

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FILED IN OFFICE

SEP 21 2006

GUY C. DIEHL, III, an individual)
)
 PLAINTIFF,)
)
 vs.)
)
 AIS SERVICES, LLC, a corporation,)
)
 DEFENDANT.)

ANNE-MARIE ADAMS
Clerk

CIVIL ACTION NO. CV 200605565

COMPLAINT

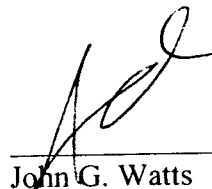
COMES NOW the Plaintiff, by and through counsel, in the above styled cause, and for his Complaint against the Defendant states as follows:

1. Plaintiff is a resident citizen of Jefferson County, Alabama and is over the age of nineteen (19) years.
2. Defendant AIS Services, LLC, ("AIS") is a foreign company doing business in Jefferson County, Alabama.
3. Defendant is a debt collector subject to the Fair Debt Collection Practices Act ("FDCPA").
4. Plaintiff Diehl is a consumer.
5. Defendant has filed suit on a debt that is not the Plaintiff's, which is pending in the Small Claims Court of Jefferson County, SM-06-8095.
6. The Plaintiff had never heard of the Defendant until the Defendant's law firm Zarzaur & Schwartz, PC, sent Plaintiff a letter demanding payment.
7. Plaintiff told Defendant, by and through its attorney¹, that this debt was not his. The social security numbers were compared and found to be different.

¹ It is unknown if the employee of the Defendant's law firm of Zarzaur and Schwartz, P.C. was an attorney or was instead a paralegal or some other similar role.

8. Defendant knew or should have known that the Plaintiff Diehl was not responsible for this debt but despite this knowledge Defendant sued Plaintiff in state court in Jefferson County (SM 06-8095).
9. Plaintiff Diehl believes and alleges that the Defendant does not have standing or the right to sue under this debt, whatever this debt is.
10. The actions of Defendant in trying to collect this debt and in suing Plaintiff Diehl violates the FDCPA.
11. The violation of the FDCPA has caused Plaintiff Diehl past and future monetary damages and emotional distress.
12. The above conduct also amounts to negligence, wantonness, intentional conduct, harassment, defamation, and an invasion of privacy, which has likewise caused past and future monetary and emotional damages.²

WHEREFORE, PREMISES CONSIDERED, Plaintiff Diehl request this Honorable Court enter compensatory and punitive damages, plus costs, interests, attorney fees and all other relief to which Defendant is entitled.



John G. Watts
Attorney for Plaintiff

OF COUNSEL:
YEAROUT & TRAYLOR, P.C.
800 Shades Creek Parkway
Suite 500
Birmingham, AL 35209
(205) 414-8160

PLAINTIFF DOES NOT DEMAND A TRIAL BY JURY

² After the termination of the small claims court complaint's allegations in favor of Plaintiff Diehl, then Plaintiff Diehl will consider a malicious prosecution and/or abuse of process claims against Defendant but such are not being asserted now due to the small claims suit still being at issue.

SERVE DEFENDANTS BY CERTIFIED MAIL AT:

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