



AlaFile E-Notice

01-CV-2008-902491.00

To: JOHN GRIFFIN WATTS
john@wattslawgroup.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

PASHA MORRIS v. LVNV
01-CV-2008-902491.00

The following complaint was FILED on 8/2/2008 5:56:23 PM

Notice Date: 8/2/2008 5:56:23 PM

ANNE-MARIE ADAMS
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JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-5355
anne-marie.adams@alacourt.gov



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

PASHA MORRIS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.:
)	
LVNV FUNDING, LLC, a Corporation,)	
)	
Defendant.)	

COMPLAINT

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

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA¹") and out of the invasions of Plaintiff's personal and financial privacy by the Defendant and its agents in their illegal efforts to collect a consumer debt from Plaintiff.

PARTIES

- 2. Plaintiff Pasha Morris (hereinafter "Plaintiff") is a natural person who is a resident of Alabama, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
- 3. Defendant LVNV Funding, LLC, ("Defendant" or "LVNV") is a foreign company that engages in the business of debt collection and reporting consumer credit information to credit reporting agencies. It conducts business in this county. Its principal place of business is the State of South Carolina and it is incorporated in Delaware.

¹ Any reference to the FDCPA includes all applicable subsections whether explicitly stated or not.

4. The individual collectors' names are unknown but they will be added by amendment when determined through discovery.

FACTUAL ALLEGATIONS

5. Plaintiff incurred a financial obligation that was primarily for personal, family or household purposes and is therefore a "debt" as that term is defined by 15 U.S.C. § 1692a(5), namely, a Wal-Mart credit card.
6. Supposedly, LVNV purchased or was assigned or otherwise was collecting the Wal-Mart debt and began collection activities against Plaintiff.
7. Plaintiff told Defendant not to call her home number as she lived at home and her parents did not know she had this debt. Plaintiff told Defendant to call her cell phone which Defendant did repeatedly.
8. In or around February, 2008, Defendant contacted Plaintiff's father, Ronnie Morris, by calling the home number in an effort to collect this debt.
9. During the call Defendant illegally disclosed the nature of the account it claims Plaintiff owes, the amount, and other information designed to shame and embarrass Plaintiff to pay.
10. The Defendant also stated to Ronnie Morris that it was imperative that Plaintiff pay approximately \$3,100.00 to Defendant or she would face "legal ramifications".
11. This was not an attempt to obtain "location information" as Defendant had Plaintiff's location information and in any event went far beyond the law in disclosing information about Plaintiff and her debt to Ronnie Morris.
12. This is the most egregious type of violation of the FDCPA – contacting third parties to collect the debt with full knowledge of the damage this type of invasion of privacy will cause.

13. This misconduct is specifically condemned in the FDCPA due to the severe harm it causes.
14. Plaintiff told Defendants not to call the home number that her father and mother used but to call her on her cell number.
15. Defendants refused to stop violating the law.
16. This was very distressing and upsetting to the Plaintiff particularly as she was recovering from surgery when she faced the questions from her parents about this Wal-Mart debt that LVNV claimed to be collecting.

Summary

17. All of the above-described collection communications made to Plaintiff and to third parties such as Ronnie Morris by Defendant and collection agents of Defendant, were made in violation of numerous and multiple provisions of the FDCPA.
18. The above-detailed conduct by this Defendant of harassing Plaintiff in an effort to collect this debt was a violation of numerous and multiple provisions of the FDCPA, as well as an invasion of Plaintiff's privacy by an intrusion upon seclusion and by revelation of private financial facts and resulted in actual damages to the Plaintiff.
19. This series of abusive collection calls by Defendant and its agents caused Plaintiff enormous stress and anguish as a result of these abusive calls.
20. This series of abusive collection calls by Defendant and its agents caused Plaintiff physical problems related to pre-existing physical conditions because of the emotionally abusive manner in which this debt was collected by this Defendant.
21. Defendant's disclosure of Plaintiff's indebtedness to third parties was an invasion of Plaintiff's privacy and right to financial privacy.

22. Defendant's repeated attempts to collect this debt from Plaintiff and refusal to stop violating the law and to stop calling Plaintiff's father and mother was an invasion of Plaintiff's privacy and her right to be left alone.
23. Defendant's illegal abusive collection communications as more fully described above were the direct and proximate cause of severe emotional distress on the part of Plaintiff and caused her unnecessary distress.
24. Plaintiff has suffered actual damages as a result of these illegal collection communications by this Defendant in the form of anger, anxiety, emotional distress, fear, frustration, upset, humiliation, embarrassment, amongst other negative emotions, as well as suffering from unjustified and abusive invasions of personal privacy.

Respondeat Superior Liability

25. The acts and omissions of Defendant's agents who communicated with Plaintiff as more further described herein, were committed within the line and scope of their agency relationship with their principal, Defendant LVNV.
26. The acts and omissions by these other debt collectors were incidental to, or of the same general nature as, the responsibilities these agents were authorized to perform by Defendant in collecting consumer debts.
27. By committing these acts and omissions against Plaintiff, these other debt collectors were motivated to benefit their principal, Defendant LVNV.
28. Defendant LVNV is therefore liable to Plaintiff through the doctrine of Respondeat Superior for the wrongful, intentional, reckless, and negligent acts, errors, and omissions done in violation of state and federal law by its collection employees, including but not

limited to violations of the FDCPA and Alabama tort law, in their attempts to collect this debt from Plaintiff.

Negligent Hiring and Supervision

29. Defendant LVNV negligently and/or wantonly hired, retained, or supervised incompetent debt collectors and is thereby responsible to the Plaintiff for the wrongs committed against Plaintiff and the damages suffered by Plaintiff.

CAUSES OF ACTION

COUNT I.

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 et seq.**

30. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
31. The acts and omissions of Defendant and its agents constitute numerous and multiple violations of the FDCPA with respect to the Plaintiff.
32. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); (2) actual and compensatory damages; and, (3) reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3), from Defendant.

COUNT II.

INVASION OF PRIVACY BY INTRUSION UPON SECLUSION AND BY REVELATION OF PRIVATE FINANCIAL FACTS TO THIRD PARTY

33. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.
34. Alabama law recognizes Plaintiff's right to be free from invasions of privacy and Defendant violated Alabama state law as described in this Complaint.
35. Congress explicitly recognized a consumer's inherent right to privacy in collection matters in passing the Fair Debt Collection Practices Act, when it stated as part of its findings:

Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and **to invasions of individual privacy.**

15 U.S.C. § 1692(a) (emphasis added).

36. Congress further recognized a consumer's right to privacy in financial data in passing the Gramm Leech Bliley Act, which regulates the privacy of consumer financial data for a broad range of "financial institutions" including debt collectors (albeit without a private right of action), when it stated as part of its purposes:

It is the policy of the Congress that **each financial institution has an affirmative and continuing obligation to respect the privacy of its customers** and to protect the security and confidentiality of those customers' nonpublic personal information.

15 U.S.C. § 6801(a) (emphasis added).

37. Defendant and/or its agents intentionally, recklessly, and/or negligently interfered, physically or otherwise, with the solitude, seclusion and or private concerns or affairs of

the Plaintiff, namely, by repeatedly and unlawfully attempting to collect a debt and thereby invaded Plaintiff's privacy.

38. Defendant also intentionally, recklessly, and/or negligently interfered, physically or otherwise, with the solitude, seclusion and or private concerns or affairs of the Plaintiff, namely, by unlawfully disclosing information about this debt to third parties, and thereby invaded Plaintiff's right to financial privacy.
39. Defendant and its agents intentionally, recklessly, and/or negligently caused emotional harm to Plaintiff by engaging in highly offensive conduct in the course of collecting this debt, thereby invading and intruding upon Plaintiff's right to privacy.
40. Plaintiff had a reasonable expectation of privacy in Plaintiff's solitude, seclusion, private concerns or affairs, and private financial information.
41. The conduct of this Defendant and its agents, in engaging in the above-described illegal collection conduct against Plaintiff, resulted in multiple intrusions and invasions of privacy by this Defendant which occurred in a way that would be highly offensive to a reasonable person in that position.
42. As a result of such intrusions and invasions of privacy, Plaintiff is entitled to actual damages in an amount to be determined at trial from Defendant.
43. All acts of Defendant and its agents and/or employees were committed with malice, intent, wantonness, and/or recklessness and as such Defendant is subject to punitive damages.

COUNT III.

NEGLIGENT AND WANTON HIRING AND SUPERVISION

44. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.
45. Defendant LVNV negligently and/or wantonly hired, retained, or supervised incompetent debt collectors, and is thereby responsible to the Plaintiff for the wrongs committed against Plaintiff and the damages suffered by Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 et seq.

- for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Defendant;
- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against Defendant;
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant.

COUNT II.

INVASION OF PRIVACY BY INTRUSION UPON SECLUSION AND BY REVELATION OF PRIVATE FINANCIAL FACTS TO THIRD PARTY

- for an award of actual damages from Defendant for the all damages including emotional distress suffered as a result of the intentional, reckless, and/or negligent FDCPA violations and intentional, reckless, and/or negligent invasions of privacy in an amount to be determined at trial for Plaintiff;

- punitive damage; and
- for such other and further relief as may be just and proper.

COUNT III.

NEGLIGENT AND WANTON HIRING AND SUPERVISION

- for an award of actual damages from Defendant for the all damages including emotional distress suffered as a result of the intentional, reckless, and/or negligent FDCPA violations and intentional, reckless, and/or negligent hiring and supervision of incompetent debt collectors in an amount to be determined at trial for Plaintiff;
- punitive damage; and
- for such other and further relief as may be just and proper.

Respectfully Submitted,

/s/ John G. Watts

John G. Watts (WAT056)

Attorney for Plaintiff

OF COUNSEL:

Watts Law Group, PC
700 29th Street South
Suite 201
Birmingham, Alabama 35233
(205) 879-2447
(888) 522-7167 *facsimile*
john@wattslawgroup.com

/s/ M. Stan Herring
M. Stan Herring (HER037)
Attorney for Plaintiff

OF COUNSEL:

M. Stan Herring, P.C.
700 29th Street South
Suite 201
Birmingham, Alabama 35233
(205) 714-4443
(888) 522-7167 *facsimile*
msh@mstanherringlaw.com

Serve defendants via certified mail at the following addresses:

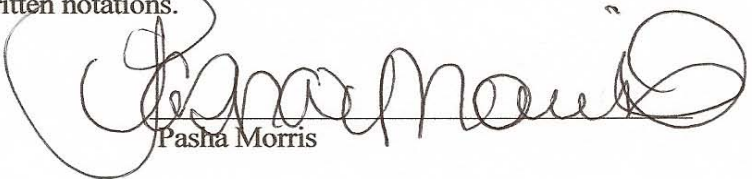
LVNV Funding, LLC
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ALABAMA)
)
COUNTY OF JEFFERSON)

Plaintiff Pasha Morris, having first been duly sworn and upon oath, deposes and says as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.


Pasha Morris



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

PASHA MORRIS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.:
)	
LVNV FUNDING, LLC, a Corporation,)	
)	
Defendant.)	

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: LVNV Funding, LLC
 c/o The Corporation Trust Company
 Corporation Trust Center
 1209 Orange Street
 Wilmington, DE 19801

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, Watts Law Group, P.C., 700 29th Street South, Suite 201, Birmingham, Alabama 35233. 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 JEFFERSON COUNTY, ALABAMA

PASHA MORRIS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.:
)	
LVNV FUNDING, LLC, a Corporation,)	
)	
Defendant.)	

**PLAINTIFF’S FIRST INTERROGATORIES, REQUESTS FOR ADMISSIONS, AND
 REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT**

INSTRUCTIONS

Any references to “Defendant” shall be treated as referring to Defendant LVNV FUNDING, LLC, and its employees or agents individually and collectively, as may be appropriate. As used in these interrogatories and requests, any references indicating the use of masculine or feminine and any references indicating the use of singular or plural, shall be used interchangeably.

If any objection is made to any of the following interrogatories or discovery requests, the Defendant shall make any such objection and state the relevant legal basis for such objection. If any objection is made based upon a claim of privilege as to any response, Defendant shall state the legal basis for the privilege Defendant is invoking and provide a detailed privilege log to support the invocation of such privilege.

Each and every interrogatory and discovery request herein is deemed continuing in nature pursuant to the Alabama Rules of Civil Procedure, and Defendant is obligated to seasonably amend and provide any updated information that renders the responses to one or more of these

interrogatories and discovery requests, incomplete or inaccurate, and serve those amended responses upon the undersigned Plaintiff's counsel.

As used in these interrogatories and discovery requests, the term "document" or "documents" means every writing or recorded material of every type and description, of any kind, that is in the possession, control or custody of Defendant, which Defendant has knowledge, whether originals, copies or facsimiles. Such writings or recordings include, but are not limited to, collection notes, electronic computer collection records, printouts of collection records, sample collection letters, Metro-data tapes, diskettes, computer hard drives, tape backups, Zip-type disks, magnetic media of any kind, correspondence, memoranda, stenographic notes, handwritten notes, contracts, documents, rough drafts, inter-office memoranda, memoranda for the files, letters, research materials, logs, diaries, forms, bank statements, tax returns, card files, books of account, journals, ledgers, invoices, diagrams, minutes, manuals, studies, publications, pamphlets, pictures, films, voice recordings, reports, surveys, minutes, statistical compilations, data processing cards, computer records, tapes, print-outs, agreements, communications, state and federal governmental hearings, reports, correspondence, telegrams, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, graphs, notebooks, note charts, charts, plans, drawings, sketches, maps, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, video tape, motion picture film, digital photographs, brochures, advertisements, circular, press releases, drafts, any marginal comments appearing on any document, all other writings, books of all nature and kind whether handwritten, typed, printed, mimeographed, photocopied or otherwise reproduced, all tape recordings (whether for computer, audio, or visual replay) and all other written, printed, and recorded matter or tangible things upon

which words, phrases, websites, listservs, emails, symbols or information of any kind are recorded, encrypted or otherwise stored.

A request to “identify” a document is a request to state the following, as applicable:

- a. The date of the document;
- b. The type of document;
- c. The names and present addresses of the person or persons who prepared the document and of the signers and addressers of the document;
- d. The name of the employer or principal whom the signers, addressers, and preparers were representing;
- e. The present location of the document;
- f. The name and current business and home addresses of the present custodian of the original document, and any copies of it;
- g. A summary of the contents of the document;
- h. If the original document was destroyed, the date and reason for or circumstances under which it was destroyed; and

Plaintiff requests that the documents be produced to Plaintiff in “.pdf” format per the report of parties planning meeting.

These interrogatories and discovery requests are intended to cover all documents in Defendant’s possession, or subject to their custody and control, regardless of location. If there are no such documents, please so state. If there are such documents, please list and mark appended documents responsive to each request. (Alabama Rules of Civil Procedure, Rule 34(b)).

Each interrogatory propounded herein should be answered upon your entire knowledge from all sources and all information in your possession or otherwise available to you, including information from your officers, employees, agents, representatives or consultants and information that is known by each of them. An incomplete or evasive answer is deemed a failure to answer.

If any answer is qualified, state specifically the terms of each qualification and the reasons for it. If an interrogatory cannot be answered in full, state the part which can be answered and answer the same in full to the extent possible; state further and specifically the reason(s) why the remainder cannot be answered.

If any interrogatory may be answered fully by a document, the document may be attached in lieu of an answer if the document is marked to refer to the Interrogatory to which it responds.

INTERROGATORIES

Pursuant to Rule 33 of the Alabama Rules of Civil Procedure, Plaintiff requests that Defendant answers, under oath, the following interrogatories:

1. For each individual person, officer, employee, agent, or other entity answering or providing any information used to answer any Interrogatory, state the following:
 - a. First, last, and middle legal name;
 - b. All DBA, fake, or alias name(s) used by this person;
 - c. Job title or capacity;
 - d. Business address and telephone number;
 - e. Home address and telephone number; and
 - f. Age.
2. Identify each document referred to or consulted by Defendant in the preparation of the Answers to these Interrogatories and discovery requests made within this entire document.

3. Identify all persons known to Defendant to have personal knowledge of any facts or issues involved in this lawsuit, state the following:
 - a. First, last, and middle legal name;
 - b. All DBAs, fake, or alias name(s) used by this person;
 - c. Job title or capacity;
 - d. Business address and telephone number;
 - e. Home address and telephone number; and
 - f. Age.
4. Identify and describe with particularity all training that Defendant provides or receives, in the area of debt collection activities related to the collection of any accounts, including but not limited to:
 - a. The training content, timing, and duration;
 - b. All documents and audio or visual materials used in such training; and
 - c. Each person involved in providing such training.
5. Identify and describe all manuals, instructions, restrictions or other documentation or instructions Defendant uses regarding how to avoid any violation of the FDCPA, including contacting third parties and requests from consumers to cease phone contact and only communicate by writing.
6. Identify and describe Defendant's disciplinary policy for violating state and federal debt collection laws, and for violating other state or federal laws in the course of collecting debts of any kind.
7. Identify and describe any documents that describe, record, or establish each of the Defendant's methods and techniques used to collect on debt collection accounts.

8. Identify and describe fully any computer, manual, or other system(s) Defendant maintains or operates to record any and all mail, telephone, in-person, or other forms of communications, or attempted communications, with persons or other third parties in connection with the collection of accounts, and Defendant's policies and procedures for operating such a system of records.
9. Identify whether Defendant records telephone calls with any persons from who they are collecting and what steps are taken to preserve these recordings.
10. Identify whether Defendant has recorded any telephone calls with the Plaintiff and whether or not these recordings have been preserved, and/or the disposition of these recordings.
11. Identify the original creditor of the alleged debt(s) that Defendant was trying to collect from Plaintiff. Please provide the full legal name, address, city, state and zip code, and phone number of the original creditor(s).
12. In the form of a chronology, identify and describe in detail and with particularity, the process and events by which, and the circumstances under which, the debt allegedly owed by Plaintiff was sold to, referred, placed or otherwise assigned to Defendant for collection, and identify all documents relevant to, related to, or reflecting such sale, referral, placement or assignment.
13. Identify and describe each document known to Defendant, which are related to the collection account(s) of Plaintiff.
14. Identify and describe each communication, or attempted communication, between the Defendant with the Plaintiff, or any other person, which was made in connection with the collection of Plaintiff's account, by stating the following:

- a. The name of the individual initiating the communication or attempted communication;
 - b. The date and time of the communication or attempted communication;
 - c. The method of the communication or attempted communication (e.g. letter, phone call, in-person);
 - d. A detailed analysis of the substance of the communication or attempted communication, (do not simply refer to collection notes);
 - e. Identify all witnesses to or participants in the communication or attempted communication; and,
 - f. Any actions taken by the Defendant as a result of the communication or attempted communication.
15. State the name, address, telephone number, title, place of employment and field of expertise of each person whom Defendant intends to call as an expert witness at a trial of this case. For each expert witness, state, identify, and/or provide:
- a. The subject matter on which the expert is expected to testify;
 - b. The substance of the facts and opinions to which the expert is expected to testify;
 - c. A summary of the grounds for each opinion the expert is expected to testify; and
 - d. All documents, treatises, books, studies, or other materials upon which the expert may rely for information or support of facts and opinions.
 - e. A current curriculum vitae or résumé.
16. Identify by company name, business address, and telephone number, all of Defendant's suppliers of local and long distance telecommunications, wire communications, wireless or cellular communications, internet telephony or voice communications, or any other type of

supplier of voice communications used by the Defendant, between the January 1, 2008 and the last time of any contact with Plaintiff or anyone else related to the subject account/debt.

17. Identify and describe all facts (including documents) relied upon to support the each affirmative defenses alleged in the Answer.
18. If you have answered any of the Requests for Admissions with anything other than unqualified admissions, then as to each such response, provide the following:
 - a. Identify each and every fact upon which you rely to support your response.
 - b. Identify each and every document upon which you rely to support your response and attach copies of such documents.
19. A plain-English description or glossary for any and all lists, legends, codes, abbreviations, collector initials, or other non-obvious terms, words, or data contained in any of the documents produced above.
20. Describe in detail and identify all documents and persons related to the manner and method by which you reported to all the consumer reporting agencies you reported any information about the Plaintiff or the account and state for each and every item of information or data reported whether such reporting followed your policies and procedures at the time of the reporting and as of the date you answer this discovery request.
21. State the correct legal name of your organization, the date and place the organization was organized and registered and/or licensed to do business.
22. State any other names which your organization uses to identify itself, whether such names are registered with any official, and the date and place of registration.

23. State the names, aliases, job title, business and home addresses and telephone numbers, date of initial employment and date of and reason for termination of employment of each of your employees
 - a. who contacted Plaintiff or another person regarding this debt; and
 - b. who have left your employ within the last three years
24. State the name(s) and address(es) of Defendant's liability insurer(s) for the last three years and the dates of coverage, type, policy number(s) of each liability insurance policy
25. Identify all present and past contracts or agreements between Defendant and the creditor and give the date of the initial contract or agreement with the creditor for the past five (5) years.
26. Identify the terms of the agreement between Defendant and the creditor pursuant to which Defendant sought to collect this alleged account from the Plaintiff

REQUEST FOR ADMISSIONS

Pursuant to Rule 36 sends the following request for admissions to be admitted or denied in accordance¹ with Rule 36:

1. Admit that Defendant is engaged in the business of collecting consumer debts and regularly attempts and collects consumer debts allegedly owed to another and at all times relevant to your collection activities against Plaintiff you were a "debt collector" as that term is defined by 15 U.S.C. Section 1692a(6).
2. Admit that at all times relevant to your collection activities against Plaintiff that Plaintiff qualifies as a "consumer" under the FDCPA.
3. Admit that at all times relevant to your collection activities against Plaintiff that the debt qualifies as a "consumer debt" under the FDCPA.

¹ If the defendant claims any of these are confusing or vague or ambiguous, the defendant is requested to contact the undersigned immediately so that this can be discussed and resolved.

4. Admit you contacted one or more third parties in the collection of this debt.
5. Admit you contacted one or more third parties even though you had Plaintiff's contact information.
6. Admit you told Plaintiff's father , Ronnie Morris, that Plaintiff owed the Wal Mart debt.
7. All employees or agents of yours acted within the line and scope of their employment or agency relationship with respect to this account and the Plaintiff at all times.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Alabama Rules of Civil Procedure, Plaintiff requests that Defendant produces within thirty (30) days, the documents described herein and permit Plaintiff and their attorneys to inspect and copy such documents as they may desire:

1. Any and all documents identified in Response to all sets of Plaintiff's Interrogatories and Plaintiff's Request for Admissions.
2. Any and all documents summarizing, describing, instructing, detailing, or otherwise training any and all of Defendant's employees in any and all of the following areas:
 - a. Defendant's collection policies;
 - b. Defendant's collection procedures;
 - c. Defendant's collection methods;
 - d. Defendant's collection techniques;
 - e. Defendant's collection tactics;
 - f. Defendant's collection rules;
 - g. Defendant's collection regulations; and
 - h. Defendant's compliance with local, state, or federal laws, codes, or regulations.

3. Any and all training, personnel, other instruction manuals to include a list of training conferences held, concerning training in those policies and procedures conducted within the last three years, along with attendance lists, all materials used or distributed, in any format, curriculum vitae of the instructor as well as the dates, places and times of each such training.
4. Copies of the policies and procedures and the maintenance of those policies and procedures adapted to avoid any violations of the FCRA and the FDCPA.
5. Produce documents relating to the Defendant's procedures to provide verification of alleged debts.
6. Any and all collection software manuals and/or instruction guides for each and every computer system, software package, software system, or other electronic or non-electronic device used in any manner by Defendant in the collection process.
7. Any and all documents related in any way to other lawsuits, legal or equitable claims, regulatory complaints or reports, or any other proceedings that have been brought against any Defendant from January 1, 2005, to the present.
8. Any and all personnel files, human resource department records, employment files, and other documents involving any collector who worked on the account of Plaintiff, including but not limited to any disciplinary notices, reprimands, incident reports, and electronic recordings of collection communications that were the subject of private or other complaints by any person.
9. Any and all documents in the possession or control of the Defendant, which Defendant claims are in any way relevant to the subject matter of the instant lawsuit.

10. Any and all documents recording, documenting, or otherwise tracking the collection efforts related of the Defendant in any way related to Plaintiff's alleged debt that is the subject of this lawsuit, from January 1, 2006, to the present, including but not limited to:
 - a. Records of all inbound or outbound telephone calls, to or from Plaintiff or related to Plaintiff or the alleged debt.
 - b. Records of all inbound or outbound United States mail, to or from Plaintiff or related to Plaintiff or the alleged debt.
 - c. Records of all other inbound or outbound communication of whatever kind related to Plaintiff or the alleged debt.
11. Any and all printouts computer, mechanical or other reports printed, prepared, or otherwise created using any computer system, software package, software system, or other electronic or non-electronic device used in any manner in Defendant's collection process, which include Plaintiff's name, address, telephone number(s), account number, or any other information which is personally identifiable to the Plaintiff.
12. Produce all documents which list and define, or act as a key for, codes and abbreviations you utilized when attempting to collect the alleged debt.
13. Produce all documents you received from any original creditor, collection agency, debt collector, debt purchaser or any other entity relating to the debt allegedly owed by Plaintiff.
14. Any document that relates to or refers to Plaintiff.
15. A list of any and all employees disciplined for such violations of the FDCPA, FCRA, along with the disciplinary measures covering the last 3 years.
16. Copies of all form letters, enclosures, envelopes, memoranda of information and disputes provided to credit reporting agencies along with the agencies name, address, and any

person(s) that may have direct knowledge of the transmitted information concerning Plaintiff

17. An organizational chart for Defendant.
18. Copies of all any and all form letters used to supply information to any credit reporting agencies.
19. A list of all employees engaged in the collection of debts such as the debt Plaintiff allegedly owed, their positions and responsibilities.
20. Any insurance policies covering the Defendant for violations of the FDCPA.

Respectfully submitted this 2nd **day of August, 2008**.

/s/John G. Watts
John G. Watts (ASB-5819-T82J)
Attorney for Plaintiff

OF COUNSEL:

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/s/ M. Stan Herring
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Attorney for Plaintiff

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PLEASE SERVE WITH THE SUMMONS AND COMPLAINT



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

PASHA MORRIS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.:
)	
LVNV FUNDING, LLC, a Corporation,)	
)	
Defendant.)	

**NOTICE OF ORAL DEPOSITION DUCES TECUM OF
LVNV FUNDING, LLC, PURSUANT TO RULES 30(b)(2), (5) & (6)**

Take notice, that the Plaintiff will take stenographic depositions of the following entities or individuals pursuant to Ala. R. Civ. Pro. 30 (b)(2), (5) & (6). All deponents must bring all documents listed in this deposition notice and any attachments, and present the originals of these documents for inspection and copying at the deposition.

DEPONENT: Corporate Representative of LVNV Funding, LLC

DATE: October 15, 2008

TIME: 10:00 a.m.

PLACE: The Law Offices of M. Stan Herring P.C.
700 29th Street South, Ste 201
Birmingham, AL 35233

Please note that pursuant to Ala.R.Civ.P. 30(b)(5) &(6), this corporate deponents must designate an individual to testify as to the following matters:

1. All allegations of fact stated in the complaint in this lawsuit.
2. All affirmative defenses asserted by the deponent. ¹
3. The identity, content, and number of computer systems used to maintain data on consumers, their accounts, collections or applications and the access given to each of those systems.

¹ Deponent means the corporate representative(s) of the Defendant and the actual person testifying as applicable.

4. The identity of any known witnesses to the allegations of fact stated in the complaint or the affirmative defenses asserted by the deponent.
5. The nature and content of any records maintained by the deponent--including archived copies and recorded conversations--relating to any trade lines appearing on Plaintiff's credit report.
6. The authenticity of any documents identified in any of the disclosures, pleadings, or discovery responses.
7. The identity and expert credentials of any of the deponent's employees or witnesses who were involved with or handled Plaintiff's account and/or any reinvestigation relative to Plaintiff's accounts.
8. Any releases or waivers signed by the Plaintiff.
9. Any insurance or bonding carried by the Deponent, which may provide coverage for the allegations in Plaintiff's complaint.
10. Any other acts by the deponent which might serve as a basis for amendment or supplementation of the complaint.
11. The time and form in which any dispute was received from Plaintiff in any manner, and the identity of any persons reviewing or acting on it.
12. The time, place, and manner in which any actions were taken in response to any such notice.
13. Whether or not Deponent's credit reporting to the major credit reporting agencies relating to Plaintiff were accurate and verifiable.
14. Any quotas or productivity targets for the deponent's employees involved in the collection of alleged debts.
15. Any insurance or bonding carried by the Deponent, which may provide coverage for the allegations in Plaintiff's complaint.
16. The decision to hire any of the collectors who collected from Plaintiff.
17. Supervision of any type over the collection efforts of all collectors involved with Plaintiff.
18. Policy for contacting third parties.
19. Knowledge of and ratification of the collection activities of all collectors related to Plaintiff.

Pursuant to Rule 30(b)(2), Plaintiff hereby requests all deponents bring all documents responsive and in support of the categories listed above and present the originals of these documents for inspection and copying at the deposition.

Respectfully Submitted,

/s/ John G. Watts

John G. Watts ASB-5819-T82J

Attorney for Plaintiff

OF COUNSEL:

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/s/ M. Stan Herring

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Attorney for Plaintiff

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