

2. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty days after Defendant's receipt of the initial pleadings setting forth the claim for relief upon which this action is based.

3. Pursuant to 28 U.S.C. § 1446(a), attached hereto as Exhibit "A" are copies of the following documents, which are all the process, pleadings and orders received by one or more Defendant in this action.

4. Upon receipt of this Notice, no further action shall be taken in the District Court of Wake County, North Carolina.

5. By filing this Notice of Removal, the Defendant demonstrates its consent to the removal of the case to this Court.

Respectfully submitted this 20th day of September 2024.

BEDARD LAW GROUP, P.C.

/s/ Jonathan K. Aust

Jonathan K. Aust

N.C. Bar No. 39507

Counsel for Defendant

4855 River Green Parkway
Suite 310
Duluth, Georgia 30096
Telephone: (678) 253-1871
jaust@bedardlawgroup.com

EXHIBIT

“A”

EXHIBIT

“A”

STATE OF NORTH CAROLINA

WAKE County

File No.

24CV026641-910

In The General Court Of Justice
District Court Division - Small ClaimsPlaintiff(s)
Phyllis Johnson**MAGISTRATE SUMMONS**☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)**VERSUS**

G.S. 1A-1, Rule 4; 7A-217, -232

Defendant(s)
Southern Credit Bureau Corporation

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

TO**TO**Name And Address Of Defendant 1
Southern Credit Bureau Corporation
2626 Glenwood Ave Ste 550
Raleigh, NC 27608

Name And Address Of Defendant 2

Telephone No. Of Defendant 1

Telephone No. Of Defendant 2

**IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!****¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!****¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!****A Small Claim Action Has Been Commenced Against You!**

You are notified to appear before the magistrate at the specified date, time, and location of trial listed below. You will have the opportunity at the trial to defend yourself against the claim stated in the attached complaint.

You may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court at any time before the time set for trial.

If you fail to appear and defend against the proof offered, the magistrate may enter a judgment against you.

Date Of Trial 9/24/2024	Time Of Trial 1:30 ☐ AM ☒ PM	Location Of Court 316 FAYETTEVILLE ST 3RD FLOOR
Name And Address Of Plaintiff Or Plaintiff's Attorney		Date Issued 8/22/2024 8:29:11 am
		Signature DC
		☒ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

(Over)

RETURN OF SERVICE			
I certify that this summons and a copy of the complaint were received and served as follows:			
DEFENDANT 1			
Date Served	Time Served ☐ AM ☐ PM	Name Of Defendant	
☐ By delivering to the defendant named above a copy of the summons and complaint. ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below. ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.			
Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)			
☐ Acceptance of service. Summons and complaint received by: ☐ Defendant 1. ☐ Other: (type or print name)		Date Accepted	Signature
☐ Other manner of service (specify)			
☐ Defendant WAS NOT served for the following reason:			
DEFENDANT 2			
Date Served	Time Served ☐ AM ☐ PM	Name Of Defendant	
☐ By delivering to the defendant named above a copy of the summons and complaint. ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below. ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.			
Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)			
☐ Acceptance of service. Summons and complaint received by: ☐ Defendant 2. ☐ Other: (type or print name)		Date Accepted	Signature
☐ Other manner of service (specify)			
☐ Defendant WAS NOT served for the following reason:			
FOR USE IN SUMMARY EJECTMENT CASES ONLY:	☐ Service was made by mailing by first class mail a copy of the summons and complaint to the defendant(s) and by posting a copy of the summons and complaint at the following premises:		
	Date Served	Name(s) Of The Defendant(s) Served By Posting	
	Address Of Premises Where Posted		
Service Fee \$		Signature Of Deputy Sheriff Making Return	
Date Received		Name Of Deputy Sheriff Making Return (type or print)	
Date Of Return		County Of Sheriff	

File No. 24CV026641-910		STATE OF NORTH CAROLINA WAKE County In The General Court Of Justice District Court Division - Small Claims											
COMPLAINT FOR MONEY OWED G.S. 7A-216, 7A-232		Spoken Language Court Interpreter Needed For Any Party, Victim, Or Witness? (If Yes, identify person(s) and language(s). Interpreters provided for all court proceedings at no cost.) ☒ No ☐ Yes: (explain)											
Name And Address Of Plaintiff Phyllis Johnson 1317 Pearl Street Statesville NC, 28677		1. The defendant is a resident of the county named above. 2. The defendant owes me the amount listed for the following reason:											
County IREDELL Telephone No. 		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Principal Amount Owed</td> <td style="width: 10%; text-align: center;">\$</td> <td style="width: 20%; text-align: right;">2,000.00</td> </tr> <tr> <td>Interest Owed (if any)</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td>Total Amount Owed</td> <td style="text-align: center;">\$</td> <td style="text-align: right;">2,000.00</td> </tr> </table>			Principal Amount Owed	\$	2,000.00	Interest Owed (if any)	\$		Total Amount Owed	\$	2,000.00
Principal Amount Owed	\$	2,000.00											
Interest Owed (if any)	\$												
Total Amount Owed	\$	2,000.00											
VERSUS		(check one below)											
Name And Address Of Defendant 1 ☐ Individual ☒ Corporation Southern Credit Bureau Corporation 2626 Glenwood Ave Ste 550 Raleigh, NC 27608		☐ On An Account (attach a copy of the account) Date From Which Interest Due Interest Rate											
County WAKE Telephone No. 478-750-1111		☐ For Goods Sold And Delivered Between Beginning Date Ending Date Interest Rate											
Name And Address Of Defendant 2 ☐ Individual ☐ Corporation		☐ For Money Lent Date From Which Interest Due Interest Rate											
County Telephone No. 		☐ On a Promissory Note (attach copy) Date Of Note Date From Which Interest Due Interest Rate											
Name And Address Of Plaintiff's Attorney		☐ For a Worthless Check (attach a copy of the check)											
Attorney Bar No.		☐ For Conversion (describe property)											
		Other: (specify) Willful negligence violation under the FDCPA section 807											
		I demand to recover the total amount listed above, plus interest and reimbursement for court costs.											
		Date 08/22/2024	Name Of Plaintiff Or Attorney (type or print) Phyllis Johnson	Signature Of Plaintiff Or Attorney									

(Over)

INFORMATION FOR THE PLAINTIFF AND DEFENDANT

The clerk or magistrate cannot advise you about your case or assist you in completing this form.

If you have any questions, you should consult an attorney.

The North Carolina Judicial Branch provides information on small claims actions at
www.nccourts.gov/help-topics/lawsuits-and-small-claims.

1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
2. The PLAINTIFF cannot sue in small claims court for more than \$10,000.00 excluding interest and costs. This amount may be lower, depending on local judicial order. If the amount is lower, it may be an amount determined by the chief district court judge of the judicial district.
3. The PLAINTIFF must show the complete name and address of the defendant to ensure service on the defendant. If there are two defendants and they reside at different addresses, the plaintiff must include both addresses.
4. If the defendant is a corporation, the plaintiff must sue in the complete corporate name. If the business is not a corporation, the plaintiff must determine the owner's name and sue the owner.
5. The PLAINTIFF may serve each defendant, who is a natural person, by:
 - the sheriff delivering a copy of the summons and complaint to the defendant(s) after payment of the service fee;
 - the sheriff leaving copies of the summons and complaint at the defendant's dwelling house or usual place of abode with some person of suitable age and discretion residing therein after payment of the service fee;
 - mailing a copy of the summons and complaint by registered or certified mail, return receipt requested, addressed to the party to be served, and delivering to the addressee;
 - mailing a copy of the summons and complaint by signature confirmation as provided by the United States Postal Service, addressed to the party to be served, and delivering to the addressee; or
 - depositing with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) a copy of the summons and complaint, addressed to the party to be served, delivering to the addressee, and obtaining a delivery receipt.
6. The PLAINTIFF may serve each defendant, who is not a natural person (e.g. corporation, partnership, government entity) by methods provided in G.S. 1A-1, Rule 4(j).
7. If the defendant is a natural person under a disability (e.g., minor, incompetent adult), the PLAINTIFF must comply with G.S. 1A-1, Rule 4(j)(2).
8. The PLAINTIFF must pay advance court costs at the time of filing this Complaint. A plaintiff, who is unable to pay advance court costs, may apply to sue as an indigent pursuant to G.S. 1-110(a). In the event that judgment is entered in favor of the plaintiff, court costs may be charged against the defendant.
9. The DEFENDANT may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court. This answer should be accompanied by a copy for the plaintiff and be filed no later than the time set for trial. The filing of the answer DOES NOT relieve the defendant of the need to appear before the magistrate to assert the defendant's defense.
10. Whether or not an answer is filed, the PLAINTIFF must appear before the magistrate.
11. The PLAINTIFF or the DEFENDANT may appeal the magistrate's decision in this case. To appeal, notice must be given in open court when the judgment is rendered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is rendered. If notice is given in writing, the appealing party must also serve written notice of appeal on all other parties. The appealing party must PAY to the Clerk of Superior Court the costs of court for appeal within twenty (20) days after the judgment is rendered (ten (10) days in summary ejectment cases). If the appealing party petitions to appeal as an indigent and is denied, the party shall have an additional five days to perfect the appeal by paying the court costs.
12. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

If certified or registered mail is used, the plaintiff must prepare and file a sworn statement, such as the AOC-CV-105, with the Clerk of Superior Court proving service by certified mail and must attach to that statement the postal receipt showing proof of service in accordance with G.S. 1A-1, Rule 4(j2).

**STATE OF NORTH CAROLINA
WAKE COUNTY DISTRICT COURT DIVISION**

Phyllis Johnson,

Civil Action Number

Plaintiff,

vs.

COMPLAINT

**JURY TRIAL
DEMANDED**

**Southern Credit Bureau Corporation
d.b.a. Credit Bureau Associates**

Defendant.

Introduction

- 1. Plaintiff Phyllis Johnson, consumer & natural person brings this action against Southern Credit Bureau Corporation for a willful & negligence non-compliance violation of the Fair Debt Collection Practice Act (FDCPA) 15 U.S. Code § 1692 that requires debt collectors to refrain from using abusive debt collection practices.**
- 2. Plaintiff seeks to recover monetary damages from Debt Collector, Southern Credit Bureau Corporation for violations of the “FDCPA” specifically 15 U.S. Code § 1692e(8)**

Jurisdiction & Venue

- 3. This court has subject matter jurisdiction over this matter pursuant to ~~28 U.S. Code § 1331, presenting federal questions, & 15 U.S. Code § 1692k(d) which~~ provides district courts with jurisdiction over civil actions arising under the United States Constitution or laws of the United States.**
- 4. This Court has personal jurisdiction over the defendant & venue is proper pursuant to 28 U.S. Code § 1391(b) because the defendant resides & conducts business in this district.**

Parties

- 5. Plaintiff, Phyllis Johnson is a natural person who resides in North Carolina**
- 6. Plaintiff is a natural consumer as defined by the FDCPA 15 U.S. Code § 1692a(3)**
- 7. Southern Credit Bureau Corporation is a debt collector that regularly collects or attempts to collect consumer debts directly or indirectly through the mail or interstate commerce.**

Factual allegations

- 8. The Fair Debt Collection Practice Act purpose is to eliminate abusive debt collection practices by debt collectors to ensure that debt collectors refrain from using abusive debt collection practices and to promote consistent State action to protect consumers against debt collection abuse.**
- 9. Plaintiff Phyllis Johnson has an alleged obligation with defendant Southern Credit Bureau Corporation for an old medical debt.**
- 10. On May 14th, 2024 Plaintiff initiated a dispute via government agency Consumer Financial Protection Bureau against defendant Southern Credit Bureau Corporation.**
- 11. Defendant Southern Credit Bureau Corporation received the dispute on May 14th, 2024 and concluded their investigation on May 15th, 2024.**
- 12. Plaintiff obtained a copy of her credit disclosure on August 8th, 2024 and noticed Defendant Southern Credit Bureau Corporation reported the tradeline reflected by the alleged debt to Trans Union on March 29th, 2024 and failed or refused to flag its trade line as disputed thereafter violating the FDCPA.**
- 13. Defendant's failure to flag its tradeline on Plaintiff consumer credit file as disputed is humiliating and embarrassing to the Plaintiff as it creates a false impression to users of his credit report that he has simply ignored this debt when, in fact, he disputes the validity of the alleged debt.**

14. As a result of Defendant misconduct plaintiff has and is still suffering significant actual damage in the form of anxiety, anger, emotional distress amongst other negative emotions.

Count I - Willful & Negligent Non-Compliance

15. Plaintiff re-alleges the foregoing jurisdictional allegations & factual allegations

16. Defendant willfully and negligently failed to comply with the responsibilities under the FDCPA specifically 15 U.S. Code § 1692e(8) by failing to mark the debt as disputed to Trans Union.

17. As a result of defendant willful and negligent failure to comply with the FDCPA, plaintiff is entitled to monetary compensation for their damages as alleged above along with reimbursement of reasonable attorney fees under 15 U.S. Code § 1692k.

WHEREFORE, Plaintiff moves this court to enter an Order for monetary damages against Defendant Southern Credit Bureau Corporation in the amount of \$1,000. together with such other and further relief as the Court may deem reasonable and just under the circumstance.

Pursuant to 28 USC 1746 "I verify under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct." Executed on August 22nd 2024.

Phyllis Johnson

Respectfully Submitted,

Phyllis Johnson

/s/Phyllis Johnson Plaintiff

phyllisjohn321@gmail.com