

**In the U.S. District Court
Middle District of North Carolina**

Kristie Guidry,
Plaintiff,
v.
Dance Dynasty, and
Wendy Clare,
Defendants.

November Term, 2016
No. _____

COMPLAINT

Plaintiff Kristie Guidry, through her undersigned legal counsel, brings this suit against Dance Dynasty and Wendy Clare, averring as follows:

Parties

1. Plaintiff is an individual residing in the State of North Carolina.
2. Defendant Dance Dynasty is a business located in Greensboro, North Carolina.
3. Defendant Wendy Clare is an individual residing in the State of North Carolina.

Statement of Jurisdiction

4. This court has jurisdiction of this action pursuant to 42 U.S.C. § 1331 because the action arises under the laws of the United States.

Statement of the Facts

5. In March 2015, defendant Clare left a message at the Plaintiff's home phone number asking the Plaintiff to contact Clare "about an important business matter".

6. In June 2015, the Plaintiff received a letter from the David B. Wilks, demanding that the Plaintiff pay \$62.50 for an alleged debt.

7. In October 2015, the Plaintiff received a letter from the American Recovery Agency ("ARA"), demanding that the Plaintiff pay \$62.50 for an alleged debt.

8. In late December 2015, defendant Clare called the Plaintiff, demanding that the Plaintiff pay \$62.50 for an alleged debt. Defendant Clare called again in early January 2016, threatening the Plaintiff with arrest if the Plaintiff did not pay \$62.50 within 72 hours.

9. A week later, the Plaintiff was arrested and charged with misdemeanor larceny by check.

10. In mid-February 2016, the Plaintiff appeared in court for trial on the misdemeanor charge. After discussion between the Plaintiff's counsel and the prosecuting attorney, the

Plaintiff paid \$100 (representing the amount of the alleged debt plus bank fees and interest) to Dance Dynasty and the charges against the Plaintiff were dropped.

Count I:

Fair Debt Collection Practices Act

11. Plaintiff incorporates the preceding allegations and averments as if fully set forth herein.

12. Acting at the direction of Dance Dynasty, Clare communicated with the Plaintiff without her consent, in violation of FDCPA § 805.

13. Acting at the direction of Dance Dynasty, Clare made phone calls to the Plaintiff without disclosing her identity, in violation of FDCPA § 806.

14. Acting at the direction of Dance Dynasty, Wilks and ARA made false or misleading representations to the Plaintiff, in violation of FDCPA § 807.

15. Acting at the direction of Dance Dynasty, Clare threatened the Plaintiff with arrest, in violation of FDCPA § 807.

16. Acting at the direction of Dance Dynasty, Clare engaged in harassing, oppressive, and abusive conduct by having the Plaintiff arrested, in violation of FDCPA § 806.

17. As a direct, proximate, & foreseeable cause of the unlawful conduct by Dance Dynasty and Clare, the Plaintiff has suffered damages, including consequential and incidental damages and severe emotional distress.

WHEREFORE, Plaintiff Kristie Guidry asks that the Court enter judgment in her favor and against Defendants Dance Dynasty and Wendy Clare, and that the Court grant the following relief:

- 1) \$250,000 in compensatory damages.
- 2) Attorney's fees and costs.
- 3) Such other relief as the Court may deem just, necessary, and proper.

Dated: November 1, 2016

Respectfully submitted,

Rufus T. Firefly

By: Rufus T. Firefly, Esq.
FLYWHEEL, SHYSTER & FLYWHEEL, LLP
201 North Greene Street
Greensboro, North Carolina 27401
336-555-1212
Attorneys for Plaintiff

**In the U.S. District Court
Middle District of North Carolina**

Kristie Guidry,
Plaintiff,

v.

Dance Dynasty, and
Wendy Clare,
Defendants.

November Term, 2016
No. 16-CV-0001

AMENDED COMPLAINT

Plaintiff Kristie Guidry, through her undersigned legal counsel, brings this suit against Dance Enterprises, LLC and Wendy Clare, averring as follows:

1. Plaintiff is an individual residing in Greensboro, North Carolina.
2. Defendant Dance Enterprises, LLC (“Dance Enterprises”) is a limited liability company organized under the laws of North Carolina. Dance Enterprises owns and operates a dance studio in Greensboro, North Carolina under the trade name “Dance Dynasty”.
3. Defendant Wendy Clare is an individual residing in Greensboro, North Carolina. Clare is employed by defendant Dance Enterprises.

Statement of Jurisdiction

4. This court has jurisdiction of this action pursuant to 42 U.S.C. § 1331 because the action arises under the laws of the United States.

Statement of the Facts

5. In March 2015, defendant Clare left a message at the Plaintiff’s home phone number asking the Plaintiff to contact Clare “about an important business matter”. Clare did not identify herself in the message as an employee of Dance Enterprises.
6. In June 2015, the Plaintiff received a letter from the David B. Wilks, demanding that the Plaintiff pay \$62.50 to Dance Enterprises for an alleged debt. In the letter, Wilks did not identify himself as an attorney.
7. In October 2015, the Plaintiff received a letter from the American Recovery Agency, demanding that the Plaintiff pay \$62.50 to Dance Enterprises for an alleged debt.
8. At 7:00 am on December 15, 2015, defendant Clare called the Plaintiff, demanding that the Plaintiff pay \$62.50 for an alleged debt. Defendant Clare called again at 10:30 pm on

January 1, 2016, threatening the Plaintiff with arrest if the Plaintiff did not pay \$62.50 within 72 hours.

9. A week later, as the result of a criminal complaint made against the Plaintiff by defendant Clare at the direction of defendant Dance Enterprises, the Plaintiff was arrested and charged with misdemeanor larceny by check.

10. In mid-February 2016, the Plaintiff appeared in court for trial on the misdemeanor charge. After discussion between the Plaintiff's counsel and the prosecuting attorney, the Plaintiff paid \$62.50 to Dynasty and the charges against the Plaintiff were dropped.

Count I:

Fair Debt Collection Practices Act

11. Plaintiff incorporates the preceding allegations and averments as if fully set forth herein.

12. Acting at the direction of Dance Dynasty, Clare communicated with the Plaintiff without her consent, in violation of FDCPA § 805.

13. Acting at the direction of Dance Dynasty, Clare made phone calls to the Plaintiff without disclosing her identity, in violation of FDCPA § 806.

14. Acting at the direction of Dance Dynasty, Wilks and ARA made false or misleading representations to the Plaintiff, in violation of FDCPA § 807.

15. Acting at the direction of Dance Dynasty, Clare threatened the Plaintiff with arrest, in violation of FDCPA § 807.

16. Acting at the direction of Dance Dynasty, Clare engaged in harassing, oppressive, and abusive conduct by having the Plaintiff arrested, in violation of FDCPA § 806.

17. As a direct, proximate, & foreseeable cause of the unlawful conduct by Dance Dynasty and Clare, the Plaintiff has suffered damages, including consequential and incidental damages and severe emotional distress.

WHEREFORE, Plaintiff Kristie Guidry asks that the Court enter judgment in her favor and against Defendants Dynasty Enterprises, LLC, and Wendy Clare, and that the Court grant the following relief:

- 1) \$250,000 in compensatory damages.
- 2) Attorney's fees and costs of suit.
- 3) Such other relief as the Court may deem just, necessary, and proper.

Dated: December 5, 2016

Respectfully submitted,

Rufus T. Firefly

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