

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ADAM CONNORS,

Plaintiff,

vs.

VELOCITY INVESTMENTS, LLC

AND

GURSTEL LAW FIRM, PC.,

Defendants.

Case No.:

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

COMES NOW the Plaintiff Adam Connors, by and through his attorneys, Pamela A. Car and William L. Reinbrecht of Car & Reinbrecht, P.C., L.L.O., and alleges and states that this is an action brought by an individual consumer for the Defendants' violations of the Fair Debt Collection Practices Act, (hereinafter referred to as the "FDCPA") 15 U.S.C. § 1692 *et seq.* and the Nebraska Consumer Protection Act, Neb.Rev.Stat. § 59-1601 *et seq.* (hereinafter referred to as the "NCPA") In support of his claims, the Plaintiff states and alleges as follows:

JURISDICTION AND PARTIES

1. Subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k(d), actionable through 28 U.S.C. §1331, 28 U.S.C. §1337 and other provisions of the law. Jurisdiction over the supplemental state claim arises from 28 U.S.C. §1367.

2. Venue is proper in this Court for the reason that the claims occurred as a result of actions that happened in this Judicial District.

3. Plaintiff Adam Connors is a resident of Bellevue, Sarpy County, Nebraska.

4. Plaintiff is at all times relevant hereto a “consumer” as that term is contemplated in 15 U.S.C. §1692a(3) of the FDCPA.

5. Defendant VELOCITY INVESTMENTS, LLC, (hereafter “Velocity”) is a collection agency engaged in the business of collecting debts and regularly attempts to collect debts alleged to be due another in Nebraska by use of the mail and telephone and is a “debt collector” within the meaning of 15 U.S.C. §1692(a)(6).

6. Defendant GURSTEL LAW FIRM, PC., (“hereinafter “Gurstel”) is a law firm engaged in the business of collecting debts due or alleged to be due to others across the state of Nebraska. Gurstel is a “debt collector” as that term is contemplated in § 1692a(6) of the Act and has direct involvement in the actions challenged in this lawsuit.

7. Defendants are all entities or individuals who contributed to, participated in, authorized, and implemented the policies and procedures regarding the acts complained of or conspired with the other named Defendant to commit the acts complained of which caused injuries to the Plaintiff. Each Defendant acted as

principal and agent, each of the other, and combined and concurred each with the others in committing the acts complained of herein.

8. At all times relevant hereto, Defendants were, and are now, the agent, servant, employee and /or other representative of the other Defendant and in doing the things herein alleged, were acting within the scope, purpose and authority of such agency, service, employment and/or other representative capacity with the permissions, knowledge, consent and ratification of the other Defendant.

FACTUAL BACKGROUND

9. Defendants filed their standard collection complaint in the county court of Sarpy County, Nebraska against Adam Connors in an action entitled, *Velocity Investments, LLC v. Connors*, at CI22-2703 the purpose of which was to attempt to collect an alleged balance of \$9,784.03. Attached hereto as Exhibit A and incorporated herein by this reference is a true and correct copy of said County Court collection Complaint. Mr. Connors filed a *pro se* Answer disputing the alleged balance. The Complaint at Exhibit A was ultimately dismissed on progression for Gurstel's for failure to prosecute the case.

10. Defendants subsequently filed a second identical collection complaint in the county court of Sarpy County, Nebraska against Adam Connors in an action entitled, *Velocity Investments, LLC v. Connors*, at CI23-2720 the purpose of which was to attempt to collect the same alleged balance of \$9,784.03. Attached hereto

as Exhibit B and incorporated herein by this reference is a true and correct copy of said County Court collection Complaint at docket CI23-2720. Mr. Connors filed a *pro se* Answer disputing the alleged debt. Defendants' County Court collection complaint attached at Exhibit B was again dismissed on progression on April 4, 2024 for Gurstel's failure to prosecute the case.

11. Defendants sent Mr. Connors a document purported to be a court pleading, a Motion to Vacate the Order of Dismissal along with a Notice of a Hearing date. However, Defendants did not file that paperwork with the county court. Mr. Connors was confused upon receiving the Motion and hearing date and was compelled to hire an attorney to attend on the date and time shown on the notice. Mr. Connors' attorney appeared at the County Court on the date and time listed in the purported notice and waited in the courtroom for the case to be called. However, the court had no record of Defendants' Motion and no one appeared for either Velocity or Gurstel. The Court did not have that case set for hearing that date and time. No hearing was actually scheduled and that case remains dismissed on progression.

12. Defendants have now filed a third identical collection complaint in the county court of Sarpy County, Nebraska, against Adam Connors in an action entitled, *Velocity Investments, LLC v. Connors*, at CI24-3222 the purpose of which was to attempt to collect the same alleged balance listed as of \$9,784.03.

Attached hereto as Exhibit C and incorporated herein by this reference is a true and correct copy of said County Court collection Complaint found at docket CI24-3222. Mr. Connors again filed a *pro se* Answer disputing the account. That county court case remains pending.

13. Plaintiff incurred actual damages as a result of the actions of the defendants, including damage to his credit, emotional distress and inconvenience, confusion and the expense of hiring a lawyer to attend a nonexistent hearing.

14. Mr. Connors continues to dispute the alleged debt.

CAUSE OF ACTION 1

Fair Debt Collection Practices Act

COMES NOW the Plaintiff and for his Cause of Action against the Defendants, states and alleges as follows:

15. Plaintiff Connors restates the allegations above as if fully set forth herein.

16. Plaintiff is a person and a “consumer” within the meaning of 15 U.S.C. § 1692(a)(3).

17. Defendants are both debt collectors, engaged in the business of collecting debts and regularly attempts to collect debts alleged to be due another by use of the mail and telephone and is a “debt collector” within the meaning of 15 U.S.C. § 1692(a)(6).

18. That at all times relevant hereto Defendants were attempting to collect a disputed account alleged to be in default from the Plaintiff, which is for personal, family or household purposes.

19. That during the course of attempting to collect the alleged debt, Defendants:

a) made false or misleading statements in connection with the attempted collection of said debt, in violation of 15 U.S.C. § 1692e and § 1692e(10);

b) made false representations as to the character, amount, or legal status of the debt in violation of 15 U.S.C. § 1692e(2)(A) and e(2)(b);

c) threatened to take an action that cannot be legally taken or was not intended to be taken in violation of 15 U.S.C. § 1692e(5);

d) the use of a “pleading” in the form of a Motion to vacate and Notice of hearing that was fictitious and neither of which was ever filed with the Court created a false impression as to its source, authorization or approval and the false implication that the documents were legal process in violation of 15 U.S.C. §1692e(9) and 1692e(13); and

e) by using unfair or unconscionable means to collect a debt in violation of 15 U.S.C. § 1692f and § 1692f(1) the FDCPA.

WHEREFORE, Plaintiff prays for a judgment against the Defendants for statutory damages, general damages, actual damages, statutory attorney fees, costs

of this suit and for such other and further relief as the Court shall deem appropriate.

CAUSE OF ACTION 2
Violation of the Nebraska Consumer Protection Act

COMES NOW the Plaintiff and for his Second Cause of Action, states and alleges as follows:

20. Plaintiff restates each and every allegation set forth above as if fully set forth herein.

21. Defendants' actions described above violate provisions of the NCPA, Neb.Rev.Stat. § 59-1601 *et seq.*

22. That this claim is in the public interest as both Defendants regularly conduct business with the general public.

WHEREFORE, Plaintiff prays for a judgment against Defendants for actual damages, statutory attorney fees, statutory damages for each such violation, an injunction to prevent future conduct of the nature described herein, costs, and for further relief as the Court shall deem appropriate.

Dated: October 18, 2024

Adam Connors,
Plaintiff,

By: /s/ Pamela A. Car
Pamela A. Car, #18770
William L. Reinbrecht, #20138
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JURY DEMAND

Plaintiff demands a trial by jury in Omaha, Nebraska, as to all issues so triable.

By: /s/Pamela A. Car