Darnell & Kahala Gaddis
4014 N 146th Ln
Goodyear, Maricopa County, AZ 85395
Email: darnelgaddis@gmail.com
Phone: (480) 225-5257

IN THE UNITED STATES DISTRICT COURT FOR THE

DISTRICT OF ARIZONA

Darnell and Kahala Gaddis, Plaintiffs, v. U.S. Bank National Association, Defendant.	Case No. 2:24-cv-02683- **Plaintiffs' Second Amended Complaint**

I. Introduction

1. Plaintiffs Darnell and Kahala Gaddis file this Second Amended Complaint pursuant to the Court's Order dated July 7, 2025.

2. Plaintiffs assert that Defendant U.S. Bank National Association violated both the Telephone Consumer Protection Act (TCPA) and the Fair Debt Collection Practices Act (FDCPA) by making 27 harassing phone calls after Plaintiffs revoked consent.

3. Despite clear and repeated instructions to stop all communication, Defendant continued to place calls multiple times per day, causing stress, anxiety, and disruption to the Plaintiffs' lives.

II. JURISDICTION AND VENUE

4. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. §§ 1692 et seq. and 47 U.S.C. § 227.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2), as the acts and omissions giving rise to this action occurred in Maricopa County, Arizona.

III. Timeline of Harassment and Revoked Consent Violations

In April 2022, Plaintiffs served Defendant with a notarized cease-and-desist letter via certified U.S. Mail, expressly revoking all prior consent and demanding an immediate cessation of all further communications. *(See Exhibit A.) Page 3 paragraph 1*

U.S. Bank formally acknowledged receipt of Plaintiffs' notarized cease-and-desist letter on April 29, 2022, thereby confirming notice of the revocation of consent. *(See Exhibit B.)*

Defendant's calls occurred with excessive frequency—as often as three to five times per day—despite Plaintiffs' clear and repeated verbal revocations of consent, made during live conversations on September 17, 19, and 23, 2024. Additionally, Plaintiffs recorded subsequent calls with Defendant's agents on September 24, October 2, and October 4, 2024, further evidencing continued unlawful contact after consent had been unequivocally withdrawn. *(See Exhibit E.) Call Transcription*

No voicemails were left, yet the excessive volume, repetitive nature, and timing of the calls caused significant disruption to Plaintiffs' daily lives, interfering with their peace of mind, sleep, and ability to receive important communications.

When Plaintiffs returned the phone calls using the number displayed on their caller ID, the caller ID name appeared as either "Debt Collector Credit Agency" or "Bank Card Prepaid Debit Card." Upon dialing the number, an automated system answered with the message: "Thank you for calling Card Member Services." At no point did the greeting disclose any affiliation with U.S. Bank.

After verifying Plaintiffs' personal information, a live agent disclosed that the call was being recorded and that it was an attempt to collect a debt related to a Fry's MasterCard account issued by U.S. Bank.

The harassing calls only ceased after Plaintiffs initiated legal action by filing this lawsuit on October 7, 2024.

IV. LEGAL CLAIMS FOR RELIEF

A. Violations of the Telephone Consumer Protection Act (TCPA)

14. Under the TCPA , it is unlawful to make calls using an automatic telephone dialing system (ATDS) or a prerecorded voice to a consumer 's cellphone without **prior express consent.** 47 U.S.C. § 227(b)(1)(A).

Whether Defendant 's dialing equipment qualifies as an ATDS or used artificial / prerecorded voice technology is not dispositive at this stage . The core issue is that Defendant made repeated calls after consent had been revoked.

Once consent is revoked , any subsequent calls are presumptively unlawful under the TCPA , regardless of the method or technology used . See Van Patten v. Vertical Fitness Group , LLC , 847 F.3d 1037 , 1048 (9th Cir . 2017) (" Revocation of consent must be respected under the TCPA.")

The specific capabilities of Defendant 's call system —whether it qualifies as an ATDS — are factual issues appropriate for discovery , not dismissal . See Meyer v. Bebe Stores , Inc., 2015 WL 431148 (N.D. Cal. Feb. 2, 2015).

B. FDCPA Violations by U.S. Bank Acting as a Debt Collector 15 U.S.C. § 1692a(6)

1. U.S. Bank Acted as a Debt Collector Based on Conduct, Caller Identity Deception and Misleading Communications

15. While U.S. Bank is the original creditor, it acted as a "debt collector" within the meaning of 15 U.S.C. § 1692a(6) by operating a dedicated internal collections department under the name "Card Member Services." This department's principal purpose is the collection of debts owed.

16. When Plaintiffs returned calls to the number displayed on their caller ID, the caller ID itself identified the caller as "Debt Collector Credit Agency & or "Bank Card Prepaid Debit Card." Upon dialing the number, the automated voice stated: "Thank you for calling Card Member Services." At no time did the greeting identify U.S. Bank, nor did it disclose that " Card Member Services" was U.S. Bank.

17. Misleading caller ID and an automated voice stating, "Thank you for calling Card Member Services," intentionally obscured the caller's true identity. At no point was U.S. Bank mentioned, nor was any connection to the original creditor disclosed. This deliberate omission gave Plaintiffs the false and deceptive impression that the calls were placed by an unrelated third-party debt collector. Such conduct is precisely the type of misleading communication the FDCPA was enacted to prohibit and supports classification of Defendant as a debt collector under 15 U.S.C. § 1692a(6).

18. The FDCPA defines a "debt collector" to include any person or entity—including an original creditor—who "uses any name other than [its] own which would indicate that a third person is collecting or attempting to collect such debts." See 15 U.S.C. § 1692a(6).

19. Defendant's conduct falls squarely within the scope of the FDCPA. The use of a separate name, coupled with concealment of U.S. Bank's identity during collection activity, supports liability under the statute.

20 . Courts have consistently held that original creditors who operate internal departments whose principal purpose is collecting debts —and who misrepresent their identity—can be deemed "debt collectors" under the FDCPA. See:

- Montgomery v. Huntington Bank, 346 F.3d 693 (6th Cir. 2003)
- FTC v. Check Investors, Inc., 502 F.3d 159 (3d Cir. 2007)
- Kimber v. Fed. Fin. Corp., 668 F. Supp. 1480, 1486 (M.D. Ala. 1987)

2. Harassing Call Volume, Disregard for Cease-and-Desist Triggers FDCPA Liability

21. Under 15 U.S.C. § 1692d(5), a debt collector may not cause a phone to ring repeatedly with intent to annoy, abuse, or harass.

22. Defendant made 27 calls to Plaintiffs after receiving both written and verbal cease-and-desist notices.

23. The volume, frequency, and disregard for revocation constitutes harassment under the FDCPA. Original creditors are not immune from liability when they:

Use a different name or division to collect (like "Card Member Services"),

Operate internal departments with the principal purpose of collecting debts, or

Engage in harassing, deceptive, or abusive behavior.

V. Emotional Distress Resulting from Willful and Repeated Contact in Violation of Federal Law

24. Plaintiffs ' emotional distress was a direct result of Defendant 's willful and repeated disregard for cease -and -desist instructions . The stress , anxiety , and disruption suffered is actionable under the FDCPA and TCPA . Courts have consistently recognized that emotional distress damages may be recovered when repeated calls cause fear , panic , or interfere with daily life .

See Davis v. Creditors Interchange , 585 F. Supp . 2d 968 (N.D. Ohio 2008); Burgess v. Account Resolution Team, 2016 WL 6947012 (N.D. Cal. Nov. 28, 2016).

25. Defendant's conduct rises to the level of harassment prohibited by 15 U.S.C. § 1692 d(5), and the emotional harm caused supports Plaintiffs ' claim for actual damages under both statutes.

26. Plaintiffs ' emotional distress was a direct result of Defendant 's persistent and unwanted contact , which occurred after multiple revocations of consent and despite formal cease -and- desist notices.

27. Plaintiffs suffered anxiety , sleep disruption , and emotional exhaustion , consistent with emotional distress . The frequency (3–5 calls per day), duration , and refusal to cease contact caused fear of unknown callers and serious mental disruption — damages for which are recognized as actual damages under both the FDCPA and TCPA.

VI. Statutory and Actual Damages Under the TCPA and FDCPA

A. TCPA Statutory Damages

Under the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227(b)(3)(B), a person may recover $500 in statutory damages for each violation, and up to $1,500 per call for willful or knowing violations.

Plaintiffs request:
$500 × 5 initial calls = $2,500 — allowing for a reasonable grace period after revocation, giving Defendant an opportunity to correct the behavior before escalating to treble damages.

$1,500 × 22 willful/reckless calls = $33,000 — representing repeated violations made after clear, repeated revocation of consent. These calls were made knowingly and without regard for Plaintiffs' rights, warranting treble damages under 47 U.S.C. § 227(b)(3)(C).

Total TCPA Damages: $35,500

B. FDCPA Statutory & Actual Damages
Under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692k(a):
A plaintiff may recover up to $1,000 in statutory damages for noncompliance with any provision of the Act, and Actual damages, including damages for emotional distress, are also recoverable.

Plaintiffs request:
$1,000 in statutory damages under 15 U.S.C. § 1692k(a)(2)(A) — the maximum allowed for noncompliance with the FDCPA.
$5,000 in actual damages under 15 U.S.C. § 1692k(a)(1) — for emotional distress, disruption of daily life, and repeated intrusions caused by Defendant's unlawful conduct.

Total FDCPA Damages: $6,000

VII. Requested Relief and Damages Under Federal Law

Plaintiffs respectfully request that this Court:

Award statutory damages under the FDCPA in the amount of $1,000, pursuant to 15 U.S.C. § 1692k(a)(2)(A);
Award statutory damages under the TCPA in the amount of $35,500, pursuant to 47 U.S.C. § 227(b)(3)(B)–(C);

Award actual damages for emotional distress in the amount of $5,000, pursuant to 15 U.S.C. § 1692k(a)(1);

Grant any further relief the Court deems just and proper.

Total Relief Requested: $41,500

Gregory J. Marshall
Erica J. Stutman
SNELL & WILMER L.L.P.
1 E. Washington St., Suite 2700
Phoenix, Arizona 85004-2556
gmarshall@swlaw.com
estutman@swlaw.com

Respectfully submitted,
Darnell & Kahala Gaddis
4014 N. 146th Lane
Goodyear, AZ 85395
480-225-5257
darnelgaddis@gmail.com
Pro Se Plaintiffs

Exhibit A:

Notarized Sworn Statement (Affidavit of Truth)

- **Date Sent:** April 21, 2022
- **Method of Delivery:** Certified mail
- **Description:** This document requests U.S. Bank to cease all communication and stop collection activities. It also informs the defendant that their records are incorrect and requires evidence beyond what is recorded in their system.

In the SUPERIOR COURT OF THE STATE OF ARIZONA
FOR THE COUNTY OF MARICOPA

KAHALA GADDIS,
Alleged acct 527854001024***
Plaintiff

vs.

US BANK,
Defendant

Case No. TO BE DETERMINED

AFFIDAVIT
(SWORN STATEMENT)

4/21/2022

My legal name is KAHALA GADDIS ("Affiant") and acknowledges I am:

- Age: 42
- Address: 4014 N 146TH LN GOODYEAR
- Residency: AZ 85395

Being duly sworn, hereby swear under oath that: [SWORN STATEMENT]

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: Kahala Gaddis Date: 4-26-22

This is a verified Affidavit of truth, a legal written declaration of facts, for use as evidence in court. This affidavit is **prepared for use within the context of litigation or judicial proceedings.**

IF THIS AFFIDAVIT IS NOT PROPERLY AND COMPLETELY REBUTTED WITH A COUNTER-AFFIDAVIT WITHIN THIRTY (30) DAYS FROM THE DATE OF ITS MAILING, ALL PARAGRAPHS AND ALL FACTS AND CLAIMS MADE IN THE ATTACHED ENCLOSURES AND REFERENCES NOT DENIED SHALL BE CONFESSED AFFIRMED, BY SUCH DEFAULT, AND SHALL BE ACCEPTED AS DISPOSITIVE, CONCLUSIVE FACTS BY **US BANK** OR OTHER PROPERLY DELEGATED AUTHORITY, WHO HAD THE OPPORTUNITY AND "FAILED TO PLEAD."

ALL COUNTER-AFFIDAVITS MUST BE SIGNED WITH THE VALID LEGAL NAME OF THE RESPONDENT. FICTITIOUS OR INCOMPLETE NAMES OF RESPONDENTS OR THOSE NOT CONTAINING COMPLETE LEGAL FIRST, MIDDLE, AND LAST NAMES AND EMPLOYEE NUMBERS AND PHOTOCOPIES OF DRIVER'S LICENSES SHALL NOT CONSTITUTE A VALID RESPONSE BECAUSE THEY ARE NOT PROPERLY AUTHENTICATED.

This Affidavit and all attached documents will be made a part of the Public Record and will be used in court if false **information is not deleted from all consumer reporting agencies.**

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Arizona
County of Maricopa

On 4-26-22 before me, Leah Gaines personally appeared KAHALA N GADDIS who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within the instrument and acknowledged to me that they executed the same in their authorized capacity and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Arizona that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature L. Gaines (Seal)

LEAH PASCUAL GAINES
Notary Public - Arizona
MARICOPA COUNTY
Commission # 590813
Expires Sept. 30, 2024

AFFIDAVIT of facts:

(1) **I have asked you to validate the alleged debt** you claim that I owe, and you have not provided valid information on the alleged account since my original request. **You have violated my consumer rights** under the Fair Debt Collection Practices Act (FDCPA) 15USC §1692(g)b – Validation of debts. You are also furnishing information to credit reporting agencies that you know or have reason to believe is not accurate. **I refuse to pay** this alleged debt because the proper validation information was not provided. **Cease all communication & collection activities.** I do not recognize this alleged debt you did not adequately respond. That is a violation of the FDCPA. **I requested**, specifically, a **Copy of the application** for credit, as I need to see my signature & precisely what debt you are trying to collect. **Copy of cardholder agreement** (the contract) and any amendments as this will show what the terms of the contract are so I can see if you are following them and the amount you are trying to collect from me is accurate; **Monthly statements from when I had a zero** balance up to the final statement because I need to see all the charges, payments, credits, etc. to compare this with the cardholder agreement and see if the amount you are claiming is correct. If this alleged account was opened online. **Provide the IP address** as this will have the location information so that I can compare. **Provide one or more purchase receipts** so I can verify my signature. The requested information is not unreasonable and would be your responsibility to prove the claim that you have made. Where did this debt come from? How is the information verified or validated? Reinvestigate and provide competent evidence other than "computer says you owe it" so we report it. ALSO, **I do not consent** to have my personal information sold, shared, or furnished. Doing so is in violation of The Privacy Act? You are illegally attempting to collect this alleged debt and money that I do not owe. **If you cannot provide under penalty of perjury BEST EVIDENCE proof that I owe. Delete this account & do not reinsert** or Send the information I requested in its entirety, and I will arrange payment or

Send your sworn Affidavit of truth, as testimony & we go to the court where you have still have the burden of proof

BEST EVIDENCE RULE - best evidence this rule of evidence requires the production of the original (and not a copy) of any document, recording, or photograph to be admitted into evidence at trial the original is better than the copy.

§ 802. Congressional findings and declarations of purpose

There is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, marital instability, the loss of jobs, and invasions of individual privacy.

(2) **The Privacy Act " No Disclosure Without Consent " Rule.** No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains. **I have a legal right to privacy,** and **You did not have written consent** to disclose my personal information to a non-affiliated third-party consumer reporting agency the law clearly states. Someone who publicly discloses private facts about them to a third party such as Name, Phone, Address, and Age, is subject to fines and penalties of up to $1000 per violation. A person who publishes sensitive information about them that places them in a "false" or misleading light is in violation; Inaccurate & incorrect information published to the consumer reporting agency has caused severe damage to my reputation, & my general mode of living. **Delete this account & do not reinsert** or

Send a sworn Affidavit of truth, as a testimony to rebut why your company is excluded from this law

(3) **Consumer Financial Protection Bureau Truth in Lending Disclosures § 1026.4 A Finance charge** is defined as **(5)** Premiums or other charges for any guarantee or **insurance** protecting the creditor against the consumer's default or other credit loss. **(7)** Premiums or other charges for credit life, accident, health, or loss-of-income **insurance, written in connection with a credit transaction. (10) Charges or premiums paid for debt cancellation or debt suspension coverage written in connection with a credit transaction,** the coverage is **insurance under** applicable law.

Send a sworn Affidavit as a testimony to rebut Truth in Lending Disclosures and why this portion of the law is not applicable.

Duty is a moral or legal obligation, a responsibility.
Accurate - correct in all details; exact.
Prohibition - a law or regulation forbidding something
Reasonable cause a set of facts or actions to prove whether a reasonable person would have come to the same conclusion

15 U.S. Code § 1681s–2

Responsibilities of furnishers of information to consumer reporting agencies

(a) **Duty** of furnishers of information to provide **Accurate** information

(1) **Prohibition**

(A) Reporting information with actual knowledge of errors

A person shall not furnish any information relating to a consumer to any consumer reporting agency if the person knows or has **reasonable cause** to believe that the information is inaccurate.

(B) Reporting information after notice and confirmation of errors

A person shall not furnish information relating to a consumer to any consumer reporting agency if—

(i) the person has been notified by the consumer, at the address specified by the person for such notices, that specific information is inaccurate; and

(ii) the information is, in fact, inaccurate.

(4) As defined by the IRS, you must report the canceled debt as gross income on your tax return; canceled debt or a charge-off, is INCOME written off as a loss to the lender. The reporting of this account as debt is inaccurate, and it must be deleted from all Consumer Reporting Agencies OR

Send a sworn Affidavit as a testimony to, rebut, or explain this portion of the IRS tax code does not apply

(5) The lender must file FORM 1099 c and send you a copy by law if the amount debt canceled is $600 or more, and the lender is a financial institution, credit union, government agency, or other applicable entity as disclosed earlier in chapter 1 of the **US Department of the Treasury Internal Revenue Service Publication 4681**

Send a copy of Form 1099c that was filed with the IRS or a sworn Affidavit as a testimony OR delete the alleged account and do not re-insert

(6) YOUR COMPANY is ILLEGALLY Debt parking, reporting this debt to credit agencies without checking first to make sure that it's real debt. Debt parking tactics violate FCRA, FDCPA regulations. Inaccurate & incorrect information to the consumer reporting agency hurt my ability to obtain future credit for personal and household proposes during the COVID-19 pandemic. You and your inaccurate reporting have harmed my livelihood, and I will be seeking damages if you do not comply with the law and stop furnishing false information. The impact on my financial health has been devastating.

Send a sworn Affidavit as testimony or explain the process of how your company conducted a "reasonable investigation" of my consumer dispute OR stop providing information to credit reporting agencies that you know and have reason to believe, is not accurate.

(7) **§ 903.3 Termination of collection activity if:**
The agency is unable to collect any substantial amount through its own efforts or through the efforts of others. Cease and Desist I Refuse to Pay this alleged Debt do not contact me
Costs of the collection are anticipated to exceed the amount recoverable.
I will escalate this matter to taking legal action against your company as a remedy for violations of the FDCPA this is final notice and will not end in a default judgment.
The debt is legally without merit or enforcement
Once a **Form 1099c** is filed with the IRS, the agency can take no further action to collect unless voluntary by the debtor. **Truth in Lending Disclosures** Finance charge is insurance, **Privacy Act**, No Consent Rule, ***Volenti non fit iniuria*** voluntary assumption of risk.
Send a sworn Affidavit as testimony explaining why the law does not apply

Your Options are as follows:

1. **Provide competent validation evidence in its entirety, if not**
2. You have 30 calendar days to delete false, inaccurate, invalid, unverified, erroneous information known as CHARGE OFF from all consumer reporting agencies, do not reinsert, & cease collection activities, or
3. **Send your certified testimony of facts and** We go to court, where you will incur lawyer fees, plus pay me actual damages plus legal fees for consumer rights violations

FDCPA §813 [15 USC §1692k] Civil liability
(a) Amount of damages
Except as otherwise provided by this section, any debt collector who fails to comply with any provision of this subchapter with respect to any person is liable to such person in an amount equal to the sum of -- (1) any actual damage sustained by such person as a result of such failure.
(2) (A) in the case of any action by an individual, such additional damages as the court may allow, but not exceeding $1,000.

15 USC §1692c(c) Ceasing communication
If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt.

The continued reporting & failure to delete this inaccurate information is a clear violation of law 15 USC 1681-S2 regarding your responsibilities as a furnisher of information. You have caused my family and me severe harm due to your negligence and inaccurate reporting. This is a final opportunity to cure by deleting this account from all consumer reporting agencies with prejudice.

Failure to respond satisfactorily with deletion of the account will result in legal actions being taken against your company, for which I will also be seeking $ 1,000 per violation for:

1. Defamation of Character
2. Negligent Non-Compliance
3. Civil Liability
4. Mental Anguish
5. Fair Credit Reporting Act 15USC §1681 violations for willful noncompliance - §616. Civil liability for willful noncompliance [15 U.S.C. §1681n]

I will also be filing a complaint with the following:

1. Consumer Financial Protection Bureau
2. Better Business Bureau
3. Office of the Attorney General
4. Federal Trade Commission
5. Bureau of Consumer Protection

Exhibit B:

U.S. Bank Confirmation Letter

- **Date Received:** April 29, 2022
- **Description:** This letter confirms that U.S. Bank has placed the referenced account on cease-and-desist status per the plaintiff's request. It prohibits further telephone contact and states that any revocation of the cease-and-desist request must be done in writing and sent via mail or fax.

usbank

P.O. Box 108
St. Louis, MO 63166-0108
20706 D

April 29, 2022

000046672 01 AB 0.461 106481495647685 P Y
KAHALA GADDIS
4014 N 146TH LN
GOODYEAR AZ 85395-8287

Account number ending with: 6196
Cardmember Name: KAHALA GADDIS

Dear KAHALA GADDIS:

Cardmember Service received your cease and desist request. Per your request, we have placed the above referenced account in a cease and desist status prohibiting further telephone contact. We will continue to communicate in writing with regard to any right we may invoke under the contract. Please be advised that your request does not cancel the debt owed to Cardmember Service and may hinder awareness of actions taken by Cardmember Service while the account is delinquent. In addition, the account will continue to be reported to credit reporting agencies.

If you wish to revoke this cease and desist request now or in the future, please do so in writing clearly authorizing Cardmember Service to resume communication. Please mail or fax this revocation to the following address:

Cardmember Service
P.O. Box 108
St. Louis, MO 63166-0108
Fax: 866-271-0708

At Cardmember Service we are committed to responsive, respectful, and helpful customer service. Should you have any further questions, please call us at the number below.

Sincerely,

Cardmember Service
1-866-234-4750

Our hours of operation are: Mon - Fri: 8:00 a.m. - 5:00 p.m. CT

We accept relay calls.

Exhibit D:

Call Logs

- **Description:** Screenshots documenting the dates and times of the unsolicited calls received from U.S. Bank, 7:36

Calls

Recents

All | Blocked | Missed | Answer Bots

Blocked
Bank Card Prepaid Debit Card — 09/25/2024
00:09

Blocked
Bank Card Prepaid Debit Card — 09/24/2024
00:09

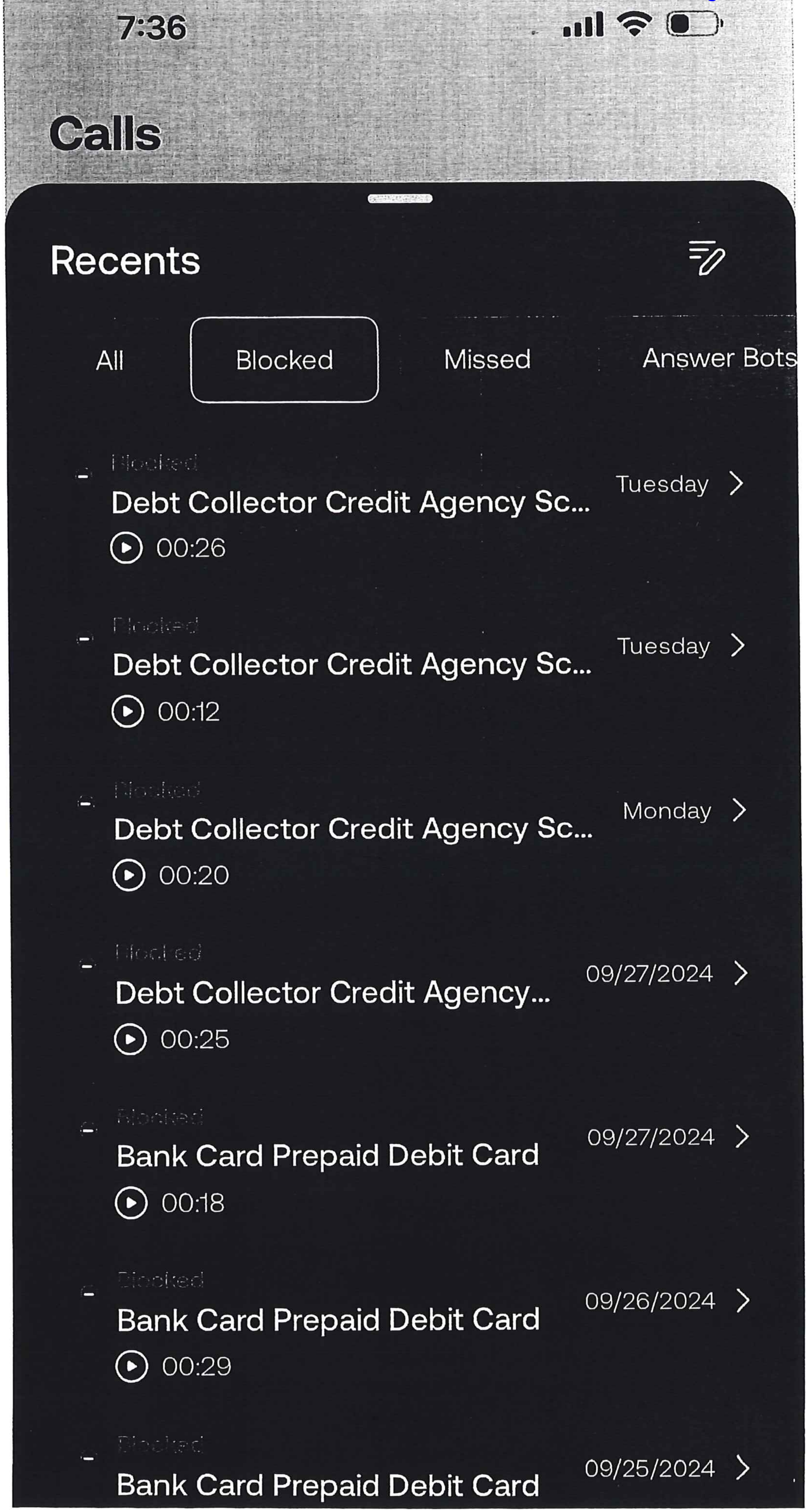
Blocked
Bank Card Prepaid Debit Card — 09/24/2024
00:23

Blocked
Bank Card Prepaid Debit Card — 09/24/2024

Blocked
Bank Card Prepaid Debit Card — 09/23/2024

Blocked
Bank Card Prepaid Debit Card — 09/19/2024
00:29

Blocked
Bank Card Prepaid Debit Card — 09/16/2024
00:30


7:36
Calls
Recents
All
Blocked
Missed
Answer Bots
Blocked
Debt Collector Credit Agency Sc...
00:26
Tuesday
Blocked
Debt Collector Credit Agency Sc...
00:12
Tuesday
Blocked
Debt Collector Credit Agency Sc...
00:20
Monday
Blocked
Debt Collector Credit Agency...
00:25
09/27/2024
Blocked
Bank Card Prepaid Debit Card
00:18
09/27/2024
Blocked
Bank Card Prepaid Debit Card
00:29
09/26/2024
Blocked
Bank Card Prepaid Debit Card
09/25/2024

7:36

Calls

Recents

All | Blocked | Missed | Answer Bots

Blocked
Debt Collector Credit Agency S... Yesterday
00:16

Blocked
Debt Collector Credit Agency S... Yesterday
01:32

Blocked
Debt Collector Credit Agency Sc... Thursday
00:20

Blocked
Debt Collector Credit Agency Sc... Thursday

Blocked
Debt Collector Credit Agency Sc... Thursday

Blocked
Debt Collector Credit Agency... Wednesday

Blocked
Debt Collector Credit Agency... Wednesday
00:12

Blocked
Debt Collector Credit Agency Sc... Tuesday

Exhibit E:

Transcription of Recordings

• **Description:** Transcriptions of recordings related to the unsolicited calls. Physical recordings can be made available via USB drive to the judge at the time of the hearing.

Summary of Recorded Conversation

Date of Call: September 24, 2024 12:12PM

Participants:

- **A:** Customer Service Representative (Carly)
- **B:** Kahala Gaddis (Caller)

Summary of Conversation:

1. **Introduction:**
   - Carly introduces herself and mentions that the call is being monitored and recorded for quality assurance. She asks for Kahala's full name and the last four digits of her Social Security number.
2. **Verification Issues:**
   - Kahala declines to provide her Social Security number but confirms her zip code and phone number. She expresses frustration about receiving multiple calls related to a U.S. Bank account that she claims she knows nothing about.
3. **Previous Communication:**
   - Kahala details her previous interactions, noting that she requested no further calls and that all communication should occur via mail. She mentions that the calls she has received were at various times throughout the previous days and has recorded this information.
4. **Claims and Disputes:**
   - She states that there are no records on her end for the alleged account and that she is willing to provide screenshots of the call logs. Kahala insists that she never opened a card or account with U.S. Bank and expresses the need to take legal action if the calls continue.
5. **Carly's Response:**
   - Carly apologizes for the inconvenience and assures Kahala that she will submit her phone numbers to the call traffic team for compliance. Carly asks if Kahala has any other accounts with U.S. Bank, which Kahala denies.
6. **Cease and Desist Confirmation:**
   - Carly acknowledges the cease-and-desist notice from 2022 and confirms that it appears there is a debt of $4,891.51 associated with the account. Kahala reiterates that this is not her debt.
7. **Next Steps:**
   - Carly offers to transfer Kahala to the fraud department. Kahala requests to remove her phone number from their records and insists that all future communication be sent via mail.
8. **Call Closure:**
   - Carly confirms that she has noted the account and removed the phone numbers, wishing Kahala a good day as the call concludes.

A: Sam. Hello, sir. Yes, sorry about that hold. I do have escalations on the line, and as I informed you, she will have to re verify you. And thank you so much for your time today. You have a great day, sir. B: Sure. A: Hi, my name is Carly. Please note the call may be monitored and recorded for quality assurance purposes. Have your full name. B: Catholic Addis. A: The last four of the social and. B: Zip code will not be providing my social. I can verify my address. Yeah, my zip code is 85395. A: And your phone number? B: 480-225-5257 all right. A: And this is the us bank card. The agent did brief me a bit about what's going on. How can I further assist you today? B: Sure. I started receiving phone calls, and it shows up on my phone as bank card prepaid debit cardinal. And so I called yesterday after receiving multiple calls a day, and I said, who are you looking for? What do you need from me? And they said, well, this is in regards to, you know, this account has gone to collections. And I said, well, I don't know anything about that. Did you guys send anything out in the mail? This is how I would prefer to communicate moving forward. Please do not call my phone. And they said, well, there's a cease and assist in here, in my notes here. And I said, well, I'm getting multiple calls a day. I have a record of that. And just to let you know, this calls being recorded using an app to record this phone call. And I have a record. This is the third time I received a call. Today. It was at eight, nine and eleven. And yesterday it was at 05:30 p.m. 08:00 p.m. and the day before that, I received a call. Oh, actually, on 916, it was at 08:00 a.m. and 02:00 p.m. so what I gathered from the person I spoke to yesterday was, you know, I don't know, there's no record of us calling you. And I'm saying that there's my record. I have a record. I can send a screenshot of the calls that I'm receiving. And if no one is going to take action, then I would have to take legal action, because you can just keep calling or disregard this message, but it's going to pile up and it's going to be, you know, a situation. Any communication that you want to have with me, you can send via the post office, and I will dispute it there. They mentioned reference to a fry's account that was open in, I think, 2015 or something like that. And then it's gone to collections or recovery or something like that. And I think it's bank of America or something like that, which I've never had a fries card or bank of America anything. A: So I do apologize for any type of inconvenience. First and foremost, I will submit the phone number, the phone number that you just. Well, both phone numbers we have on file to our call traffic team to be sure that we are in compliance. Are you sure you do not have any other account with us? I'm not sure about the bank of the bank of America, but us bank is the card that slides us with. So again, I'm not sure about the bank of America. I'm not sure if you have any other us bank or Elon card or accounts because you could be. Could be getting called about different accounts as well. So that's why I asked that. B: Well, my name is Kahala Gaddis. My phone number is 480-225-5257 I've also verified my address for you. The number that is calling me is an 800 number 391 8607. And this is the number that I'm calling back. A: Do you have any other accounts? That's what I was asking. Did you have any other accounts with us? B: Do you have any records on your end that would help me identify what accounts you may be referring to? Because right now you have an account that I don't have. You have my. You have my phone number, you have my information. You have my name. But I. I don't have any records of anything you're talking about other than the fact that your computer shows my information and you are requesting more information from me. What accounts do you have? What other information that you have? Because I'm the only one that can verify or validate the information you have. And if I say I've never had a fries account, I don't do us bank. So what. What other accounts are you showing on your end? A: Gotcha. I can only see one account at this moment. Let me take a look under your phone number. 1 second. Radhe Sadeena, you. Thank you so much for holding. I'm so sorry for your way for that number. We don't have any other. I can't find any other accounts under that number. Again, I do apologize for being convenient. It does seem like there is a cease and desist since 2022. And also that you were claiming that you did not open this card and use the balance of $4,891.51. Looks like that was filed back in 2022. So I will go ahead and submit the numbers. Both your. Both the numbers that's on file, which the other number is 404-98-9890 I have both those numbers plus the one you verified. Going to submit that to our car traffic to be sure that we are still in compliance. And then with that, it seems. Are you still stating that this is not your debt? B: That is correct. A: Gotcha. Okay. Looks like a validation of debt was sent, was sent back in 2022. But let me get you to, if you'd like. It's completely up to you. I can get you to the fraud department specifically for the cardholders claiming that they did not open the card. I could do that. And again, I do apologize for that inconvenience. Did you want to remove your numbers or you want to keep them there with the cease and desist? B: Well, if you have a cease and desist and I'm receiving five calls a day, then, you know, we're out of. A: I understand that. I understand that. So if you want to remove it because it's a complaint at this point. So you're obviously tired of the phone call. So. B: Via the post office. A: So do you want me to remove your number or. No, I'm sorry. B: Yes, please. A: Okay. B: All right. A: I'll go ahead and get you submitted. I'm sorry. Get you transferred to the far department. It to you saying you never opened the card. Okay. B: Okay. A: All right. Well, I do apologize and you have a great day. One moment. Sadeena. Sadeena, I. B: Hello. A: Sorry about that. Thank you so much for holding. So sorry about that. It does look like there is a pretty long hold for this department. I do have the phone number just in case you do decide not to hold, I'm going to go ahead and send you through the queue. Did you want that phone number? B: No, I just prefer not to be contacted. Any communication that you need with me, just send it via the post office and I think we're good. A: I did go ahead and notate the account and also remove those numbers. B: Okay, thank you. Bye bye. A: No problem. Bye.

Here's a summary of the recorded call on October 2 at 5:30 PM:

Kahala Gaddis called card member services to address repeated calls from U.S. Bank despite having sent a cease and desist letter. The representative, Shareese, confirmed Kahala's identity and acknowledged the calls but indicated that there was no record of receiving the cease and desist letter in their system. Kahala reported receiving multiple calls daily, causing stress, and emphasized that all communication should be sent via mail.

Shareese checked the system and mentioned that it typically takes 24 to 48 hours for updates, assuring Kahala that today should be the last day for calls from U.S. Bank. Kahala clarified that she has no accounts with U.S. Bank, and Shareese explained that calls may come from different departments for various accounts, but they confirmed that Kahala's number would be removed from the call list.

The call concluded with Shareese expressing apologies for the inconvenience, and Kahala thanking her before ending the call.

A: Thank you for calling card member service. Hi, thank you for calling card member services. This is Shareese. Please note that the call may be monitored and or recorded for quality assurance purposes. Can I get your account number or social?
B: I don't have an account number. I won't be given my social. My name is Kahala Gaddis and I received two missed calls from you guys today. One at 930 and one at 419.
A: Okay, what's your phone number?
B: 480-225-5257 okay, can I get your name on your account? My name is Kahala Gaddis.
A: Oh, yeah, you did say that. I'm sorry. All right. We were calling from us bank. Let's see, let's see. See, when we spoke with you before, we kind of took your number down.
B: Yeah, I just call whenever I get a call. And so I called. I received multiple calls a day. I called on the 30th. I said, any communication needs to be sent via the post office. They verified my address. You guys have my name, my phone number, my address. The only thing I haven't given is my social. And so, yeah, I'm just. I keep getting calls. And they said to take me off the list that you guys received and assist letter. Does it show in the notes there when you guys receive that cease and assist a letter? For me.
A: Two points. I do see the calls, but I don't see the letter. But it is marked here. So it looks like we did receive it at some point. I'm gonna check to see if this number is somewhere else. Give me one moment.
B: Sure.
A: I don't see this number anywhere else. And you said you got a call today?
B: I got a call today at 09:14 a.m. i. And I also got a call at 419 pm yesterday. I also received two phone calls. And every time I call this number back, the same story is like, hey, I have no record of us calling you.
A: It's definitely strange. We usually, you know, go ahead and take it off of our, of our, you know, call list. We remove the number. It looks like there was definitely some attempts to, you know, make sure that we remove the number, but that you're still getting two calls a day.
B: Two, sometimes three.
A: Okay, you said 415?
B: Yeah. Let me see the exact time right quick here. I received a call at 04:13 p.m. and a call at 09:31 a.m. i received two calls yesterday. Once on Monday, two on Friday, one on Thursday, twice on Wednesday, three times on Tuesday, once on Monday. It goes all the way back to July. I'm just, you know, just stacking up the evidence, trying to, you know, get this to stop. It's causing undue stress. And I just. I don't. I don't know what you guys are referring to. No one sent me anything in the mail. You have my address. And I feel like the more information I give, the more. The more you, like, cement the fact that, like, yeah, that's me. That's my information. You know, that's what your computer says. But I have nothing. I don't have any. I don't have any statements. I don't have any wet signatures. I don't have any. And you guys have my address, but you just keep calling me every single day. But then there's a cease and assist, but I'm getting calls, but you won't send me anything in the mail unless I, like, wave that. And I'm like, no, thank you. I don't see any, like, collections on my credit report. I think that's probably why they want to verify my social. So then all of a sudden, I gave you the information to bury me, I guess. I don't know how this works.
A: Okay. You don't have to do that. Just. Do you mind if I place you on hold? I want to look

in a different system. Is that okay?
B: Sure.
A: Okay, thank you. Are you still holding with me?
B: Yes.
A: Okay. Thank you for holding. Okay, so I wanted to check to see, you know, what was going on with the. With the account. So it takes somewhere between 24 to 48 hours to update that. So I'm sorry that you were still getting the phone calls, but it just did it on the 30th. Today should actually be your last day receiving any calls from us. If you do get calls tomorrow, I would say give us a call back because this is the last time that you should get phone calls. Also, another thing, I'm not sure if you have any other accounts or had any other accounts with us bank, like, outside of maybe other accounts.
B: Do you show with this phone number?
A: I don't see any other accounts with this phone number, but I'm only in one department, so I can't see other departments. So if you have, like, a late mortgage or, like, if you had a bank account or something that was, you know, not doing so well, I wouldn't.
B: Be able to see bank of America. I don't. I don't even go to that bank. I don't. There's not even one near me. Oh, sorry. You have a bank? I don't.
A: Yeah. Well, okay, well, then, yeah, so it. If it's just this account. It should be updated. Like I said, it takes 1224 to 48 hours. And since you did it on Monday, today you should be your last day receiving phone calls. I'm really sorry that it, you know, took so long. Sometimes it's faster, it kind of depends on the processing. But today should be your last day receiving phone calls. Again, I'm very sorry about that. Nothing in our department now.
B: Yeah, I'm trying to understand, like, is so. My name is Kahala Gaddis. This is my phone number. Are you calling me? When you say other accounts, do you mean like someone has a similar name or could be a relative or a family member calling my number? What do you.
A: No, I mean, like, sometimes people have credit card accounts, they have bank accounts, they have mortgage, you know, loans, they have lines of credits all with the same bank. And those are all different departments within the same banking system. So just because you have one, you know, let's say you have one bad credit card, but your bank account is fine, or you have bad credit card and a bad bank account, one department might be calling you about your bank account and you're in the credit card department. So if you have any other accounts with us bank or a line of credit or a mortgage or something like that, they could be trying to call you about those things. But if you don't have any of that, this is your only account with us bank. Or you, you know, this is your only thing with us bank. We just took your number off and we're not going to be calling you anymore about it. You shouldn't receive any more calls from US bank.
B: So all the, all the calls are coming from the same number, but different departments. So, like, for example, if I had a bank account or a us bank credit card or something like that, different departments from all over the country are calling from the same number. But because it does, I don't answer. It's when you. When I call that number back and I give my information, it leads back to this account that you are referencing, but you don't have access to see if there's any other departments that could be calling from the same number. Is that, is that as far as I understand, just for clarity, that multiple departments

could be calling all from the same number. And when I call back, it just references this on this one account every single time.

A: That's because, you know, we might just be the only department that was calling you. If different departments were calling you, you'd be getting calls from different phone numbers. But since it's the same phone number. It's probably just this department, because you don't have any other us bank products or anything like that. You didn't have a mortgage. You didn't have a lot of credit. You have a bank account. You know, you didn't do anything else with us bank. This is the only department we, like I said, just took some processing time to make sure that your number was off of our call list. And tonight's phone call should be the last phone call or this evening's phone call. Not sure where you are, but this evening's phone call should be the only phone call.

B: Okay. All right. Thanks.

A: Yeah, no problem.

B: Have a nice night. Bye.

A: You too.

B: Bye.

Here's a summary of the recorded call:

Kahala Gaddis contacted card member services to address ongoing phone calls regarding an account they claim to have, despite having a cease and desist in place. Kahala reported receiving multiple calls over the past few days and expressed frustration over having informed the company previously not to call. They mentioned that there was no record of any relevant accounts on their credit report, and their information might have been compromised due to hacking.

After being transferred to another representative, AlMa, Kahala reiterated that they had never been a customer and requested confirmation that their number would be removed from the call list. Kahala insisted on speaking with a supervisor after expressing dissatisfaction with repeated assurances of being removed from the list without follow-through. The call ended with AlMa confirming the removal, but they hung up on Kahala before further discussion could occur.

A: Okay. Can you hear me now?
B: Yes.
A: Okay, great.
B: I do. I see that you had the fries rewards world elite Mastercard, but I see that there's a seat and descript on here. And you said you were receiving phone calls.
A: I received three phone calls today, two phone calls yesterday, and two phone calls the day before. I've had multiple conversations about not calling my number. I've also been informed that your records indicate that you guys have a cease and assist in place. And that is the reason why I don't receive anything in the mail. So I don't see anything on my credit report. And I have not received any information in regards to, I think it was bank of America or something like that, or a discover fries card or something. And so your records or your computer shows. And it has my information. I don't know how that information got there, but I did some research online. It looks like there has been some hacking going on. So my information is out there. So my thing is, after multiple calls, where do we go from here? Are you just going to continue to call me every day? Will there be legal action? Because I'm, you know, I'm willing to, you know, go to court and. And defend my position, which is. Look, I have no record of any of this information. If you guys can provide any signatures or proof that, you know, other than this is what our computer shows. And I think they said it was like, ten years ago and I. Ten years ago, I wasn't living in Arizona and I wasn't living at this address.
B: Okay. Yeah, let me get you over to that department and they will take care of that for you. One moment.
C: This call may be monitored or recorded.
A: For quality assurance and training.
C: Thank you for calling card member service. Good afternoon, this is AlMa with card member services. Please note that this call will be monitored and are recorded for quality assurance purposes. How can I help you?
A: Sure. My name is Col Legatus and my. I'm also recording this call as well. Today I received three calls. The first one was at 09:10 a.m. the second one was 1159 and the third call today was at 03:52 p.m.
C: And so how can I help you today, sir?
A: Every time I receive a call, I just call you back and I record the call. And there's been a cease and assist placed on this account. And I was told that I would not receive any further phone calls. So I do not have a card. I think your computer shows that at some point I had a card. I do not have a card. I've never had a card.
C: What is your phone number, sir?
A: My phone number is 480-225-5257 your records indicate me having been a customer. I'm telling you, I'm not your customer and nor have I ever been your customer.
C: Okay, and what did you say? What is your full name?
A: Kahala Gaddis. Okay. I never had a bank of America discover fries card or whatever it is that you're referring to.
B: Okay.
C: Like you said, you don't have any. Okay. We will remove your number then. Thank you.
A: Okay. I called yesterday. I called the day before yesterday. I've called five days in a row and was told that you would remove my number. Could I please speak to a supervisor?