject matter at hand, and the term
includes, without limitation:

- 3 a. Papers, emails, texts, voice mail messages, books, journals, ledgers, statements,
4 memoranda, reports, invoices, work sheets, work papers, notes, transcriptions of
5 notes, letters, correspondence, abstracts, checks, diagrams, plans, blue prints,
6 specifications, pictures, drawings, films, photographs, graphic representations,
7 diaries, calendars, desk calendars, pocket calculators, calculators of any type, lists,
8 logs, purchase orders, messages, resumes, summaries, agreements, contracts,
9 telegrams, telexes, cables, recordings, audio tapes, magnetic tapes, visual tapes,
10 transcriptions of tapes or records, or any other writings or other tangible things on
11 which any handwriting, typing, printing, photostatic, or other forms of
12 communications are recorded or reproduced, as well as all notations on the
13 foregoing;
- 14 b. Originals and all other copies not absolutely identical;
- 15 c. All drafts and notes, whether typed, handwritten or otherwise, made or prepared in
16 connection with such document, whether used or not; and
- 17 d. Any medical record, chart, x-ray, book, log, pamphlet, periodical, letter, report,
18 memorandum, notation, message, record, study, working paper, chart, graph, index,
19 tape, minutes, contract, lease, invoice, record of purchase or sale, correspondence,
20 telegram, cable, electronic or other transcription or taping of telephone or personal
21 conversations or conference, and any and all other written, printed, typed, punched,
22 taped, filmed or graphic matter, however produced or reproduced.
- 23 9. "The Judgment" refers to the judgment entered in Oregon Circuit Court, Multnomah
County, case no. 23SC13686.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

With respect to the Judgment, admit Plaintiff Lyudmila Ladunskiy is a "consumer" as defined by 15 U.S.C. § 1692a(3).

Answer:

REQUEST FOR ADMISSION NO. 2:

With respect to the Judgment, admit Plaintiff Peter Ladunskiy is a "consumer" as defined by 15 U.S.C. § 1692a(3).

Answer:

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REQUEST FOR ADMISSION NO. 3:

With respect to the Judgment, admit Plaintiff Lyudmila Ladunskiy is a “debtor” as defined by RCW 19.16.100(8).

Answer:

REQUEST FOR ADMISSION NO. 4:

With respect to the Judgment, admit Plaintiff Peter Ladunskiy is a “debtor” as defined by RCW 19.16.100(8).

Answer:

REQUEST FOR ADMISSION NO. 3:

With respect to the Judgment, admit you are a debt collector as defined by 15 U.S.C. § 1692a(6).

Answer:

REQUEST FOR ADMISSION NO. 4:

With respect to the Judgment, admit you are a collection agency as defined by RCW 19.16.100(4).

Answer:

DATED this 19th day of April, 2024.

ANDERSON SANTIAGO, PLLC

By: /s/ Jason D. Anderson
Jason D. Anderson, WSBA No. 38014
T. Tyler Santiago, WSBA No. 46004
Attorney for Plaintiffs

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

LYUDMILA AND PETER LADUNSKIY,

Plaintiffs,

vs.

ANDERSON & ASSOCIATES CREDIT
SERVICES, LLC,

Defendant.

NO. 2:24-cv-00114-RSM

**ORDER ENTERING DEFAULT AND
GRANTING REQUEST FOR DEEMED
ADMISSION**

THIS MATTER having come before the Court on Plaintiffs’ motion for entry of default and request to deem admissions.

Defendant A&A has not retained counsel, as it was directed to do in this Court’s June 21, 2024 order. Dkt. #10. A&A’s former counsel attests that A&A had been notified that failure to retain counsel could result in entry of default. Dkt. #9 at 3 (citing LCR 83.2(b)(4)). As indicated by the declaration of Plaintiffs’ counsel, Defendant A&A was provided a notice of this motion by mail. As no response has been received, entry of default is appropriate at this time.

Plaintiffs identified six requests for admission which had been served on Defendant A&A in April 2024. Pursuant to Fed. R. Civ. P. 36(a)(3), these requests are deemed admitted by virtue of A&A’s failure to respond.

1 By separate order, the Court will set a date for the evidentiary hearing in this matter.

2

3 IT IS SO ORDERED.

4 Entered this _____ day of _____, 2024

5

6 UNITED STATES DISTRICT JUDGE

7 Presented by:

8

ANDERSON SANTIAGO, PLLC

9

By: /s/ Jason D. Anderson
T. Tyler Santiago, WSBA #46004
Jason Anderson, WSBA# 38014
Attorneys for Plaintiffs

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