

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF ALABAMA  
 NORTHEASTERN DIVISION**

<b>ASHLEY BOSTIC, individually</b>	)	
<b>and on behalf of all other similarly</b>	)	
<b>situated consumers,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>No.</b> _____
	)	
<b>GENERAL REVENUE</b>	)	
<b>CORPORATION,</b>	)	
	)	
<b>Defendant.</b>		

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant General Revenue Corporation (“GRC”) hereby gives notice of the removal of this action from the Circuit Court of Madison County, Alabama, to the U.S. District Court for the Northern District of Alabama, Northeastern Division. Plaintiff’s sole cause of action involves a question of federal law under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.* Therefore, the Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331. In further support of removal, Defendant states the following grounds:

1. Plaintiff Ashley Bostic (“Plaintiff”) filed this putative class action lawsuit

against GRC in the Circuit Court of Madison County on February 10, 2021. The case number in the Circuit Court is 47-cv-2021-900206.00.

2. GRC was served with the Complaint on February 16, 2021. A copy of the as-served Complaint and summons is attached as **Exhibit 1**. No other process, pleadings, or orders were served on GRC.

3. In her Complaint, Plaintiff alleges GRC sent a collection letter seeking payment on her outstanding student loan debt and, in her sole cause of action, she alleges that the collection letter violated the FDCPA, a federal statute. Plaintiff purports to bring a class action.

4. Under 28 U.S.C. § 1331, federal district courts have “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” The Court therefore has original jurisdiction over Plaintiff’s claims, which arise under federal law. *See Gunn v. Minton*, 568 U.S. 251, 257 (2013) (“Most directly, a case arises under federal law when federal law creates the cause of action asserted.”).

5. Based on the foregoing, this case may be removed under § 1441(a), which provides:

[A]ny civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

6. This civil action was originally filed in Madison County, which is within the Northern District of Alabama, Northeastern Division. 28 U.S.C. § 81(a)(2). Therefore, venue is proper in this Court. *See* 28 U.S.C. § 1446(a) (“A defendant . . . desiring to remove any civil action from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal . . .”).

7. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly served on Plaintiff’s counsel and filed with the Madison County Circuit Court.

8. This notice is timely under 28 U.S.C. § 1446(b)(1) because GRC is filing it within 30 days of being served with the Complaint.

9. There are no other Defendants in this action whose consent is required for removal.

10. By filing this Notice of Removal, GRC has not waived, and expressly reserves, its right to raise any and all procedural and/or substantive defenses.

**WHEREFORE** GRC requests that the Court accept jurisdiction over this civil action and issue all necessary orders and process to remove this civil action from the Circuit Court of Madison County to the United States District Court for the Northern District of Alabama.

Respectfully submitted on March 16, 2021.

s/Charles W. Prueter

Charles W. Prueter

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-and-

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*\*Pro hac vice applications forthcoming*

*Counsel for Defendant General Revenue  
Corporation*

## CERTIFICATE OF SERVICE

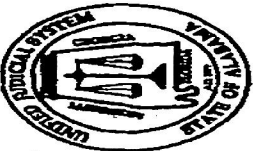
I certify that on March 16, 2021, I electronically filed the foregoing document and exhibit with the U.S. District Court for the Northern District of Alabama. I further certify that I will serve a copy of the same via U.S. Mail and email on counsel for Plaintiff Ashley Bostic.

Curtis R. Hussey  
Gulf Coast ADR, LLC  
82 Plantation Pointe Road #288  
Fairhope, AL 36532  
[gulfcoastadr@gmail.com](mailto:gulfcoastadr@gmail.com)

s/Charles W. Prueter  
Charles W. Prueter  
WALLER LANSDEN DORTCH & DAVIS, LLP

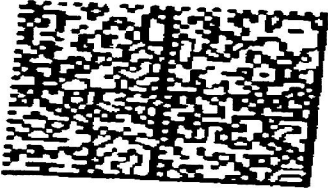
2021 Mar-16 PM 02:46  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

DEBRA KIZER, CIRCUIT CLERK  
CIRCUIT COURT DIVISION  
100 NORTH SIDE SQUARE  
HUNTSVILLE, ALABAMA 35801-4820



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL**



U.S. POSTAGE PITNEY BOW



ZIP 35801 \$007.36  
02 4W  
0000373525 FEB 11 2021



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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
PLEASE FORWARD  
SHOW DATE & WHERE DELIVERED

3610439803 0006





AlaFile E-Notice

47-CV-2021-900206.00

To: GENERAL REVENUE CORPORATION  
REG. AGENT CT CORP SYSTEM  
2 NORTH JACKSON STREET  
MONTGOMERY, AL, 36104

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

ASHLEY BOSTIC V. GENERAL REVENUE CORPORATION  
47-CV-2021-900206.00

The following complaint was FILED on 2/10/2021 3:15:40 PM

Notice Date: 2/10/2021 3:15:40 PM

DEBRA KIZER  
CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801

256-532-3390







DOCUMENT 2



ELECTRONICALLY FILED  
2/10/2021 3:15 PM  
47-CV-2021-900206.00  
CIRCUIT COURT OF  
MADISON COUNTY, ALABAMA  
DEBRA KIZER, CLERK

IN THE CIRCUIT COURT OF MADISON COUNTY, STATE OF ALABAMA

ASHLEY BOSTIC, individually, and on	)	Case No.:
behalf of all other similarly situated	)	
consumers,	)	
	)	
Plaintiff,	)	COMPLAINT
	)	
vs.	)	
	)	
GENERAL REVENUE CORPORATION,	)	
	)	
Defendant.	)	
	)	

Plaintiff, Ashley Bostic ("Plaintiff"), alleges:

**PRELIMINARY STATEMENT**

1. This is an action for damages arising from Defendant's violations of the Fair Debt Collections Practices Act, 15 U.S.C. §1692 *et seq.* (hereinafter "FDCPA").

**JURISDICTION AND VENUE**

- 2. This Court has jurisdiction over this action pursuant to Ala. R. Civ. P. 82
- 3. Venue is proper in this district under Ala. R. Civ. P. 82

**PARTIES**

4. Plaintiff is a resident of Huntsville, Alabama and is a "consumer" as the phrase is defined and applied under 15 U.S.C. §1692(a) of the FDCPA.

5. Defendant General Revenue Corporation ("Defendant") is a corporation doing business in the State of Alabama, with its corporate headquarters located at 4660 Duke Drive, Suite 300, Mason, Ohio 45040, and is a "debt collector" as the phrase is defined and applied under 15 U.S.C.

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§1692(a) of the FDCPA. Defendant may be served on its registered agent, CT Corporation System, 2 North Jackson Street Suite 605, Montgomery, AL 36104.

**FACTUAL STATEMENT**

6. On a date better known by Defendant, Plaintiff incurred a personal student loan obligation from Mount Mercy University.

7. On September 4, 2020, Defendant sent a collection letter to Plaintiff attempting to collect said debt.

8. The letter sought a total of \$3,062.50. This is broken down as follows: \$2,450.00 in principal and \$612.50 in collection fees. Defendant's attempts to collect said debt violate the FDCPA for several reasons as explained below.

9. The letter also states: As of the date of this letter, the balance shown is owed. Because interest may be required to be paid on the outstanding portion of the balance, as well as late charges and other charges that may vary from day to day, the amount required to pay the balance in full on the day payment is sent may be greater than the amount stated here.

10. First, Plaintiff's underlying contract with Mount Mercy does not provide for the collection of late charges or other charges that vary from day to day. Accordingly, Defendant's statement that said fees would accrue is false and deceptive in violation of Sections 1692e and 1692f.

11. The language is material because advising that the debt will increase in the event of nonpayment will directly affect the consumer's choice to make a payment.

12. Second, another component of Defendant's illegal conduct is the collection fees. Defendant calculates these fees by taking a direct percentage of the balance and multiplying it by 25%. This percentage however is not the actual costs of collection, but rather an estimate as to what Defendant is entitled to in the event of complete collection of the debt (as opposed to partial payment or

DOCUMENT 2

nonpayment). In other words, Defendant provides estimates to the consumer of what it could bill the college in the event it collected the full amount. However, were Defendant to collect less than the full amount, its collection fee would be less as well. However, the consumer is not made aware of this, and is instead duped into thinking the collection cost, which is only an estimate, is a set amount. Defendant's failure to inform Plaintiff that its collection fees were only estimates of what may be owed resulted in an interpretation to the consumer that was in fact false, deceptive, and misleading.

**CLASS ACTION ALLEGATIONS**

**The Class**

13. Plaintiff brings this as a class action pursuant to Ala. R. Civ. P. 23 on behalf of herself and all others similarly situated who have received similar debt collection notices and/or communications from Defendant which, as alleged herein, are in violation of the FDCPA.

14. With respect to the Plaintiff's Class, this claim is brought on behalf of the following class:

The Class: (a) all consumers within the United States; (b) for whom Defendant was seeking to collect on behalf of Mount Mercy University; (c) for which Defendant sent the same form collection letter as Exhibit A (containing the same language and seeking a percentage collection fee) (d) during a period beginning one year prior to the filing of this initial action and ending 21 days after the service of the initial complaint filed in this action.

15. Excluded from the Class is Defendant herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the Defendant, including, without limitation, persons who are officers, directors, employees, associates or partners of Defendant.



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**Numerosity**

16. Upon information and belief, Defendant has made similar collection attempts to over forty (40) consumers throughout the United States, each of which violates the FDCPA. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

17. The letters sent by Defendant, and received by the Class, are to be evaluated by the objective standard of the hypothetical “least sophisticated consumer.”

18. The exact number and identities of the Class members are unknown at this time and can only be ascertained through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant’s records.

**Common Questions of Law and Fact**

19. There are questions of law and fact common to the class that predominates over any questions affecting only individual Class members. These common questions of law and fact include, without limitation: (i) whether Defendant violated various provisions of the FDCPA; (ii) whether Plaintiff and the Class have been injured by Defendant’s conduct; (iii) whether Plaintiff and the Class have sustained damages and are entitled to restitution as a result of Defendant’s wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and (iv) whether Plaintiff and the Class are entitled to declaratory and/or injunctive relief.

**Typicality**

20. The Plaintiff’s claims are typical of the claims of the class members. Plaintiff and all members of the Plaintiff’s Class defined in this complaint have claims arising out of the Defendant’s common uniform course of conduct complained of herein. Plaintiff’s claims are

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typical of the claims of the Class, and Plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

**Protecting the Interests of the Class Members**

21. Plaintiff will fairly and adequately represent the Class members' interests, in that the Plaintiff's counsel is experienced and, further, anticipates no impediments in the pursuit and maintenance of the class action as sought herein.

22. Neither the Plaintiff nor her counsel have any interests, which might cause them not to vigorously pursue the instant class action lawsuit.

**Proceeding Via Class Action is Superior and Advisable**

23. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted, this being specifically envisioned by Congress as a principal means of enforcing the FDCPA, as codified by 15 U.S.C. § 1692(k).

24. The members of the Class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class action.

25. Prosecution of separate actions by individual members of the Class would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties.

26. Certification of a class under Rule 23(b)(2) of the Alabama Rules of Civil Procedure is also appropriate in that a determination that the said letters violate the FDCPA is tantamount to declaratory relief and any monetary relief under the FDCPA would be merely incidental to that determination.

27. Certification of a class under Rule 23(b)(3) of the Alabama Rules of Civil Procedure is also appropriate in that the questions of law and fact common to members of the Plaintiff's Class

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predominate over any questions affecting an individual member, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

28. Depending on the outcome of further investigation and discovery, Plaintiff may, at the time of class certification motion, seek to certify one or more Class only as to particular issues pursuant to Ala. R. Civ. P. 23(c)(4).

29. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein.

30. Absent a class action, the Class members will continue to suffer losses borne from Defendant's breaches of Class members' statutorily protected rights as well as monetary damages, thus allowing and enabling: (a) Defendant's conduct to proceed and; (b) Defendants to further enjoy the benefit of their ill-gotten gains.

31. Defendant has acted, and will act, on grounds generally applicable to the entire Class, thereby making appropriate a final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

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**COUNT I**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
**15 U.S.C. §1692 et seq**

32. Plaintiff repeats the allegations contained in the above paragraphs and incorporates them as if specifically set forth at length herein.

33. Defendant engaged in unfair and deceptive acts and practices, in violation of 15 U.S.C. §§ 1692f(1), 1692e(2), 1692e(10).

**PRAYER FOR RELIEF**

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Ashley Bostic, respectfully prays that this Court do the following for the benefit of Plaintiff:

- a. Enter an Order declaring Defendant's actions, as described above, in violation of the FDCPA;
- b. Enter an Order for injunctive relief prohibiting such conduct in the future;
- c. Appoint Plaintiff as the Class Representative, and appoint Plaintiff's Counsel as Lead Counsel for the Class;
- d. Enter a judgment against Defendant for statutory damages, pursuant to 15 U.S.C. § 1692k;
- e. Award costs and reasonable attorneys' fees, pursuant to 15 U.S.C. § 1692k; and
- f. Grant such other and further relief as may be just and proper.



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**JURY TRIAL DEMAND**

34. Plaintiff demands a jury trial on all issues so triable.

Dated this 10<sup>th</sup> day of February, 2021.

Respectfully Submitted,

/s/ Curtis R. Hussey  
Curtis R. Hussey (HUS 004)  
Gulf Coast ADR, LLC  
82 Plantation Pointe Road #288  
Fairhope, AL 36532  
Tel: (251) 928-1423  
gulfcoastadr@gmail.com  
Attorneys for Plaintiff

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [General Revenue Corporation Sent 'False and Deceptive' Student Loan Debt Collection Letter, Class Action Says](#)

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