

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>CLIFFORD BREWER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.:</b>
	)	
<b>PALISADES COLLECTION LLC;</b>	)	
<b>TRANSUNION, LLC;EQUIFAX</b>	)	
<b>INFORMATION SERVICES,</b>	)	
<b>LLC,</b>	)	
<b>Defendants.</b>	)	

**COMPLAINT**

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

**Jurisdiction & Venue**

1. This is an action brought by a consumer for violations of the Fair Credit Reporting Act (15 U.S.C. § 1681 et seq. [hereinafter "FCRA"]) and the Fair Debt Practices Act<sup>1</sup> (15 U.S.C. § 1692 et seq. [hereinafter "FDCPA"]). Therefore, subject matter jurisdiction exists under 28 U.S.C. Section 1331.
2. This action is also brought under Alabama state law. These claims are brought under 28 U.S.C. Section 1332 as there exists complete diversity and the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000), exclusive of costs and interests.

<sup>1</sup> Any reference the FDCPA or FCRA or any part thereof encompasses all relevant parts and subparts thereto.

3. Venue is proper in this Court under 28 U.S.C. Section 1391(b) as the events took place in this Judicial District and the Defendants reside in this Judicial District as all Defendants are subject to personal jurisdiction in this Judicial District.

**Parties**

4. The Plaintiff, CLIFFORD BREWER [“Plaintiff”], is a natural person who resides within this Judicial District.
5. Defendant PALISADES COLLECTION LLC [“Defendant Palisades”] 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 Judicial District. Its principle place of business is outside the State of Alabama.
6. Defendant TRANS UNION, LLC [Defendant “Trans Union”] is a foreign company that engages in the business of maintaining and reporting consumer credit information and does business in this Judicial District.
7. Defendant EQUIFAX INFORMATION SERVICES, LLC [“Equifax”] is a foreign company that engages in the business of maintaining and reporting consumer credit information and does business in this Judicial District.

**Factual Allegations**

8. On or about September 11, 2006, Defendant Palisades filed suit against Plaintiff in the Small Claims court of Talladega County (Sylacauga), Alabama, with a case number of SM-2006-100775.

9. In this suit Defendant Palisades asserted it was the owner of a certain debt allegedly owed by Plaintiff and asserted it was owed \$2028.91 which included interest.
10. Upon information and belief, Defendant Palisades is not the owner of this alleged debt.
11. Defendant Palisades reported to the credit reporting agencies that Plaintiff owed this money and was in default.
12. Plaintiff did not owe this money to Defendant Palisades.
13. The debt being collected is a debt as defined under the FDCPA and FCRA.
14. Plaintiff is a consumer as defined by the FDCPA and FCRA.
15. Defendant Palisades is a debt collector as defined by the FDCPA.
16. On or about October 12, 2006, Plaintiff filed an answer denying Plaintiff owed any money to Defendant Palisades. This answer disputed the validity of the alleged debt.
17. In December 2006, before the trial, Plaintiff received a phone call from Defendant Palisades demanding payment.
18. Plaintiff informed Defendant Palisades that Plaintiff had an attorney (which Defendant Palisades knew) and Defendant Palisades responded by saying it had no concern about attorneys – instead it was concerned with getting paid on this debt.
19. On the trial date of December 18, 2006, Defendant Palisades appeared at the trial as did Plaintiff.

20. Defendant Palisades dismissed its case with prejudice as the docket was being called.
21. On or about the same day, December 18, 2006, Plaintiff sent a letter to each credit reporting agency, including Defendants Trans Union and Equifax, requesting an investigation of the Defendant Palisades account which still appeared on Plaintiff's credit reports.
22. Plaintiff invited Defendants Trans Union and Equifax to contact the Defendant Palisades' attorney or the court to verify that the lawsuit had been dismissed with prejudice.
23. Defendants Trans Union and Equifax notified Defendant Palisades in accordance with the FCRA<sup>2</sup> of the dispute by the Plaintiff.
24. All Defendants failed to properly investigate these disputes as if Defendants had properly investigated, the Palisades account would have been deleted.
25. Even if all Defendants had not properly investigated this account, the credit reports should show the collection account as being in dispute<sup>3</sup>.
26. On December 29, 2006, Defendant Equifax issued its results of investigation, Confirmation Number 6363018287, and it shows the Defendant Palisades account as having a balance of \$2,019. It also shows it as a collection account. There is no indication that this collection account is in dispute.

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<sup>2</sup> Alternatively, Defendants Trans Union and Equifax did not notify Defendant Palisades of the investigation request by Plaintiff and thus these two Defendants violated the FCRA in this manner as well as the other ways described in this Complaint.

<sup>3</sup> This would be insufficient and would violate the FCRA, FDCPA, and state law as this account should be deleted as Plaintiff does not owe this alleged debt. This paragraph is included to show that even a negligent investigation would result in a "disputed" status but that has not occurred as described in the following paragraphs.

27. On January 6, 2007, Defendant Trans Union issued its results of investigation (File number 165883458), which shows the Defendant Palisades account as “verified” with a balance of \$2,019 and that it is a collection account. No indication is provided that this collection account is in dispute.
28. All Defendants were provided with more than sufficient information in the disputes and in their own internal sources of information to conduct an investigation and to conclude that the accounts complained of were being reported incorrectly.
29. All Defendants willfully, intentionally, recklessly, and/or negligently failed to review the information provided in the disputes and that was already in their files and to conduct a reasonable investigation on Plaintiff’s disputes, which led as a direct result and consequence to all of the Defendants either failing to delete information found to be inaccurate, failing to replace the inaccurate information with accurate information, and/or reinserting the information without following the dictates of the FCRA.
30. Plaintiff alleges that at all relevant times that the Defendants Trans Union and Equifax failed to maintain and failed to follow reasonable procedures to assure maximum possible accuracy of his credit report, concerning the accounts in question, violating 15 U.S.C. § 1681e(b).
31. Plaintiff also alleges that Defendant Palisades failed to properly maintain and failed to follow reasonable procedures to assure maximum possible accuracy of his credit information and his credit report, concerning the accounts in question, thus violating state law as set forth in this Complaint. These violations occurred

before, during, and after the dispute process began with the consumer reporting agencies.

32. Defendant Palisades has taken aggressive actions in a continued effort to collect the same alleged debt against Plaintiff. These actions include the continued reporting of the debt to third parties, including consumer reporting agencies such as Equifax, Transunion and Experian, that Plaintiff owed the debt, that Plaintiff defaulted and that the account was in collections.
33. The Defendants Equifax and Trans Union have failed to maintain Plaintiff's accounts with maximum accuracy and all Defendants have failed to properly investigate the accounts in response to the disputes made by Plaintiff.
34. The conduct of the Defendants has proximately caused Plaintiff past and future monetary loss, past and future damage to Plaintiff's credit and credit worthiness, past and future mental distress and emotional anguish, and other damages that will be presented to the trier of fact.
35. It is a practice of all of the Defendants to maliciously, willfully, recklessly, wantonly and/or negligently ignore and refuse to follow the requirements of the FDCPA (Defendant Palisades), FCRA (all Defendants) and state law (All Defendants).
36. All actions taken by employees, agents, servants, or representatives of any type for the Defendants were taken in the line and scope of such individuals (or entities') employment, agency or representation.
37. All actions taken by the Defendants were done with malice, were done willfully, and were done with either the desire to harm Plaintiff and/or with the knowledge

that their actions would very likely harm Plaintiff and/or that their actions were taken in violation of the FCRA and/or FDCPA and/or state law and/or that they knew or should have known that their actions were in reckless disregard of the FCRA and/or FDCPA and/or state law.

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

**FIRST CLAIM FOR RELIEF**  
**Violations of the Fair Debt Collection Practices Act**

39. All paragraphs of this Complaint are expressly adopted and incorporated herein as if fully set forth herein.
40. Defendant Palisades violated the FDCPA in numerous ways, including, but not limited to the following:
- a. Falsely reporting the debt on Plaintiff's credit reports with Experian, Equifax, and Trans Union when Plaintiff does not owe the money;
  - b. Falsely reporting the debt on Plaintiff's credit reports and failing to show the collection account is "disputed";
  - c. Contacting Plaintiff when Defendant Palisades knew that Plaintiff was represented by counsel as Defendant Palisades had received a copy of the Plaintiff's "Answer" several months before;
  - d. Suing the Plaintiff when there was no basis to do so;

e. Continuing to assert the suit in Small Claims court when Defendant Palisades knew, or should have known, there was no basis for doing so; and

f. Engaging in collection activities on a debt that Plaintiff does not owe and that Defendant Palisades is not entitled to collect upon.

41. As a result of the violations of the FDCPA, the Defendant Palisades is liable to the Plaintiff for declaratory judgment that its conduct violated the FDCPA, and Plaintiff's actual damages as further expressed herein, statutory damages, and cost and attorneys' fees.

**SECOND CLAIM FOR RELIEF**  
**Violating the Fair Credit Reporting Act**

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

43. Defendants Equifax and TransUnion are each a "consumer reporting agency," as codified at 15 U.S.C. § 1681a(e).

44. Defendant Palisades 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.

45. Plaintiff notified Defendants Equifax and TransUnion directly of a dispute on the Defendant Palisades account's completeness and/or accuracy, as reported.

46. The credit reporting agencies either failed to delete information found to be inaccurate or reinserted the information without following the dictates of the FCRA.

47. Plaintiff alleges that at all relevant times Defendants Equifax and Trans Union failed to maintain and failed to follow reasonable procedures to assure maximum possible accuracy of his credit report, concerning the accounts in question, violating 15 U.S.C. § 1681e(b).
48. Plaintiff alleges that all Defendants failed to conduct a proper and lawful reinvestigation.
49. All actions taken by the Defendants were done with malice, were done willfully, and were done with either the desire to harm Plaintiff and/or with the knowledge that their actions would very likely harm Plaintiff and/or that their actions were taken in violation of the FCRA and state law and/or that knew or should have known that their actions were in reckless disregard of the FCRA and state law.
50. All of the violations of the FCRA proximately caused the injuries and damages set forth in this Complaint.

**THIRD CLAIM FOR RELIEF**  
**State Law Claims**

51. All paragraphs of this Complaint are expressly adopted and incorporated herein as if fully set forth herein.
52. All Defendants intentionally published false and defamatory information to third parties, including the reporting agencies, on multiple occasions since at least December 2005 through the present date.
53. As a result of this conduct, action and inaction of all Defendants, Plaintiff has suffered damage as set forth in this Complaint.

54. All of Defendants acted with intentional, reckless or wanton conduct in attempting to collect this debt (Defendant Palisades) and reporting this false information (all Defendants).

**RELIEF SOUGHT**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendants for the following:

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

Respectfully Submitted,

  
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John G. Watts ASB-5819-T82J  
Attorney for Plaintiff

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**PLAINTIFF DEMANDS A TRIAL BY JURY IN THIS CAUSE.**

  
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Attorney for Plaintiff

**Serve defendants via certified mail at the following addresses:**

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

TransUnion, LLC  
c/o Prentice-Hall Corporation System Inc  
150 South Perry Street  
Montgomery, AL 36104

Equifax Information Services, LLC  
c/o CSC Lawyers Incorporating Services, Inc.  
150 South Perry Street  
Montgomery, Alabama 36104