

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: § CASE NO. 12-39045
§
TANISHA SHELVIN §
§
Debtor § CHAPTER 13
§

TANISHA SHELVIN § ADVERSARY NO. _____
§
Plaintiff §
§

v. §

TEDERAL JEFFERSON, individually and §
d/b/a COME AS YOU ARE COMMUNITY §
DEVELOPMENT and/or CAYA DEFENSE §
NETWORK, and JERVIS WILLIAMS, §
individually and d/b/a COME AS YOU §
ARE COMMUNITY DEVELOPMENT §
and/or CAYA DEFENSE NETWORK §
Defendants §

ADVERSARY COMPLAINT

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

COMES NOW TANISHA SHELVIN, Plaintiff and Debtor herein, and files this, her Adversary Complaint, complaining of and against **TEDERAL JEFFERSON, individually and d/b/a COME AS YOU ARE COMMUNITY DEVELOPMENT and/or CAYA DEFENSE NETWORK, and JERVIS WILLIAMS, individually and d/b/a COME AS YOU ARE COMMUNITY DEVELOPMENT and/or CAYA DEFENSE NETWORK**, the Defendants herein, and for cause of action and as ground for relief, the Plaintiff would respectfully show this Court as follows:

A. Jurisdiction

1. This Court has jurisdiction in this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157.

B. Parties

2. Plaintiff **Tanisha Shelvin** may be served by delivering notice to her attorney of record, Jason Laas-Sughrue, at 723 Main Street, Suite 710, Houston, Texas 77002.

3. Defendant **FEDERAL JEFFERSON, individually and d/b/a COME AS YOU ARE COMMUNITY DEVELOPMENT and/or CAYA DEFENSE NETWORK** may be served by delivering notice to Federal Jefferson at 808 Caraway Lane, Desoto, Texas 75115.

4. Defendant **JERVIS WILLIAMS, individually and d/b/a COME AS YOU ARE COMMUNITY DEVELOPMENT and/or CAYA DEFENSE NETWORK** may be served by delivering notice to Jervis Williams at 5969 Elderwood Drive, Dallas, Texas 75230.

C. Facts

5. Facing eminent foreclosure, Plaintiff met with and sought the assistance of Defendants at their Houston office located at 2500 Wilcrest Drive, Suite 300, Houston, Texas 77042.

6. Defendants represented to Plaintiff that they could stop her foreclosure amongst other services such as principal reduction of Plaintiff's mortgage and "post foreclosure recovery" services including debt elimination services (the "Services" herein).

7. Defendants demanded and Plaintiff paid \$800.00 for Defendants' Services which included the preparation of a voluntary petition and related documents.

8. On December 4, 2012, this case was commenced by the filing of said voluntary petition by Plaintiff.

9. In providing Plaintiff Services related to the preparation of her bankruptcy petition, Defendants were required, but wholly failed, to:

- a. sign and print their names and addresses on the documents provided to Plaintiff as required by 11 U.S.C. § 110(b)(1);
- b. inform the Plaintiff, in writing, that Defendants are not attorneys and may not practice law or give legal advice which must be signed by the Plaintiff and filed with the Court as required by 11 U.S.C. § 110(b)(2);
- c. place on the documents provided to Plaintiff, after the Defendants' signatures, an identifying number that identifies individuals who prepared said documents

including the social security number of each individual who prepared said documents as required by 11 U.S.C. § 110(c)(1); and,

- d. disclose, under penalty of perjury, any fee received from or on behalf of the Plaintiff within twelve months prior to the filing of a case and any unpaid fee charged to the Plaintiff and filed such disclosure with the petition as required by 11 U.S.C. § 110(h)(2).

10. In providing the Plaintiff Services, Defendants

- a. offered Plaintiff legal advice including, but not limited to, advising the Plaintiff to file a bankruptcy petition in prohibition of 11 U.S.C. § 110(e); and,
- b. using the word “legal” or any similar term in any advertisements, or advertise under any category that includes the word “legal” or any similar term in prohibition of 11 U.S.C. § 110(f).

11. Plaintiff now seek damages and other relief for Defendants’ violation of 11 U.S.C. § 110(b)(1), (b)(2), (c)(1), (e), (f), and (h)(2).

D. Causes of Action

Damages

12. Plaintiff incorporates Paragraphs 1-11 above by reference.

13. Under 11 U.S.C. § 110(i)(1), Plaintiff seeks to recover damages for Defendants’ acts which the Court finds to fraudulent, unfair, or deceptive including Plaintiff’s actual damages, the greater of \$2,000 or twice the amount paid by the Plaintiff to the Defendants for the Services, and reasonable and necessary attorneys’ fees and expenses.

Turnover and Fines

14. Plaintiff incorporates Paragraphs 1-11 above by reference.

15. Under 11 U.S.C. § 110(h)(3), Plaintiff seeks forfeiture and turnover of all fees charged by Defendants for Defendants’ violation of 11 U.S.C. § 110(b), (c), (e), and (f). Under 11 U.S.C. § 110(h)(5), the Plaintiff further asks the Court to fine Defendants not more than \$500 for each failure to comply with any order of this Court ordering Defendants to turn over such funds thirty days after services of any such order.

16. Under 11 U.S.C. § 110(l)(2), Plaintiff further asks the Court to fine Defendants not more than \$500 for each violation of 11 U.S.C. § 110(b), (c), (e), (f) and (h) and to triple the amount of

such fine for Defendants' failure to disclose their identities in the documents provided to Plaintiff.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff respectfully prays that this Court consider her pleadings and, upon a final hearing herein, the Court:

- a. Award Plaintiff her actual and statutory damages;
- b. Impose a fine on Defendants;
- c. Order Defendants to turnover all fees charged for Services;
- d. Award the undersigned reimbursement of attorneys' fees, costs, and expenses incurred by Plaintiff in seeking damages for the wrongful violation, and for the preparation, filing and prosecution of this proceeding;
- e. Award to undersigned additional attorneys' fees, costs and expenses in the event Defendants appeals any judgment in this case to the Federal District Court and/or the Fifth Circuit Court of Appeals; and,
- f. Grant Plaintiff such other and further relief as to the Court may seem just and proper.

Respectfully submitted,

THE SUGHRUE LAW FIRM, PLLC

/s/ Jason Laas-Sughrue

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