UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

ABDELRAHMAN F. BADER,

Plaintiff,

CIVIL COMPLAINT

v.

NAVIENT SOLUTIONS, LLC,

Defendant.

CASE NO. 1:18-cv-01367

DEMAND FOR JURY TRIAL

COMPLAINT

NOW comes ABDELRAHMAN F. BADER ("Plaintiff"), by and through his attorneys, Sulaiman Law Group, Ltd., complaining as to the conduct of NAVIENT SOLUTIONS, LLC ("Defendant"), as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action seeking redress for Defendant's violations of the Telephone Consumer Protection Act ("TCPA") pursuant to 47 U.S.C. §227, and violations of the Illinois Consumer Fraud and Deceptive Business Practices Act ("ICFA") pursuant to 815 ILCS 505/1.

JURISDICTION AND VENUE

2. This action arises under and is brought pursuant to the TCPA. Subject matter jurisdiction is conferred upon this Court by 47 U.S.C §227, 28 U.S.C. §§1331 and 1337, as the action arises under the laws of the United States. Supplemental jurisdiction exists for the state law ICFA claim pursuant to 28 U.S.C. §1367.

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3. Venue is proper in this Court pursuant to 28 U.S.C. §1391 as Defendant conducts business in the Northern District of Illinois and a substantial portion the events or omissions giving rise to the claims occurred within the Northern District of Illinois.

PARTIES

4. Plaintiff is a 30 year old person residing at 5431 West 83rd Street, Burbank, Illinois, which falls within the Northern District of Illinois.

5. Plaintiff is a "person" as defined by 47 U.S.C. §153(39).

6. Defendant is the largest servicer of student loans in the United States with its principal place of business located at 123 Justison Street, Wilmington, Delaware. Defendant is engaged in the business of collecting or attempting to collect, directly or indirectly, student loans owed or due or asserted to be owed or due to others using the mail and telephone across the country, including in Illinois.

7. Defendant is a "person" as defined by 47 U.S.C. §153(39).

8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers at all time relevant to the instant action.

FACTS SUPPORTING CAUSES OF ACTION

9. In August 2017, Plaintiff began receiving calls to his cellular phone, (312) XXX-4106, from Defendant.

10. At all times relevant, Plaintiff was the sole subscriber, owner, and operator of the cellular phone ending in -4106. Plaintiff is and has always been financially responsible for the cellular phone and its services.

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Plaintiff's phone number ending in -4106 has been registered on the National Do-Not-Call
 Registry for approximately one year.

12. Defendant has used several different area codes and phone numbers when placing calls to Plaintiff's cellular phone, including but not limited to: (570) 241-0198, (302) 261-5758, (202) 899-1332, (386) 269-4583, and (512) 371-6697.

13. Upon information and belief, the aforementioned phone numbers are regularly utilized by Defendant during its debt collection activities.

14. When Plaintiff answers Defendant's phone calls, he experiences a noticeable pause, lasting approximately four to five seconds in length, before he is connected with a live representative.

15. Upon speaking with one of Defendant's representatives, Plaintiff is informed that it is seeking to collect upon a debt owed by at least one individual, named "Shavon Smith."

16. Plaintiff does not owe any debt to Defendant, and is unaware of any individual by that name, so Plaintiff was confused as to why Defendant was contacting him.

17. Plaintiff has spoken with Defendant's representatives on a number occasions and has informed them that he is not the individual whom Defendant is seeking to collect upon, and has demanded that Defendant stop contacting him.

18. Despite Plaintiff's demands, Defendant continued its behavior of placing mass phone calls to Plaintiff's cellular phone using different phone numbers.

19. When Plaintiff does not answer Defendant's calls, Defendant leaves voice messages on Plaintiff's cellular phone asking for the unknown individual to return its calls.

20. Defendant has also sent Plaintiff a number of text messages intended for this unknown individual.

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21. Due to the incessant nature of these contacts, on October 28, 2017, Plaintiff sent, via certified mail, a letter to Defendant's headquarters, demanding that Defendant "stop calling and harassing [him]," as "the person whom [Defendant] is trying to contact does not own this phone or have relation with [him]." *See* attached Exhibit A for a true and correct copy of Plaintiff's certified mailing to Defendant.

22. On October 30, 2017, Defendant received Plaintiff's letter. *See* attached Exhibit B for tracking information pertaining to Plaintiff's certified mailing.

23. In spite of Plaintiff reiterating his demands to Defendant in writing, Defendant's harassing phone calls persisted into 2018, giving Plaintiff no choice but to contact his attorneys to commence suit.

24. Defendant has also called Plaintiff's cellular phone multiple times during the same day, despite having notice that it was contacting an innocent party who has no relationship to Defendant.

25. In sum, Plaintiff has received at least 105 unconsented calls from Defendant to his cellular phone, all intended for this unknown individual.

DAMAGES

26. Plaintiff has been unduly inconvenienced and harassed by Defendant's unremitting and unlawful attempts to collect upon a debt for which he has no obligation.

27. Plaintiff has suffered emotional distress and mental anguish, as a direct result of the unlawful collection practices of Defendant.

28. Defendant's harassing phone calls have severely disrupted Plaintiff's daily life and general well-being.

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29. With the goal of specifically addressing Defendant's conduct, as his oral attempts at the same were unfruitful, Plaintiff was forced to incur fees associated with purchasing stamps and sending a certified letter.

30. Defendant's phone harassment campaign has caused Plaintiff actual harm, including but not limited to, invasion of privacy, aggravation that accompanies unsolicited telephone calls, emotional distress, increased risk of personal injury resulting from the distraction caused by the never-ending calls, increased usage of his telephone services, loss of cellular phone capacity, diminished cellular phone functionality, decreased battery life on his cellular phone, and diminished space for data storage on his cellular phone.

31. Frustrated over the persistent calls, Plaintiff spoke with Sulaiman regarding his rights resulting in costs and expenses.

COUNT I – VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT

32. Plaintiff repeats and realleges paragraphs 1 through 31 as though fully set forth herein.

33. The TCPA, pursuant to 47 U.S.C. § 227(b)(1)(iii), prohibits calling persons on their cellular phone using an automatic telephone dialing system ("ATDS") without their consent.

34. The TCPA, pursuant to 47 U.S.C. § 227(a)(1), defines an ATDS as "equipment which has the capacity...to store or produce telephone numbers to be called, using a random or sequential number generator; and to dial such numbers."

35. "A predictive dialer is equipment that dials numbers and, when certain computer software is attached, also assists [caller] in predicting when an [agent] will be available to take calls. The hardware, when paired with certain software, has the capacity to store or produce numbers and dial those numbers at random, in sequential order, or from a database of numbers." *Meyer v. Portfolio Recovery Associates, LLC*, 707 F.3d 1036, 1043 (9th Cir. 2012).

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36. The Federal Communications Commission ("FCC") has determined that predictive dialing systems are a form of an automatic telephone dialing system. *Id.*

37. Upon information and belief, the predictive dialing system employed by Defendant transfers the call to a live agent once a human voice is detected, thus resulting in a pause after the called party speaks into the phone.

38. Defendant used an ATDS in connection with its communications directed towards Plaintiff. The noticeable pause, lasting approximately four to five seconds in length, which Plaintiff experiences during answered calls before being connected to a live representative of Defendant is instructive that an ATDS was being used. Similarly, the frequency and nature of Defendant's calls strongly suggests that an ATDS is being utilized.

39. Defendant violated the TCPA by placing mass phone calls to Plaintiff's cellular phone using an ATDS without his consent. Plaintiff does not have any business relationship with Defendant nor has he ever given it permission to call his cellular phone. Defendant was contacting Plaintiff looking for a different individual who has no relation to Plaintiff. As such, Plaintiff could not have given Defendant consent to contact him, but yet, he still continued to receive over one hundred phone calls intended for this unknown individual.

40. Not only did Plaintiff notify Defendant's representatives during phone conversations that he was not the individual it was looking for and to stop contacting him, but Plaintiff also mailed Defendant a letter reflecting the same. *See* Exhibit A.

41. The calls placed by Defendant to Plaintiff were regarding business transactions and not for emergency purposes as defined by the TCPA under 47 U.S.C. §227(b)(1)(A)(i).

42. Under the TCPA, pursuant to 47 U.S.C. § 227(b)(3)(B), Defendant is liable to Plaintiff for at least \$500.00 per call. Moreover, Defendant's willful and knowing violations of the TCPA

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should trigger this Honorable Court's ability to triple the damages to which Plaintiff is otherwise entitled to under 47 U.S.C. § 227(b)(3)(C). Calling an innocent individual over 100 times is willful and knowing behavior, especially after Plaintiff notified Defendant, *in writing*, that he was not the person it was seeking to collect upon and to stop contacting him. Defendant was aware that it was contacting the wrong person but consciously chose to proceed in light of that knowledge in an attempt to harass Plaintiff into submission. Defendant did not have a legal right to contact Plaintiff, but its conduct exemplifies that Defendant will attempt to extract payment out of innocent consumers. WHEREFORE, Plaintiff, ABDELRAHMAN F. BADER, respectfully requests that this Honorable Court enter judgment in his favor as follows:

- a. Declaring that the practices complained of herein are unlawful and violate the aforementioned statutes and regulations;
- b. Enjoining Defendant from placing any more phone calls to Plaintiff's cellular phone;
- Awarding Plaintiff damages of at least \$500.00 per phone call and treble damages pursuant to 47 U.S.C. §§ 227(b)(3)(B)&(C);
- d. Awarding Plaintiff costs and reasonable attorney fees; and
- e. Awarding any other relief as this Honorable Court deems just and appropriate

COUNT II – VIOLATIONS OF THE ILLINOIS CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT

43. Plaintiff restates and realleges paragraphs 1 through 42 as though fully set forth herein.

44. Plaintiff is a "person" and "consumer" as defined by 815 ILCS 505/1(c) and (e) of the

ICFA.

45. Defendant's collection calls to Plaintiff are "trade" and "commerce" as defined by 815 ILCS 505/1(f) of the ICFA.

46. The ICFA states:

"Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact... in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby." 815 ILCS 505/2.

47. Defendant violated 815 ILCS 505/2 by engaging in an unfair and deceptive act or practice in contacting Plaintiff. It was unfair for Defendant to relentlessly contact Plaintiff through means of an ATDS when it never had his consent to do so. Defendant placed over one hundred phone calls to Plaintiff's cellular phone, with the intent of collecting upon a different individual who had no relation to Plaintiff whatsoever. Defendant's egregious and unfair behavior does not just end there. Defendant was notified by Plaintiff that it was continuously calling the wrong person, and was told to cease its contacts during a handful of phone conversations. However, Defendant ignored Plaintiff's demands and continued its harassing conduct. Subsequently, Plaintiff mailed Defendant a letter indicating that Defendant was contacting the wrong person and to cease contacting Plaintiff immediately. Nonetheless, Defendant's conduct ensued, prompting Plaintiff to file this action.

48. Defendant also placed multiple calls to Plaintiff's cellular phone during the same day. Placing several calls in a short amount of time is extremely harassing behavior that amounts to unfair practice, especially when the phone calls are not intended for Plaintiff.

49. Following its characteristic behavior in placing voluminous calls to consumers, Defendant engaged in an unfair and deceptive act, willfully done with the hope that Plaintiff would be compelled to make payment, even though he is not the debtor whom Defendant was seeking to collect upon. Further, Defendant intended that Plaintiff rely on its unfair and deceptive conduct. Defendant had been notified several times of Plaintiff's identity yet still relentlessly contacted

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Plaintiff. Armed with this knowledge, there would be little reason for continued and relentless contact unless Defendant was intending that Plaintiff rely on its conduct to answer its calls and ultimately extract payment from him.

50. Plaintiff lacks a meaningful choice to go about avoiding Defendant's contacts, which places an unreasonable burden on Plaintiff to try and address Defendant's conduct. This further underscores the immoral, unethical, oppressive, and unscrupulous nature of Defendant's conduct which is contrary to public policy.

51. As the largest servicer of student loans in the United States that routinely contacts consumers, Defendant had safeguards in place to avoid repeatedly calling parties who have expressed their desires to not be contacted. Despite these safeguards, Defendant systematically engaged in collection activity against Plaintiff. The volume of phone calls conveys that Defendant engaged in behavior that goes beyond a bona fide error, as it could have readily noticed that it was incessantly calling the wrong individual who has no relationship with it.

52. The ICFA was designed to protect consumers, such as Plaintiff, from the exact behavior committed by Defendant.

53. Defendant's conduct of placing incessant telephone calls to an individual without that individual's consent involves trade practices directed to the market generally and which otherwise implicate consumer protection concerns.

54. Plaintiff was the subject of Defendant's incessant and relentless collection efforts, even though it had no relationship with Defendant and had not consented to the contacts. Regardless of whether a consumer actually owes a debt to an entity like Defendant, the nature of Defendant's conduct in placing relentless phone calls after consent for such calls had been explicitly revoked, is behavior which impacted Plaintiff and which would similarly impact other consumers. Such

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conduct raises serious consumer protection concerns as entities like Defendant must not be given free rein to harass consumers by placing excessive telephone calls without consumer consent. The relief requested below serves the interests of consumers by ensuring this pervasively unfair conduct is addressed.

55. The ICFA further states:

"Any person who suffers actual damage as a result of a violation of this Act committed by any other person may bring an action against such person. The court, in its discretion may award actual economic damages or any other relief which the court deems proper." 815 ILCS 505/10a.

56. As pled in paragraphs 26 through 31, Plaintiff has suffered actual damages as a result of Defendant's unlawful practices. As such, Plaintiff is entitled to relief pursuant to 815 ILCS 505/10a.

57. An award of punitive damages is appropriate because placing over one hundred phone calls after having verbal and written demands to cease such conduct is hallmark of outrageous, willful and wanton behavior. Especially since these calls were intended for a different individual, Plaintiff innocently had to endure an assault of his rights. Upon information and belief, Defendant regularly engages in the above described behavior against consumers in Illinois and for public policy reasons should be penalized.

WHEREFORE, Plaintiff, ABDELRAHMAN F. BADER, respectfully requests that this Honorable Court enter judgment in his favor as follows:

- a. Declaring that the practices complained of herein are unlawful and violate the aforementioned statutes and regulations;
- b. Awarding Plaintiff actual and punitive damages, in an amount to be determined at trial, for the underlying violations;
- c. Awarding Plaintiff costs and reasonable attorney fees;

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d. Awarding any other relief as this Honorable Court deems just and appropriate.

Dated: February 22, 2018

<u>s/ Nathan C. Volheim</u> Nathan C. Volheim, Esq. #6302103 Counsel for Plaintiff Admitted in the Northern District of Illinois Sulaiman Law Group, Ltd. 2500 South Highland Ave., Suite 200 Lombard, Illinois 60148 (630) 568-3056 (phone) (630) 575-8188 (fax) nvolheim@sulaimanlaw.com Respectfully submitted,

<u>s/Taxiarchis Hatzidimitriadis</u> Taxiarchis Hatzidimitriadis, Esq. #6319225 Counsel for Plaintiff Admitted in the Northern District of Illinois Sulaiman Law Group, Ltd. 2500 South Highland Ave., Suite 200 Lombard, Illinois 60148 (630) 581-5858 (phone) (630) 575-8188 (fax) thatz@sulaimanlaw.com

JS 44 (Rev. 3/13) Case: 1:18-cv-01367 Document #: 10 Eigen and 2 Page 1 of 2 Page 1 #:12

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS				DEFENDANTS			
ABDELRAHMAN F. BADER				NAVIENT SOLUTIONS, LLC			
 (b) County of Residence of First Listed Plaintiff <u>СООК</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorneys (Firm Name, Address, and Telephone Number) Nathan C. Volheim Sulaiman Law Group, Ltd. 2500 South Highland Avenue, Suite 200, Lombard, IL 60148 (630) 575-8181 				County of Residence NOTE: Attorneys (If Known)	(IN U.S. PI IN LAND CO	AINTIFF CASES O	ASES, USE THE LOCATION OF
II. BASIS OF JURISDI	CTION (Place an "X" in o	One Box Only)	II. CITI	ZENSHIP OF PRI	NCIPAL	PARTIES (Pla	ace an "X" in One Box for Plaintiff
1 U.S. Government Plaintiff	✓ 3 Federal Question (U.S. Government Not)		(.	For Diversity Cases Only) P	TF DEF 1 1	Incorporated or Pri of Business In T	and One Box for Defendant) PTF DEF incipal Place 4 4
2 U.S. Government Defendant	4 Diversity (Indicate Citizenship o	f Parties in Item III)	Citize	n of Another State n or Subject of a eign Country	2 2 3 3	Incorporated <i>and</i> P of Business In A Foreign Nation	
IV. NATURE OF SUIT	(Place an "X" in One Box O	$(\mathbf{n}_{\mathbf{n}})$	1.010				
CONTRACT	TO		FO	RFEITURE/PENALTY	BAN	KRUPTCY	OTHER STATUTES
 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 245 Tort Product Liability 290 All Other Real Property 	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury - Medical Malpractice CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 445 Amer. w/Disabilities Employment 446 Amer. w/Disabilities Other 448 Education	PERSONAL INJUE 365 Personal Injury Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Person Injury Product Liability BERSONAL PROPE 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damagg Product Liability PRISONER PETITIO 380 Other Personal 535 Death Penalty 530 General 535 Death Penalty 540 Mandamus & Ot 550 Civil Rights 555 Prison Conditior 560 Civil Detainee - Conditions of Confinement	RY 0 625 y 0 690 y 0 690 g 0 710 g 0 720 g 0 790 DNS 0 791 ther 0 462 n 0 463	5 Drug Related Seizure of Property 21 USC 881) Other) Fair Labor Standards Act) Labor/Management Relations) Railway Labor Act I Family and Medical Leave Act) Other Labor Litigation 1 Employee Retirement Income Security Act IMMIGRATION 2 Naturalization Applicatior 3 Habeas Corpus - Alien Detainee (Prisoner Petition) 5 Other Immigration Actions	 422 Appe 423 With 28 U 423 With 28 U 820 Copy 830 Paten 840 Trade 861 HIA 0 862 Black 863 DIW0 864 SSID 865 RSI (870 Taxes or Dc 871 IRS-26 U 	al 28 USC 158 drawal SC 157 RTY RIGHTS rights t semark SECURITY (1395ff) c Lung (923) C/DIW (405(g)) Title XVI 405(g)) ML TAX SUITS s (U.S. Plaintiff efendant)	 375 False Claims Act 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions 891 Agricultural Acts 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes
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VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.			DI	DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Image: Second secon			
IX. RELATED CASE(S IF ANY	(See instructions):	JUDGE			DOCKE	T NUMBER	
X. This case (check one box) 🗆 Is not a refiling of a previously dismissed action 🔲 is a refiling of case number previously dismissed by Judge							
DATE February 22	2, 2018	SIGNATURE OF ATT	FORNEY OF	^{s record} s:/Nat	han C	. Volheim	ı

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the six boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. **Previous Bankruptcy Matters** For nature of suit 422 and 423 enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this court. Use a separate attachment if necessary.

VIII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

IX. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

X. Refiling Information. Place an "X" in one of the two boxes indicating if the case is or is not a refilling of a previously dismissed action. If it is a refiling of a previously dismissed action, insert the case number and judge.

Date and Attorney Signature. Date and sign the civil cover sheet.

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EXHIBIT A

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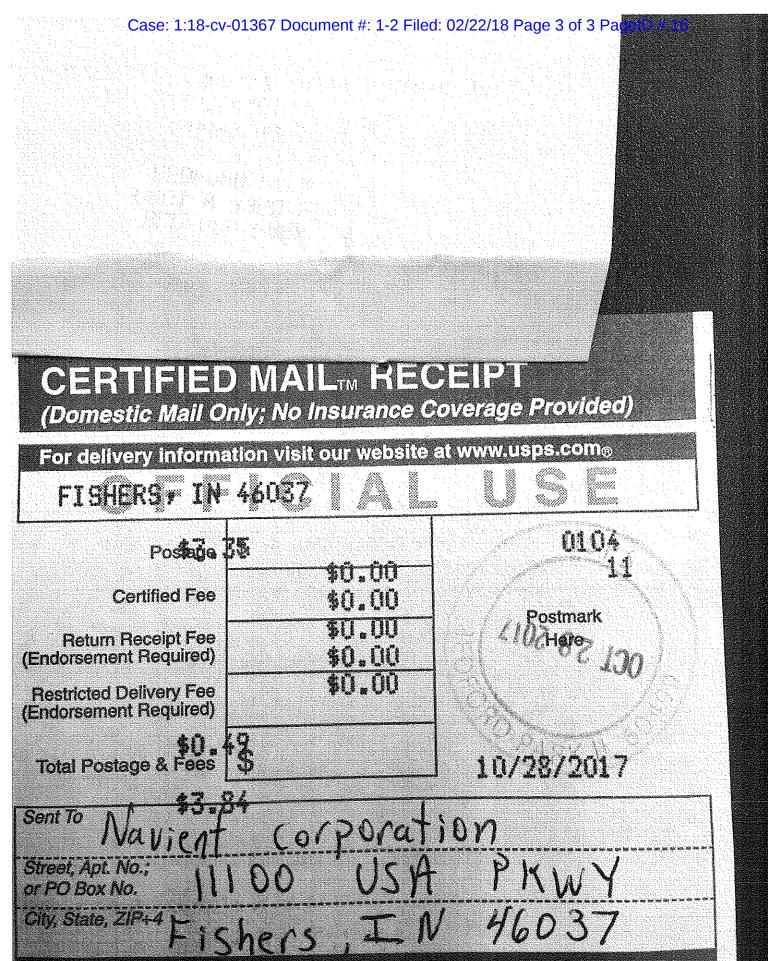
ATTN: To whom it may concern: Navient and its affiliates

October 28, 2017

My name is Abdelrahman Bader. I own the phone number 312-383-4106. I have informed your company many times to stop contacting me through phone calls and messages via text message and voicemail. I am now sending this letter to your administration department through certified mail to have this matter enforced within your company. I have spoken and told the representatives that the person whom your company is trying to contact does not own this phone or have relation with me. Stop calling and harassing me.

Sincerely,

Abdelrahman Bader



PS Form 3800, August 2006

See Reverse for Instructions

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EXHIBIT B

2/19/2018

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October 30, 2017 at 9:39 am Delivered FISHERS, IN 46038

Tracking History

October 30, 2017, 9:39 am Delivered FISHERS, IN 46038 Your item was delivered at 9:39 am on October 30, 2017 in FISHERS, IN 46038.

October 30, 2017, 8:18 am Arrived at Unit FISHERS, IN 46038

October 29, 2017, 7:53 pm Departed USPS Regional Destination Facility INDIANAPOLIS IN DISTRIBUTION CENTER

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October 29, 2017, 11:51 am Arrived at USPS Regional Destination Facility INDIANAPOLIS IN DISTRIBUTION CENTER October 29, 2017, 6:05 am Departed USPS Regional Facility CAROL STREAM IL DISTRIBUTION CENTER October 28, 2017, 10:18 pm Arrived at USPS Regional Origin Facility CAROL STREAM IL DISTRIBUTION CENTER October 28, 2017, 10:18 pm Arrived at USPS Regional Origin Facility CAROL STREAM IL DISTRIBUTION CENTER October 28, 2017, 7:12 pm Departed Post Office BEDFORD PARK, IL 60499 October 28, 2017, 10:48 am

USPS in possession of item BEDFORD PARK, IL 60499

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2/19/2018

Case: 1:18-cv-01367 Document #:21

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