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8	UNITED STATES B	ANKRUPTCY COURT
9	FOR THE DIST	RICT OF OREGON
10		
11	In re) Case No. 12-34876-tmb7
12	Megan Rae Thompson,) Adv. Proc. No. 12-3316-tmb
13	Debtor.	 SECOND AMENDED COMPLAINT FOR VIOLATION OF THE AUTOMATIC STAY
15	MEGAN RAE THOMPSON,) 11 U.S.C. § 362(k)
16 17	Plaintiff,)))
18	v.)
19	TAN REPUBLIC FRANCHISE CO. LLC and MARTIN BATES.	
20 21	Defendants.)))
22		,
23	///	
24	///	
25	///	
26	///	
27		
28		
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		OlsenDaines, PC

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1	
2	1.
3	Megan Thompson ("plaintiff"), by and through her trial attorney, Michael Fuller, alleges:
5	2.
6	JURISDICTION AND THE PARTIES
7	
8	This is an adversary proceeding brought under 11 U.S.C. § 362(k).
9	3.
10	This Court has jurisdiction pursuant to 28 U.S.C. §§ 1334 and 157 because plaintiff's
11	automatic stay claim arises under Title 11.
12	4.
13	This adversary proceeding is one arising in and related to the above-captioned bankruptcy
14 15	case, filed under Chapter 7 of Title 11, case number 12-34876-tmb7. The action for violating the
16	automatic stay is a core proceeding under 28 U.S.C. § 157. Plaintiff consents to final
17	adjudication of her entire case in bankruptcy court.
18	5.
19	Venue is proper in this district because plaintiff filed bankruptcy here and defendants
20	collect debt here.
22	6.
23	This is an action for actual damages, punitive damages, and attorneys fees and costs
24	brought by plaintiff against Tan Republic Franchise Co. LLC and Martin Bates (collectively
25	"defendants") resulting from willful violations of the automatic stay.
26 27	///
28	///
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12.

FACTUAL ALLEGATIONS

Prior to filing for Chapter 7 bankruptcy protection, plaintiff owed a debt to defendants.

13.

Plaintiff filed for Chapter 7 bankruptcy protection in this Honorable Court on June 21, 2012.

14.

Plaintiff has not incurred new debt with defendants after filing bankruptcy and has not used defendants' services or products after filing bankruptcy.

15.

After the commencement of her bankruptcy case, defendants seized funds from plaintiff's bank account in attempts to collect on their claim against her.

16.

On or around September 7, 2012 defendants received actual notice that plaintiff filed for bankruptcy protection and of the automatic stay.

17.

On or around September 7, 2012 defendants were notified that plaintiff was represented by an attorney regarding her debt.

18.

On or around September 7, 2012 defendants were asked not to contact plaintiff directly in the future and were provided her attorney's contact information.

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2	19.	
3	Defendente did not matien this Bendenettes Court for malis form the continue to	
4	Defendants did not motion this Bankruptcy Court for relief from the automatic stay.	
5	20.	
6	After receiving actual notice of plaintiff's bankruptcy case and the automatic stay,	
7	defendants willfully harassed plaintiff in an attempt to collect on a claim arising before the	
8	commencement of her bankruptcy case.	
9	21	
10	21.	
11	Specifically, defendants continued to harass plaintiff with collection attempts on or	
12	around September 18, 2012 and September 19, 2012.	
13	22.	
14	Defendants' failure to take affirmative steps to ensure compliance with the automatic stay	
15		
16	resulted in willful acts to collect.	
17	23.	
18	Defendants fail to return all funds seized from plaintiff's bank account in violation of the	
19	stay and fail to otherwise remedy their contempt.	
20	24.	
21	24.	
22	As a direct and proximate result of defendants' choices, plaintiff suffers actual damages,	
23	including severe ongoing worry, anxiety, embarrassment and other negative emotions to be	
24	proven at trial.	
25	25.	
26		
27	As a direct and proximate result of defendants' choices, plaintiff suffers actual damages	
28	in the form of time spent and expenses including fees and costs to remedy their contempt.	
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