

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SCOTT LITTLE,
Plaintiff,

v.

NO. _____

TENNESSEE STUDENT ASSISTANCE CORPORATION,
and ACT, and R & B RECEIVABLES MANAGEMENT, INC.
and SALLIE MAE SERVICING
aka SALLIE MAE TRUST aka SALLIE MAE
and EDUCATION DEBT SERVICES, INC.
Defendants

COMPLAINT

TO THE HONORABLE *JUDGES* OF THE DISTRICT COURT:

Now comes the **Plaintiff** and for its cause of action against the Defendants would respectfully state and show the following:

JURISDICTION

1. This Court has jurisdiction under the Federal Question statute 28 USC 1331, and under the diversity statute, 28 USC 1332, and under the *Fair Debt Collection Practices Act*. 15 USC 1692 et seq.

2. The defendants ACT, R& B RECEIVABLES MANAGEMENT, INC., SALLIE MAE SERVICING aka SALLIE MAE TRUST aka SALLIE MAE, and EDUCATION DEBT SERVICES, INC., are corporations existing under the laws of states *other than* the state of of

Tennessee, and have attempted to collect a debt from the plaintiff in the state of Tennessee, and are in the business of collecting delinquent student loans.

3. The Defendant TENNESSEE STUDENT ASSISTANCE CORPORATION is a corporation organized and existing under the laws of the state of *Tennessee*, and doing business in the state of *Tennessee*, and is in the business of collecting delinquent student loans, along with its business of lending and administering funds for student loans..

FACTS

4. The Plaintiff enquired into attending a school named Climate Control Institute in the city of Memphis, in the county of Shelby, in the state of Tennessee.

5. The Plaintiff never attended said school.

6. The said Climate Control Institute (CCI) fraudulently forged loan documents in the plaintiff's name and obtained funds from the United States Department of Education.

7. The United States Department of Education investigated and litigated the allegations against the above mentioned CCI. In an arbitration decision before the United States Department of Education, docket number 02-4-SA, a public record, the U.S. Department of Education found said CCI guilty of fraudulent handling of student loan applications.

8. The defendants since the date of the above mentioned decision have attempted to collect the said fraudulently obtained funds from the plaintiff.

9. The plaintiff has duly notified each and every defendant that he did not apply for, obtain, or accept said funds, nor did he ever direct said funds be spent for his use. .

10. The defendants continued to attempt to collect said funds from the plaintiff, and

even coerced him to sign papers deferring payment in lieu of payment.

11. The defendant ACT even attempted to place an administrative assignment on his wages.

12. The said defendants were fully cognizant of the laws and decisions regarding student loans and their collection. They are charged with constructive notice of the above mentioned decision regarding CCI inasmuch as this decision is a matter of public record, this decision was easily available to the defendants, and this decision was important to the area of their business to wit: the collection of student loans, and they should have known of this decision..

ALLEGATIONS

13. The defendants conduct was in reckless disregard of the law and the facts.

14. The defendants attempt to collect a debt which they knew or should have known was not owed is so unconscionable as to shock the conscience..

15. The defendants coercion of the plaintiff to sign an acknowledgment that he owed a debt which the defendants knew or should have known was not owed is so unconscionable as to shock the conscience.

16. The defendants failure to even consult the public record to investigate the plaintiff's response is so unconscionable as to shock the conscience. .

17. The defendants violated 15 USC 1692 et seq, and 15 USC 1692f by so acting and are liable for penalty, attorney fees, and damages under said statute.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff prays as follows:

- 1) That proper process issue and the a Judgment be awarded to the Plaintiff against the Defendants the amount of actual and compensatory damages, penalties, punitive damages where applicable, attorney fees, and interest as claimed herein and/or stated above, and prays that this Honorable Court grant the same;
- 2) That this Court enjoin the defendants from further attempts to collect this debt..
- 3) That this Court void the claimed debt and declare the non existence of said debt..
- 4) Plaintiff further *demand a jury* to try its cause, and prays for such other and further relief as to this Honorable Court seems proper and just.

THE COHN LAW FIRM

/s/ William A. Cohn
William A. Cohn
Attorneys for the *Plaintiff*
291 Germantown Bend Cove
Cordova, TN 38018
901/757-5557
Tennessee Supreme Ct. #005873
Texas Supreme Court #04512980