

CAUSE NO. 04-SC-18-00259

HAILEY KEMP	)	IN THE JUSTICE COURT
Plaintiff,	)	
	)	
v.	)	PRECINCT FOUR
	)	
NATIONAL CREDIT SYSTEMS, INC.	)	
Defendant.	)	COLLIN COUNTY, TEXAS

**PLAINTIFF’S ORIGINAL PETITION**

**I. NATURE OF CLAIM**

1.1 This case is brought as a small claim under Tex. R. Civ. P. 500.3(a).

**II. PARTIES**

2.1 Plaintiff is Hailey Kemp who is a resident of Collin County, Texas.

2.2 Defendant, National Credit Systems, Inc. is a Georgia corporation which may be served with process by and through its registered agent, CT Corporation System, at 1999 Bryan Street, #900, Dallas, TX 75201.

2.3 Jurisdiction is appropriate in this Court pursuant to 15 U.S.C. § 1692k(d) which permits a claim for enforcement of the Fair Debt Collection Practices Act to be brought in any court of competent jurisdiction which includes, but is not limited to, this Court.

Jurisdiction is similarly appropriate in this Court with respect to Plaintiff’s claim under the Texas Debt Collection Act.

2.4 Venue is appropriate in this Court because Plaintiff seeks recovery of monetary damages within the jurisdictional limits of this Court, because the circumstances giving rise to this cause of action occurred in Collin County, Texas, and because Defendant has transacted business in this county. Specifically, Defendant has collected or attempted to collect debts from residents of Collin County, Texas.

### **III. FACTS**

#### **( Fair Debt Collection Practices Act )**

- 3.1 Plaintiff is a natural person residing in Collin County, Texas. Plaintiff is also a consumer as the term is defined in 15 U.S.C. § 1692a(3). See also: Tex. Fin. Code § 392.001(2)
- 3.2 Defendant, National Credit Systems, Inc., is a debt collector at the term is defined in 15 U.S.C. § 1692a(6). See also: Tex. Fin. Code § 392.001(3).
- 3.3 As part of its debt collection activities, Defendant furnishes information to consumer reporting agencies.
- 3.3 In the course of its business, Defendant knowingly furnished false information to credit reporting bureaus. Specifically, Defendant reported information concerning a debt allegedly owed to The Ave at Norman to Plaintiff's credit that is, in reality, not a valid debt. Both Plaintiff and her father repeatedly informed The Ave at Norman that this debt was invalid, but Defendant - an agent of The Ave at Norman - reported it to her credit anyway.
- 3.4 The conduct complained of in paragraphs 3.3 and 3.4 above violates 15 U.S.C 1692g(8) inasmuch as Defendants communicated credit information which it knew, or should have known, was false to various credit bureaus.
- 3.5 Plaintiff has been injured as a result of Defendant's wrongful conduct in an amount that is within the jurisdictional limitations of this Court.

#### **( Texas Debt Collection Act )**

- 3.6 Plaintiff incorporates paragraph 3.1 – 3.5 herein by reference.
- 3.7 The conduct complained of in this petition also violates the Texas Debt Collection Act inasmuch as the reporting of false information to the credit bureaus constituted a

misrepresentation of the character, extent, or amount of a consumer debt as well as the use of a false representation to collect a debt. Tex. Fin. Code § 392.304(a)(8) and (a)(19).

#### **IV. DAMAGES AND ATTORNEY FEES**

- 4.1 Plaintiff seeks recovery of her actual damages as well as unliquidated damages for mental anguish and harm to her credit reputation. Plaintiff seeks recovery of \$1,000.00 in additional damages pursuant to 15 U.S.C. § 1692k(a)(2)(A). Plaintiff seeks recovery of exemplary damages pursuant to the Tex. Civ. Prac. & Rem. Code § 41.002.
- 4.4 Plaintiff seeks recovery of his attorney fees pursuant to 15 U.S.C. § 1692k(a)(3) and Tex. Fin. Code § 392.403(b).

#### **V. PRAYER**

- 5.1 Plaintiff prays that Defendant be cited to appear and answer and that, upon final trial of this action, Plaintiff be awarded damages and attorney fees as plead in paragraphs 4.1 – 4.4 above, the Plaintiff be awarded pre-judgment and post-judgment interest at the highest rates permitted by law, and that Plaintiff be granted all such further relief, in law and in equity, to which he may show herself to be justly entitled.

Respectfully submitted,

**The Van Dyke Law Firm P.L.L.C.**

/s/ Jason Lee Van Dyke

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