



## AlaFile E-Notice

58-CV-2007-900202.00

To: JOHN WATTS  
john@wattslawgroup.com

---

# NOTICE OF ELECTRONIC FILING

---

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

MARTIN C. HENNINGSEN v. CREDIT BUREAU SYSTEMS, INC. ET AL  
58-CV-2007-900202.00

The following complaint was FILED on 6/5/2007 5:09:16 PM

Notice Date: 6/5/2007 5:09:16 PM

**MARY HARRIS**  
**CIRCUIT COURT CLERK**  
SHELBY COUNTY, ALABAMA  
POST OFFICE BOX 1810  
COLUMBIANA, AL 35051

205-669-3760  
mary.harris@alacourt.gov

**COVER SHEET  
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:  
**58-CV-200**

Date of Filing:  
06/05/2007



ELECTRONICALLY FILED  
6/5/2007 5:09 PM  
CV-2007-900202.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

**GENERAL INFORMATION**

**IN THE CIRCUIT OF SHELBY COUNTY, ALABAMA  
MARTIN C. HENNINGSEN v. CREDIT BUREAU SYSTEMS, INC. ET AL**

**First Plaintiff:**  Business  Individual  Government  Other  
**First Defendant:**  Business  Individual  Government  Other

**NATURE OF SUIT:**

**TORTS: PERSONAL INJURY**

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonnes
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: \_\_\_\_\_

**OTHER CIVIL FILINGS (cont'd)**

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP-Contempt of Court
- CONT-Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND- Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- CVUD-Eviction Appeal/Unlawful Detainer
- FORJ-Foreign Judgment
- FORF-Fruits of Crime Forfeiture
- MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB-Protection From Abuse
- FELA-Railroad/Seaman (FELA)
- RPRO-Real Property
- WTEG-Will/Trust/Estate/Guardianship/Conservatorship
- COMP-Workers' Compensation
- CVXX-Miscellaneous Circuit Civil Case

**TORTS: PERSONAL INJURY**

- TOPE - Personal Property
- TORE - Real Property

**OTHER CIVIL FILINGS**

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Services

**ORIGIN:** F  **INITIAL FILING**      A  **APPEAL FROM DISTRICT COURT**      O  **OTHER**  
R  **REMANDED**      T  **TRANSFERRED FROM OTHER CIRCUIT COURT** \_\_\_\_\_

**HAS JURY TRIAL BEEN DEMANDED?**  Yes  No

**RELIEF REQUESTED:**  **MONETARY AWARD REQUESTED**  **NO MONETARY AWARD REQUESTED**

**ATTORNEY CODE:** WAT056      6/5/2007 5:04:49 PM      /s JOHN WATTS

**MEDIATION REQUESTED:**  Yes  No  Undecided



**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

**MARTIN C. HENNINGSEN, an** )  
**individual;** )  
) )  
**Plaintiff,** )  
) )  
**v.** )  
) )  
**CREDIT BUREAU SYSTEMS, INC.,** )  
**a Corporation; FRANKLIN** )  
**COLLECTION SERVICE, INC.,** )  
**a Corporation; NUVELL CREDIT** )  
**COMPANY, LLC, a Corporation;** )  
**ENERGEN CORPORATION a/k/a** )  
**ALAGASO, INC., a** )  
**Corporation,** )  
) )  
**Defendants.** )

**Civil Action No.:**

**COMPLAINT**

COMES NOW the Plaintiff, by and through counsel, in the above styled cause, and for his Complaint against the Defendants states as follows:

1. Plaintiff, MARTIN C. HENNINGSEN [hereinafter "PLAINTIFF"], is over the age of nineteen (19) and a resident of Shelby County, Alabama.
2. Defendant CREDIT BUREAU SYSTEMS, INC [hereinafter "DEFENDANT" or "CBS"], is a domestic corporation doing business in Shelby County, Alabama.
3. Defendant FRANKLIN COLLECTION SERVICE, INC. [hereinafter "DEFENDANT" or "FRANKLIN"], is a foreign corporation doing business in Shelby County, Alabama.
4. Defendant NUVELL CREDIT COMPANY, LLC [hereinafter "DEFENDANT" or "NUVELL"], is a foreign corporation doing business in Shelby County, Alabama.

5. Defendant ENERGEN CORPORATION a/k/a ALAGASCO, INC., [hereinafter “DEFENDANT” or ‘ENERGEN”], is an Alabama corporation doing business in Shelby County, Alabama.
6. PLAINTIFF filed bankruptcy and was discharged from his debts in 2006.
7. The bankruptcy listed the following accounts relevant to this suit:
  - a. ALAGASCO (16223XXXX) - \$369;
  - b. CBS (10523XXXX) - \$183; and
  - c. NUVELL (3483XXXX) - \$13,260.
8. FRANKLIN was not listed on the original petition but FRANKLIN has notice of the discharge and that its account for the original creditor Bellsouth has been discharged.
9. Despite the court order discharging the debts, DEFENDANTS continued to report PLAINTIFF’S debts to the consumer reporting agencies (Equifax, Experian, and Trans Union “CRAs”) in an incorrect and false manner. These debts were reported as follows:
  - a. ALAGASCO - \$369 balance on Equifax;
  - b. CBS - \$183 balance on Equifax;
  - c. FRANKLIN - \$314 on Equifax; and
  - d. NUVELL - \$8,720 on Experian and Trans Union.
10. The DEFENDANTS have intentionally and maliciously failed to report the true balance to the CRAs when DEFENDANTS knew that the debts were discharged in bankruptcy.
11. The conduct of the DEFENDANTS has proximately caused PLAINTIFF past and future monetary loss, past and future damage to his credit and credit worthiness, past and future mental distress and emotional anguish and other damages that will be presented to the trier-of-fact.

12. The DEFENDANTS have a policy and procedure to refuse to update credit reports of consumers, like the PLAINTIFF, who have discharged DEFENDANTS' debts. The reason is to keep false information on the credit report. The false information consists of a balance shown as owed (when DEFENDANTS know no balance is owed) and (except for FRANKLIN in this case) intentionally refusing to show a current status of "included in bankruptcy" or "discharged in bankruptcy".
13. All the DEFENDANTS have a policy to "park" their accounts on at least one of the consumer's credit report. This is a term in the industry for keeping a false balance on the credit report so that the consumer will be forced to pay off the balance in order to obtain a refinancing or to qualify for a loan or to increase the consumer's credit score from the artificially lowered score which directly resulted from the DEFENDANTS' intentional and malicious conduct.
14. In parking an account, the DEFENDANTS have violated their obligations and duties under federal and state law to accurately report the balance. The DEFENDANTS have willfully and maliciously refused to accurately report the balances.
15. The DEFENDANTS know that parking a balance will lead to and has led to false and defamatory information being published every time the PLAINTIFF'S credit reports were accessed and this was the malicious and intentional design behind the DEFENDANTS' actions with the goal to force the PLAINTIFF to pay on accounts he does not owe.
16. The DEFENDANTS failed to report the account as having a "0" balance as required by 16 CFR § 607 (6), which states, "a consumer report may include an account that was discharged in bankruptcy (as well as the bankruptcy itself), as long as it reports a zero

balance due to reflect the fact that the consumer is no longer liable for the discharged debt.”

17. The DEFENDANTS have promised through its subscriber agreements or contracts with the credit bureaus to update accounts that have been discharged in bankruptcy but DEFENDANTS have willfully, maliciously, recklessly, wantonly, and/or negligently failed to follow this requirement as well as the requirements set forth under the FCRA and state law which has resulted in the intended consequences of this information remaining on PLAINTIFF’S credit reports.
18. The credit reports of PLAINTIFF have been accessed numerous times since the bankruptcy.
19. When the consumer pays the “parked” account, the DEFENDANTS claim that such payment was purely “voluntarily” or was to pay off a “moral obligation”. The DEFENDANTS know and intend that by willfully and maliciously parking the account on the credit report, illegal payment can be extorted from the consumer.
20. Despite numerous disputes that the DEFANDANTS’ reporting on accounts included in bankruptcy was false, DEFENDANTS intentionally and knowingly have not corrected their policy of keeping false and damaging information on at least one of the consumer’s credit reports.
21. All actions taken by employees, agents, servants, or representatives of any type for DEFENDANTS were taken in the line and scope of such individuals’ (or entities’) employment, agency or representation.
22. All actions taken by DEFENDANTS were done with malice, were done willfully, and were done with either the desire to harm the PLAINTIFF and/or with the knowledge that

their actions would very likely harm the PLAINTIFF and/or that their actions were taken in violation of the law.

23. DEFENDANTS have engaged in a pattern and practice of wrongful and unlawful behavior with respect to accounts and consumer reports and as such DEFENDANTS are subject to punitive damages and all other appropriate measures to punish and deter similar future conduct by DEFENDANTS and similar companies.

**COUNT ONE**  
**State Law Claims**

24. All paragraphs of this Complaint are expressly adopted and incorporated herein as if fully set forth herein.
25. DEFENDANTS published false information about PLAINTIFF by reporting the DEFENDANTS' accounts with false balances. Each time the credit reports of the PLAINTIFF were accessed, a new publication occurred, which was the result intended by the DEFENDANTS. This was done to force the PLAINTIFF to pay off debts that he does not owe.
26. PLAINTIFF alleges that the publications and defamations were done maliciously, without privilege, and with a willful intent to injure the PLAINTIFF.
27. DEFENDANTS acted with negligence, malice, wantonness, recklessness, and/or intentional conduct in their dealings with and about PLAINTIFF as set forth in this Complaint. This includes the initial reporting of DEFENDANTS' accounts; the handling of any investigations on the accounts; and all other aspects as set forth in this Complaint.
28. DEFENDANTS invaded the privacy of the PLAINTIFF as set forth in Alabama law, including publishing false information about the PLAINTIFF' personal financial obligations.

29. Such negligence, malice, wantonness, recklessness, and/or intentional conduct proximately caused the damages set forth in this complaint.

**COUNT TWO**  
**Violations of the Fair Debt Collection Practices Act**

30. All paragraphs of this Complaint are expressly adopted and incorporated herein as if fully set forth herein.

31. CBS and FRANKLIN, which are debt collectors under the FDCPA, violated the FDCPA in numerous ways, including, but not limited to the following:

- a. Falsely reporting a balance owed on PLAINTIFF's credit report; and
- b. Falsely attempting to collect a debt when there is no legal right to collect the discharged debt.

32. PLAINTIFF has been damaged as a direct result of these violations of the FDCPA as set forth in this Complaint.

**RELIEF SOUGHT**

33. An award of actual, compensatory and punitive damages, and costs of the action including expenses, together with reasonable attorney's fees.

34. PLAINTIFF also requests all further relief to which he is entitled, whether of a legal or equitable nature.

Respectfully Submitted,

/s/ John G. Watts  
John G. Watts  
Watts Law Group, P.C.  
15 Office Park Circle, Suite 206  
P.O. Box 531168  
Birmingham, AL 35253  
WAT056  
(205) 879-2447  
(205) 879-2882 *facsimile*  
[john@wattslawgroup.com](mailto:john@wattslawgroup.com)

/s/ M. Stan Herring  
M. Stan Herring  
M. Stan Herring, P.C.  
201 Avon Place  
700 29<sup>th</sup> Street South  
Birmingham, AL 35233  
HER037  
(205) 714-4443  
(205) 714-7177 *facsimile*  
[msh@mstanherringlaw.com](mailto:msh@mstanherringlaw.com)

**PLAINTIFF DOES NOT DEMAND A TRIAL BY JURY IN THIS CAUSE.**

**Serve defendant via certified mail at the following addresses.:**

CREDIT BUREAU SYSTEMS, INC.

c/o Wayne J. Musselwhite  
550 Greensboro Avenue  
Tuscaloosa, Alabama 35401

FRANKLIN COLLECTION SERVICE, INC.

c/o The Corporation Company  
2000 Interstate Park Drive  
Suite 204  
Montgomery, Alabama 36109

NUVELL CREDIT COMPANY, LLC

c/o The Corporation Company  
2000 Interstate Park Drive  
Suite 204  
Montgomery, Alabama 36109

ENERGEN CORPORATION

a/k/a ALAGASCO, INC.  
c/o J. David Woodruff  
605 Richard Arrington Jr. Blvd. N.  
Birmingham, Alabama 35203-2707



**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

MARTIN C. HENNINGSEN, )  
)  
Plaintiff, )  
)  
v. )  
)  
CREDIT BUREAU SYSTEMS, INC., )  
et al., )  
)  
Defendants. )

Civil Action No.:

**SUMMONS**

This service by Certified Mail of this Summons and Complaint is initiated upon written request of the Plaintiff's attorney pursuant to the *Alabama Rules of Civil Procedure*.

**NOTICE TO: CREDIT BUREAU SYSTEMS, INC.**  
**c/o Wayne J. Musselwhite**  
**550 Greensboro Avenue**  
**Tuscaloosa, Alabama 35401**

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to the Plaintiff's attorney, **John G. Watts, 15 Office Park Circle, Suite 206, Birmingham, AL 35253. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.** You must also file the original of your Answer with the Clerk of this Court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk



**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

MARTIN C. HENNINGSEN, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CREDIT BUREAU SYSTEMS, INC., )  
 et al., )  
 )  
 Defendants. )

**Civil Action No.:**

**SUMMONS**

This service by Certified Mail of this Summons and Complaint is initiated upon written request of the Plaintiff's attorney pursuant to the *Alabama Rules of Civil Procedure*.

**NOTICE TO: FRANKLIN COLLECTION SERVICE, INC.**  
**c/o The Corporation Company**  
**2000 Interstate Park Drive**  
**Suite 204**  
**Montgomery, Alabama 36109**

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to the Plaintiff's attorney, **John G. Watts, 15 Office Park Circle, Suite 206, Birmingham, AL 35253. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.** You must also file the original of your Answer with the Clerk of this Court.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Clerk**



**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

MARTIN C. HENNINGSEN,	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Civil Action No.:</b>
	)	
<b>CREDIT BUREAU SYSTEMS, INC.,</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**SUMMONS**

This service by Certified Mail of this Summons and Complaint is initiated upon written request of the Plaintiff's attorney pursuant to the *Alabama Rules of Civil Procedure*.

**NOTICE TO:           NUVELL CREDIT COMPANY, LLC**  
**c/o The Corporation Company**  
**2000 Interstate Park Drive**  
**Suite 204**  
**Montgomery, Alabama 36109**

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to the Plaintiff's attorney, **John G. Watts, 15 Office Park Circle, Suite 206, Birmingham, AL 35253. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.** You must also file the original of your Answer with the Clerk of this Court.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Clerk**



**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

<b>MARTIN C. HENNINGSEN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.:</b>
	)	
<b>CREDIT BUREAU SYSTEMS, INC.,</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**SUMMONS**

This service by Certified Mail of this Summons and Complaint is initiated upon written request of the Plaintiff's attorney pursuant to the *Alabama Rules of Civil Procedure*.

**NOTICE TO:           ENERGEN CORPORATION  
                              a/k/a ALAGASCO, INC.  
                              c/o J. David Woodruff  
                              605 Richard Arrington Jr. Blvd. N.  
                              Birmingham, Alabama 35203-2707**

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to the Plaintiff's attorney, **John G. Watts, 15 Office Park Circle, Suite 206, Birmingham, AL 35253. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.** You must also file the original of your Answer with the Clerk of this Court.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Clerk**