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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re)	Case No. 13-64058-fra13
)	
Stacy Lynn Adams-Smith,)	Adv. Proc. No. 13-06163-fra
)	
Debtor.)	STALKING AND VIOLATION
)	OF THE AUTOMATIC STAY
)	AMENDED COMPLAINT
<hr/>)	
STACY ADAMS,)	11 USC § 362(k)
)	11 USC § 105
Plaintiff,)	28 USC § 2201(a)
)	
v.)	Oregon common law
)	
AARON’S SALES AND LEASE,)	
MARC SALES & LEASING LLC,)	
NW FREEDOM CORP.,)	
AARON’S SALES AND LEASE)	
OWNERSHIP, AARON’S, INC. and)	
JOHN DOES 1-50, all dba AARON’S,)	
)	
Defendants.)	
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1.

THE PARTIES

This is a civil action brought by Plaintiff Stacy Adams (Ms. Adams) against Defendants Aaron's Sales and Leasing, Marc Sales & Leasing LLC, NW Freedom Corp., Aaron's Sales and Lease Ownership, Aaron's Inc., and John Does 1-50 (collectively referred to as "Aaron's" or "Defendants") under 11 USC §§ 105 and 362(k), 28 USC § 2201(a), and Oregon common law.

2.

JURISDICTION

The United States District Court for the District of Oregon has jurisdiction of this action pursuant to 28 USC §§ 1331, 1334, and 1367 because Ms. Adams' automatic stay claim arises under Title 11 and forms part of the same case and controversy as the Oregon common law claim.

3.

The United States Bankruptcy Court for the District of Oregon has jurisdiction of this action pursuant to 28 USC § 157 and LR 2100-1 because Ms. Adams' claims arise in her bankruptcy case, number 13-64058-fra13, filed under Chapter 13 of Title 11 in this Honorable United States Bankruptcy Court for the District of Oregon in Eugene before the Honorable Chief Judge Frank R. Alley.

4.

The automatic stay and Oregon common law claims are core proceedings under 28 USC § 157(b)(2) because they concern the administration of the estate.

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5.

FACTUAL ALLEGATIONS

Ms. Adams is a professional certified debt collector.

6.

Ms. Adams knows the importance of the automatic stay and never calls consumers during a bankruptcy case.

7.

Companies that choose to break the bankruptcy rules put law-abiding debt collectors like Ms. Adams at an economic disadvantage.

8.

In 2011, Ms. Adams was diagnosed with cancer.

9.

As a result of medical bills, Ms. Adams filed for Chapter 13 bankruptcy protection in the United States Bankruptcy Court for the District of Oregon in Eugene on October 15, 2013.

10.

Prior to seeking bankruptcy protection, Ms. Adams leased personal property from Aaron's, including furniture and a rug.

11.

Ms. Adams listed Aaron's in her bankruptcy paperwork, and upon information and belief, Aaron's received Court-generated written notices of the automatic stay in her case.

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12.

Ms. Adams has not missed a payment to Aaron's after filing her bankruptcy case.

13.

Within a few days of filing, Ms. Adams' daughter provided Aaron's with verbal notice of the bankruptcy case.

14.

Ms. Adams' daughter again provided Aaron's with verbal notice of the bankruptcy case in November 2013 in its store location.

15.

As of the date of this Amended Complaint, the Bankruptcy Court has never granted Aaron's relief from the automatic stay in Ms. Adams' bankruptcy case.

16.

Ms. Adams does not yet know the true names and capacities of all the Defendants or their agents. Ms. Adams intends to amend this Complaint to allege such names and capacities when known. Upon information and belief, each unknown or fictitiously named defendant or agent worked in concert with one another with knowledge of one another.

17.

For the purposes of the allegations in this Complaint, Defendants and their agents worked in partnership in an ongoing venture with a share economic interest in collecting from Ms.

Adams.

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18.

Any wrongdoing committed by Defendants' agents against Ms. Adams was in furtherance of their principal-agent relationship with Defendants and in furtherance of Defendants' economic interests.

19.

Despite actual knowledge of the automatic stay in this bankruptcy case, Aaron's continues to stalk and harass Ms. Adams and her family with collection attempts.

20.

Ms. Adams, through her daughter, has asked Aaron's to stop and tried to resolve this matter without filing a complaint.

21.

From approximately October 15 to November 20, 2013, Aaron's harassed Ms. Adams by post card, certified mail, on her cell phone, on her work phone, at her home, and at her work, in attempts to collect from her.

22.

From approximately October 15 to November 20, 2013, Aaron's has stalked Ms. Adams at her home on at least three separate occasions.

23.

Aaron's also harasses Ms. Adams' daughter, sister, mother, and co-workers in attempts to collect.

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24.

After the filing of the original Complaint on November 17, 2013, Aaron's continued to harass Ms. Adams at her residence and at her work. Aaron's was disruptive in her office.

25.

Ms. Adams filed police report number 13-10693 and was advised to file a civil complaint against Aaron's to stop the harassment.

26.

Aaron's collection attempts were intentional and occurred after it had actual knowledge of the automatic stay in Ms. Adams' bankruptcy case.

27.

Aaron's verbally acknowledged that it knew of Ms. Adams' bankruptcy case, then proceeded to continue harassing her.

28.

Aaron's is familiar with the automatic stay.

29.

Aaron's violated the automatic stay in the District of Oregon on prior occasions.

30.

The Court-generated notice Aaron's received warned it that attempting to collect from Ms. Adams in violation of the automatic stay may result in penalties.

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31.

As a direct result of Aaron’s conduct, Ms. Adams suffers actual damages, including severe and ongoing stress, frustration and anxiety, and expenses, including attorney fees and costs.

32.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

(VIOLATION OF THE AUTOMATIC STAY)

(11 USC § 362(k))

Ms. Adams incorporates the above by reference.

33.

Aaron’s’ malicious harassment is unacceptable and constitutes an extraordinary transgression of socially tolerable behavior based on the standards of Oregon consumers.

34.

Aaron’s conduct as alleged above willfully violates the automatic stay provisions of 11 USC § 362(a)(3) and (6). Ms. Adams is injured as a result of the willful violation, and so is entitled to declaratory relief, an award of the expenses, including attorney fees and costs, incurred by Ms. Adams to obtain the declaratory relief sought, an award of actual damages, and an award of punitive damages.

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2 **WHEREFORE**, Ms. Adams requests order and judgment against Aaron's as follows:

- 3
4 A. Declaratory relief as requested in ¶ 40 above;
- 5
6 B. An award of the expenses, including attorney fees and costs, incurred by Ms. Adams
7 to obtain the declaratory relief sought above and to remedy Aaron's violation;
- 8
9 C. An award of actual damages;
- 10
11 D. An award of punitive damages; and
- 12
13 E. For other equitable relief this Honorable Court may determine is fair and just.

14
15 Dated: November 21, 2013

16
17 /s/ Michael Fuller
18 Michael Fuller, Oregon Bar No. 09357
19 Trial Attorney for Ms. Adams
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CERTIFICATE OF SERVICE

I certify that on the date stamped above, I served this document on the following parties

by first class mail:

AARON'S
C/O CEO RON ALLEN
309 EAST PACES FERRY ROAD NE
ATLANTA, GA 30305-2377

AARON'S
C/O CEO RON ALLEN
3090 EAST PACES FERRY ROAD NE
ATLANTA, GA 30305-2377

AARON'S
C/O AUTHORIZED REPRESENTATIVE JOHN CHILDS AND/OR CEO RON ALLEN
2825 E FOURTH PLAIN BLVD
VANCOUVER, WA 98661

AARON'S
C/O AUTHORIZED REPRESENTATIVE GREG VAUTERS AND/OR CEO RON ALLEN
C/O REGISTERED AGENT JEREMY KUDLO AND/OR CEO RON ALLEN
1351 WAVERLY DRIVE SE STE B
ALBANY, OR 97322

AARON'S
C/O LEGAL AGENT AND/OR CEO RON ALLEN
2819 LANCASTER DR. NE
SALEM, OR 97305

AARON'S
C/O REGISTERED AGENT JOHN CHILDS AND/OR CEO RON ALLEN
28445 SE LUSTED RD.
GRESHAM, OR 97080

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AARON'S
C/O LEGAL AGENT AND/OR CEO RON ALLEN
10505 NE SANDY BLVD.
PORTLAND, OR 97220

Dated: November 21, 2013

/s/ Michael Fuller
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