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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

JEFFREY LEE HUNT,

Case No. 6:13-cv-00500-AA

Plaintiff,

v.

SALLIE MAE, INC., a Delaware business
corporation.

Defendant.

**SECOND AMENDED SUPPLEMENTAL
COMPLAINT FOR UNFAIR DEBT
COLLECTION AND INTRUSION UPON
SECLUSION**

DEMAND FOR JURY TRIAL

ORS 646.639 et seq.

1.

Plaintiff Jeffrey Hunt alleges that at all times material:

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SECOND AMENDED COMPLAINT - Page 1

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2.

JURISDICTION AND THE PARTIES

This is a civil action brought under Oregon common law and the Oregon Unlawful Debt Collection Practices Act (OUDCPA), ORS 646.639 *et seq.*

3.

This Honorable Court has jurisdiction pursuant to 28 USC § 1332 because Mr. Hunt is an Oregon resident, Defendant Sallie Mae, Inc. is a Delaware corporation, and the amount in controversy exceeds \$75,000, including statutory damages, actual damages, punitive damages, attorney fees and costs.

4.

Venue is proper in this district because the majority of the acts and transactions occurred here, Mr. Hunt resides here, and Sallie Mae, Inc. collects debts here.

5.

Mr. Hunt resided in Linn County, Oregon during all times material and is a “person” and a “consumer” as defined by the OUDCPA at ORS 646.639(1)(h) and (a).

6.

Sallie Mae, Inc. regularly collects defaulted student loan debts in Oregon and is a “person” and “debt collector” as defined by the OUDCPA at ORS 646.639(1)(h) and (g).

7.

Sallie Mae, Inc. attempts to collect Mr. Hunt’s alleged student loan obligations constituting a “debt” as defined by the OUDCPA at ORS 646.639(1)(e).

8.

FACTUAL ALLEGATIONS

Prior to 2011, Mr. Hunt accepted student loans from Sallie Mae, Inc.

9.

In 2011, Mr. Hunt became unable to make his loan payments to Sallie Mae, Inc.

10.

In 2011, Mr. Hunt defaulted and stopped making his loan payments to Sallie Mae, Inc.

11.

In 2011, Mr. Hunt hired an attorney to represent him with regard to his student loan debts.

12.

In 2011, Sallie Mae, Inc. was provided a notice of representation containing Mr. Hunt's attorney's contact information via first class mail and/or electronic means.

13.

In 2012, Sallie Mae, Inc. began harassing Mr. Hunt directly in attempts to collect from him.

14.

In 2012, Sallie Mae, Inc. began calling, writing, and e-mailing Mr. Hunt directly, nearly everyday, sometimes multiple times a day, in attempts to collect from him.

15.

Mr. Hunt called Sallie Mae, Inc. back and told it he would not pay the debt.

16.

Mr. Hunt repeatedly told Sallie Mae, Inc. to stop contacting him directly.

17.

Mr. Hunt repeatedly told Sallie Mae, Inc. its calls were harassing him.

18.

Mr. Hunt repeatedly told Sallie Mae, Inc. it was inconvenient for him to keep receiving calls from Sallie Mae, Inc.

19.

Mr. Hunt repeatedly provided Sallie Mae, Inc. the contact information for his attorney.

20.

In 2013 Mr. Hunt's attorney wrote Sallie Mae, Inc. a letter which included the attorney's contact information.

21.

Mr. Hunt made multiple attempts to resolve this matter without the need for this lawsuit.

22.

At all times material, Sallie Mae, Inc. knew Mr. Hunt's current address and telephone number.

23.

Sadly, as of the date this lawsuit was filed, Sallie Mae, Inc. continued to harass and inconvenience Mr. Hunt directly with calls, letters, and e-mails in attempts to collect debt.

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24.

Mr. Hunt originally filed this lawsuit in March 2013.

25.

After receiving notice of this lawsuit, Sallie Mae, Inc. continued to harass Mr. Hunt.

26.

Specifically, after receiving notice of this lawsuit, Sallie Mae, Inc. sent collection emails to Mr. Hunt's personal account.

27.

After receiving notice of this lawsuit, Sallie Mae, Inc. also harassed Mr. Hunt by contacting his Mother in an attempt to collect from him.

28.

On May 1, 2013 Mr. Hunt warned Sallie Mae, Inc. against continuing to harass him and informed Sallie Mae, Inc. about the contact with his Mother.

29.

Sallie Mae, Inc. ignored the warning and proceeded to harass Mr. Hunt again by contacting another relative in an attempt to collect from him.

30.

Sallie Mae, Inc. told Mr. Hunt's relative about the existence of his debts in an attempt to collect from Mr. Hunt.

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31.

As a result of the continued harassment, Mr. Hunt had to file an amended complaint in this lawsuit on May 10, 2013.

32.

For another month after Mr. Hunt filed the amended complaint, Sallie Mae, Inc.'s harassment continued.

33.

Specifically, in June 2013 Sallie Mae, Inc. contacted Mr. Hunt's Son and Daughter multiple times in attempts to collect from him.

34.

As a result of the continued harassment, Mr. Hunt had to file a second amended complaint in this lawsuit on December 2, 2013.

35.

Sallie Mae, Inc. knows and should know its calls constitute telephonic harassment because Mr. Hunt told it as much over the phone.

36.

Sallie Mae, Inc.'s choice to keep calling Mr. Hunt and his family's phone number constitutes intentional telephonic harassment.

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37.

As a direct and proximate result of Sallie Mae, Inc.'s malicious and unlawful debt collection and telephonic harassment, Mr. Hunt suffers severe ongoing frustration, embarrassment, helplessness, hopelessness, and other negative emotions to be proved at trial.

38.

Mr. Hunt's emotional distress is severe and substantial. His stress levels have significantly elevated because of Sallie Mae, Inc.'s continued harassment.

39.

As a direct and proximate result of Sallie Mae, Inc.'s malicious and unlawful debt collection and telephonic harassment, Mr. Hunt suffers actual damages in the form of time spent and significant attorney fees and costs.

40.

Mr. Hunt is entitled to and so demands a trial by jury.

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41.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

(OUDCPA)

(ORS 646.641)

42.

Mr. Hunt re-alleges the above by reference.

43.

Sallie Mae, Inc. injured Mr. Hunt through its willful and malicious use of unlawful collection practices as detailed above, violating the OUDCPA, specifically ORS 646.639(2)(e).

44.

As a result of Sallie Mae, Inc.'s willful and malicious use of unlawful collection practices, Mr. Hunt is entitled to the greater of actual damages or \$200, punitive damages, a reasonable attorney fee and costs, injunctive relief and declaratory relief pursuant to ORS 646.641.

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45.

SECOND CLAIM FOR RELIEF
(INTRUSION UPON SECLUSION)

46.

Mr. Hunt re-alleges the above by reference.

47.

Sallie Mae, Inc. intentionally intruded upon the solitude and seclusion of Mr. Hunt by choosing to leave his personal phone number in its automatic dialing system.

48.

Sallie Mae, Inc. intentionally intruded upon the solitude and seclusion of Mr. Hunt by choosing to systematically telephonically harass him and his family on their personal telephones.

49.

Sallie Mae, Inc.'s intentional telephonic harassment is highly offensive and directly caused Mr. Hunt emotional distress.

50.

Sallie Mae, Inc.'s malicious telephonic harassment has no place in American society. Sallie Mae, Inc. refused to stop after multiple pleas by Mr. Hunt and his family. Sallie Mae, Inc.'s conduct constituted an extraordinary transgression of socially tolerable behavior based on the social standards of Oregon families.

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51.

As a result of Sallie Mae, Inc.'s malicious intrusion upon Mr. Hunt's solitude and seclusion, Mr. Hunt is entitled to actual and punitive damages.

52.

DEMAND FOR JURY TRIAL.

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WHEREFORE, Mr. Hunt seeks order and judgment against Sallie Mae, Inc. as follows:

- a. An order declaring Sallie Mae, Inc. violated the laws governing debt collection;
- b. An award of actual damages, statutory damages, punitive damages, and reimbursement of Mr. Hunt's reasonable expenses including attorney fees and costs;
- c. For other such relief as this Honorable Court deems just and proper.

DATED: December 2, 2013

s/ Michael Fuller
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CERTIFICATE OF SERVICE

I certify that by filing this document via CM/ECF on the date stamped above, I caused notice of the filing to be delivered to:

Bonnie Martin
Counsel for Sallie Mae, Inc.
bonnie.martin@ogletreedeakins.com

DATED: December 2, 2013

s/ Michael Fuller
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