



## AlaFile E-Notice

01-CV-2008-900591.00

To: JOHN WATTS  
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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

KELLY S ANDERSON v. BANK OF AMERICA CORPORATION  
01-CV-2008-900591.00

The following complaint was FILED on 2/26/2008 7:52:46 PM

Notice Date: 2/26/2008 7:52:46 PM

**ANNE-MARIE ADAMS**  
**CIRCUIT COURT CLERK**  
JEFFERSON COUNTY, ALABAMA  
JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM, AL 35203

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

**COVER SHEET  
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:  
**01-CV-200**

Date of Filing:  
02/26/2008



ELECTRONICALLY FILED  
2/26/2008 7:52 PM  
CV-2008-900591.00  
CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

**GENERAL INFORMATION**

**IN THE CIRCUIT OF JEFFERSON COUNTY, ALABAMA  
KELLY S ANDERSON v. BANK OF AMERICA CORPORATION**

**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: VIOLATION OF FCRA

**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      2/26/2008 7:51:24 PM      /s JOHN WATTS

**MEDIATION REQUESTED:**  Yes  No  Undecided



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

**KELLY S. ANDERSON,** )  
**an individual,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**BANK OF AMERICA** )  
**CORPORATION, a Corporation** )  
 )  
**Defendant.** )

**Civil Action Number:**

**COMPLAINT**

**COMES NOW** the Plaintiff, by and through counsel, in the above styled cause, and for her Complaint against the Defendant, Bank of America Corporation, states as follows:

**Parties**

1. The Plaintiff, Kelly S. Anderson [“Plaintiff” or “Anderson”], is a natural person who is a resident citizen of Alabama.
2. Defendant Bank of America Corporation [“Defendant” or “BOA”] is a foreign corporation doing business in Alabama and in this county.

**Factual Allegations**

3. Kelly S. Anderson is suffering from BOA continuing to call, collect, harass and falsely report on her credit reports that she owes BOA money on a credit card when, in fact, she does not.
4. There may be a Kelly Anderson that does owe the money but it is not the Plaintiff.

5. Plaintiff has no relationship with BOA with a credit card and has never agreed to take out credit or to be obligated by any arbitration agreement or to have any business relationship of any type with BOA related to a credit card.
6. Plaintiff has told BOA that it may be a Kellie Johnson Anderson of Alabama and has provided an address and phone number to BOA but BOA has refused to properly consider this information.
7. Plaintiff has repeatedly told BOA it has the wrong person but this has only had the effect of BOA intensifying its collection efforts against Plaintiff in the following ways:
  - \* BOA has repeatedly and intentionally harassed Plaintiff by making numerous phone calls to her, including using automatic dialers in violation of the Telecommunications Consumer Protection Act;
  - \* BOA has demanded payment for the account which is not Plaintiff's responsibility;
  - \* BOA has verified on her credit reports the BOA account as being Plaintiff's after disputes were made directly to the Consumer Reporting Agencies (CRAs) in accordance with the FCRA.
8. This wrongful conduct has drastically impacted Plaintiff's credit score and credit worthiness and has caused her past and future monetary loss, past and future emotional distress, and other damages that will be presented to the jury.

**FIRST CLAIM FOR RELIEF**  
**Violations of the Fair Credit Reporting Act (FCRA)**

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

10. Plaintiff is a “consumer,” as codified at 15 U.S.C. § 1681a(c).
11. Equifax, Experian and TransUnion are each a “consumer reporting agency,” as codified at 15 U.S.C. § 1681a(e).
12. BOA is an entity who, regularly and in the course of business, furnishes information to one or more consumer reporting agencies about its transactions or experiences with any consumer and constitutes a “furnisher,” as codified at 15 U.S.C. § 1681s-2.
13. Plaintiff notified Equifax, Experian, and TransUnion directly of a dispute on the BOA account as it did not belong to Plaintiff and they directly and timely and properly notified BOA in accordance with the requirements of the FCRA.
14. Plaintiff alleges that BOA failed in all respects to conduct a proper and lawful reinvestigation from start to finish.
15. All actions taken by BOA were done with malice, were done willfully, recklessly and/or were done with either the desire to harm Plaintiff and/or with the knowledge that its actions would very likely harm Plaintiff and/or that its actions were taken in violation of the FCRA and/or that knew or should have known that its actions were in reckless disregard of the FCRA.
16. All of the violations of the FCRA proximately caused the injuries and damages set forth in this Complaint.

**SECOND CLAIM FOR RELIEF**  
**Violations of the Telephone Consumer Protection Act (TCPA)**

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

18. BOA has repeatedly violated the TCPA by the calls made to Plaintiff, including the automatic dialers that have been unleashed against Plaintiff by BOA.
19. There is no exception or justification for the numerous violations of the TCPA by BOA.
20. Each call is a separate violation and entitles Plaintiff to statutory damages against BOA.
21. All actions taken by BOA were taken with malice, were done willfully, recklessly and/or were done with either the desire to harm Plaintiff and/or with the knowledge that its actions would very likely harm Plaintiff and/or that its actions were taken in violation of the TCPA and/or that knew or should have known that its actions were in reckless disregard of the TCPA.
22. All of the violations of the TCPA proximately caused the injuries and damages set forth in this Complaint.

**THIRD CLAIM FOR RELIEF**  
**Invasion of Privacy**

23. All paragraphs of this Complaint are expressly adopted and incorporated herein as if fully set forth herein.
24. Defendant negligently, recklessly, intentionally, and/or willfully invaded the privacy of Plaintiff as set forth in Alabama law, including the consistent and excessive number of phone calls to Plaintiff disturbing her solitude, peace of mind, and violating her expectation of privacy in her own home.
25. Plaintiff has been damaged as a proximate result of Defendant's wrongful conduct as set forth in this Complaint.

**RELIEF SOUGHT**

26. An award of statutory, actual, compensatory and punitive damages, and costs of the action including expenses, together with reasonable attorney's fees.
27. Plaintiff also requests all further relief to which Plaintiff is entitled under Federal and/or State law, whether of a legal or equitable nature.

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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**Serve Defendant via certified mail at the following address:**

Bank of America Corporation  
c/o The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801