

8. Due to health issues, including treatment for cervical cancer, Plaintiff Teika had fallen behind on her payments on the above account. Plaintiff Teika had informed Defendant of her medical condition and fragile state.

9. As a result of Plaintiff Teika's delinquency, employees and/or agents of Defendant, acting within the court and scope of their employment, began calling Plaintiff Teika in an effort to collect on the account.

10. The employees were frequently aggressive and abusive towards Plaintiff Teika and frequently mocked her inability to pay. Plaintiff Teika ultimately began avoiding answering these calls due to the stress and anxiety they provoked.

11. On or about October 11, 2007, Plaintiff Teika returned home and discovered that she had two (2) messages on her answering machine from Defendant. Plaintiff Teika played the messages and was shocked to hear the following messages:

"Bitch! Nigger! I know this is a black person. Hello?"

"Hello, can I speak to Teika? They be killing me."

12. Even worse for Plaintiff Teika is that her two children, her son, Plaintiff Tresden, then aged seven, and her daughter ZaNya, then aged three, heard the messages as well. Plaintiff Tresden was upset and confused and wanted to know why "that man" would use such a bad word, while ZaNya began repeating the epithet.

13. Plaintiff Teika immediately called the Defendant back and spoke with a collection agent, June, who transferred her to a customer care specialist, Russ, before finally being transferred to a manager, Matt (whose ID is MYY).

14. Plaintiff Teika played the messages for Matt, who did immediately apologize but offered no real solution.

**First Cause of Action
(Negligent Infliction of Emotional Distress)**

15. The allegations contained in paragraphs 1 through 14 are realleged and incorporated as if set forth fully herein.

16. Defendant had a duty to conduct its activities in a responsible and respectful manner and to properly train and supervise its employees in their collection efforts and to prevent them from engaging in extreme and outrageous conduct.

17. Defendant breached that duty when its employees used racial epithets in their attempts to collect money from Plaintiff Teika, demonstrating a lack of proper supervision and training of its employees and/or agents.

18. It was reasonably foreseeable that the messages left by Defendant's agents and/or employees would cause Plaintiff Teika to suffer severe emotional distress, and it was also reasonably foreseeable that others, including Plaintiff Tresden would hear these messages and also be upset by them.

19. This negligence did, in fact, cause Plaintiffs severe emotional distress, resulting in severe migraines and other medical treatments. Plaintiff Tresden still mentions the phone call at times.

20. As a direct and proximate result of this negligence, Plaintiffs suffered damages for emotional distress to be proved at trial, but in an amount exceeding ten thousand dollars (\$10,000.00) plus interest at the maximum rate as allowed by law.

**Second Cause of Action
(Intentional Infliction of Emotional Distress)**

21. Paragraphs 1 through 20 are realleged and incorporated as if set forth herein.

22. Defendant, or agents and employees of Defendant, acting within the course and scope of their employment, left offensive messages on her answering machine knowing they were likely to be heard by her, and others, including her young children, and taken other actions which constitute extreme and outrageous conduct beyond all bounds tolerated in decent society, all the while knowing that her health was fragile and her children, including Plaintiff Tresden, were already upset about her health issues.

23. This extreme and outrageous conduct directed at Plaintiff Teika was intended to cause and did cause Plaintiff Teika severe emotional distress.

24. These actions and conduct indicate a reckless indifference to the likelihood that they will cause severe emotional distress.

25. These actions in fact caused Plaintiff Teika to suffer severe emotional distress and physical manifestations therefrom.

26. As a direct result of Defendant's extreme and outrageous conduct, Plaintiff Teika has suffered damages in excess of ten thousand dollars (\$10,000.00), to be proven at the trial of this matter.

Third Cause of Action
(Violation of N.C. Gen. Stat. § 75-50 et. seq.)

27. Paragraphs 1 through 26 are realleged and incorporated as if set forth herein.

28. Defendant's actions, including the outrageous messages left, constitute harassment as defined in N.C. Gen. Stat. § 75-52 and is a prohibited act by a debt collector as well as other violations of North Carolina General Statutes.

29. As a direct result of Defendant's violations of North Carolina Consumer Protection Laws, Plaintiff is entitled to damages in excess of ten thousand dollars (\$10,000.00), to be proven at the trial of this matter.

Fourth Cause of Action
(Punitive Damages)

30. Paragraphs 1 through 29 are realleged and incorporated as if set forth herein.

31. The actions complained of by Defendant, or employees or agents acting within the course and scope of their employment, were committed against Plaintiffs with malice, or constitute willful or wanton conduct.

32. As a result of the actions complained of herein, Plaintiffs are entitled to Punitive Damages against Defendant in an amount to be determined at trial, but in excess of ten thousand and no dollars (\$10,000.00).

WHEREFORE, Plaintiff prays the Court as follows:

1. That Plaintiffs have and recover from Defendant damages in an amount in excess of \$10,000.00 for actual and/or compensatory damages incurred or to be incurred pursuant to the First, Second, and Third Causes of Action;
2. That Plaintiffs have and recover from Defendant damages in an amount in excess of \$10,000.00 for punitive damages pursuant to the Fourth Cause of Action;
3. That all costs of this action, including reasonable attorney's fees, be taxed to Defendant;
4. That this verified Complaint be used as an affidavit for all purposes, including Orders, by the Court;
5. For a trial by jury on all issues so triable; and
6. For such other and further relief as to the Court may seem just and proper.

This the 1 day of July, 2009.

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