UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

	- X
ASHLEY TURNER	:
Plaintiff,	:
v.	:
FABER & BRAND, LLC, et al.,	:
Defendant.	:
	- X

Civil No. 3:21cv30 (DJN)

DEFENDANTS FABER & BRAND, LLC, JARED L. BUCHANAN AND JEREMY FORREST'S MEMORANDUM IN SUPPORT OF THEIR MOTION TO DISMISS THE <u>AMENDED CLASS ACTION COMPLAINT UNDER FEDERAL RULE 12(b)(6)</u>

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INTRODUCTION

In filing her initial Complaint, Plaintiff Ashley Turner ("Turner" or "Plaintiff") leapt to the conclusion that the Faber & Brand Defendants¹ had engaged in a nefarious scheme of falsely telling her that she was being sued when she was not in an apparent effort to extract payment for her outstanding debts in violation of the Fair Debt Collections Practices Act, 15 U..S.C. § 1692e ("FDCPA"). Plaintiff based her conclusion on the mere fact that after receiving a mailed copy of a Warrant in Debt that had not been issued by the Clerk nor served by the Sheriff, her counsel appeared at the Dinwiddie General District Court on June 2, 2021, but her case was not called and it was not on the docket.

In response to Plaintiff's initial Complaint, the Faber & Brand Defendants filed their Motion to Dismiss, and in so doing, they attached the letter from the Clerk of the Dinwiddie General District Court that proved the old adage: "things aren't often what they seem... and absolutely not what you think." <u>https://www.pinterest.com</u>. In that letter,² the Clerk returned the Warrant in Debt and filing fee that the Faber & Brand Defendants had attempted to file with the Court with a letter stating that "[d]ue to the recent outbreak of the coronavirus," the clerk's office "has had to continue several cases to another docket. At this time all dockets for the month of June, 2020 is closed. Please select another Tuesday at 1:00 p.m. beyond the month listed above."

Rather than acknowledge the folly of her original Complaint, Plaintiff doubles down by continuing to insist on asserting the same legally flawed claims that she asserted in the original

¹ The "Faber & Brand Defendants" are Faber & Brand, LLC ("Faber & Brand"), Jared L. Buchanan ("Buchanan"), and Jeremy Forrest ("Forrest").

² Plaintiff attaches the letter without its enclosures as an exhibit to her Amended Complaint. ECF 32-1.

Complaint, but now Plaintiff assumes that the Clerk's letter was delivered by the mail to Faber & Brand before the June 2, 2020 return date (it was not), and asserts a legal duty that does not exist under the FDCPA – a debt collector must inform a consumer that its initial communication that was true when made has been rendered untrue by subsequent events. That duty is not found anywhere in the FDCPA, or the common law. Accordingly, even accepting Plaintiff's flawed assumption, her amendment adds nothing to save her claims.

The gist of Plaintiffs FDCPA claim is Plaintiff's purported belief that after receiving the Warrant in Debt that had been mailed to her she believed she had been summoned to appear in court. That purported belief fails the objective, least sophisticated consumer test because the face of the Warrant in Debt attached to the Amended Complaint reveals that the summons had not been issued. The Warrant in Debt was not signed and dated by the Clerk. Instead, the Warrant in Debt reveals that Jared Buchanan, who is the Hospital's³ counsel, certified that he was simply mailing Plaintiff a copy of the Warrant in Debt. This is accepted practice under Virginia law.

Virginia law provides that a plaintiff may obtain a default judgment against a defendant that received substituted process, if the plaintiff, or its agent, mails a copy of the Warrant in Debt to the defendant and files with the court a certificate of such filing at least 10 days before obtaining the default judgment. Va. Code § 8.01-296(b). That section of the Code provides: "In any civil action brought in a general district court, the mailing of the <u>application</u> for a warrant in debt . . ., <u>whether yet issued by the court or not</u>, which contains the date, time and place of the return, <u>prior</u> to or after filing such pleading in the general district court, shall satisfy the mailing requirements of this section." *Id.* (emphasis added). Accordingly, under Virginia law, the Warrant in Debt may

³ Petersburg Hospital Company, LLC d/b/a Southside Regional Medical Center ("Hospital").

be mailed to the defendant before it is issued by the Clerk of the Court. That way, if the defendant does not appear in court on the return date, the plaintiff may obtain a default judgment.

Here, Faber & Brand mailed the Warrant in Debt with the appropriate filing fee to the Clerk's office. Exhibit 2. Under Virginia law, "[a] civil action on a warrant in a district court shall be deemed brought when the memorandum required by \S 8.01-290⁴ is filed with the clerk, magistrate, or other officer authorized to issue warrants and the required fee is paid." Va. Code § 16.1-86. However, after receiving the Warrant in Debt from Faber & Brand that properly identified Turner as the defendant to that action and after receiving the appropriate filing fee, the Clerk of the Dinwiddie General District Court did not treat the action as "filed," but instead she returned the Warrant in Debt and filing fee to Faber & Brand. Exhibit 1; see also ECF 32-1. The Clerk apparently returned the Warrant in Debt to Faber & Brand because Virginia law requires that the Warrant in Debt that is to be served on a defendant must "require the person against whom the claim is asserted to appear before the court on a certain date, not exceeding sixty days from the date of service thereof, to answer the complaint of the plaintiff set out in the warrant," and those requirements could not be met due to the exigencies of the pandemic. See Va. Code § 16.1-79. However, by statute, the action had been brought when the Clerk received the Warrant in Debt. Thus, through no fault of Faber & Brand, the Dinwiddie General District Court Clerk did not issue the requested Warrant in Debt, nor did the Clerk's office treat the action as being "filed," when by law the action had been "brought" under Va. Code § 16.1-86.

Accordingly, contrary to the assumptions and unsupported conclusions made by Plaintiff and her counsel, the Faber & Brand Defendants followed Virginia law by transmitting the Warrant

⁴ Va. Code § 8.01-290 requires plaintiffs to furnish "in writing to the clerk or other issuing officer the full name and last known address of each defendant..."

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in Debt to the Clerk with the appropriate filing fee and mailing a copy of the Warrant in Debt to Turner before it was issued by the Clerk. Only the extraordinary circumstances created by the coronavirus pandemic thwarted issuance of the Warrant in Debt by the Clerk's office. In following Virginia law, the Faber & Brand Defendants also complied with the FDCPA, because they made no false, misleading or deceptive statement to Plaintiff.

Subsequently, the Hospital, through its counsel Faber & Brand, has sought and obtained from the Dinwiddie General District Court Clerk's office issuance of a Warrant in Debt against Turner for the same debt that is at issue in the original Warrant in Debt. Exhibit 3. Thus, as represented by the mailing of the Warrant in Debt, Faber & Brand is pursuing an action in General District Court on behalf of its client to collect the debt owed it by Plaintiff.

Accordingly, this Court should dismiss Plaintiff's Complaint, with prejudice, under Rule 12(b)(6).

ALLEGATIONS

The following allegations are pertinent to the claims Plaintiff asserts against the Faber & Brand Defendants:

Faber & Brand is a law firm located in Missouri that represents creditors, including hospitals, credit card companies, insurance companies, banks, and collection agencies. ECF 32 at ¶ 7. The Hospital retained Professional Account Services, Inc. ("PASI") to collect medical debts for the Hospital, and PASI retained Faber & Brand. *Id.* at ¶¶ 10-12.

Plaintiff received a Warrant In Debt, dated April 3, 2020, signed by Buchanan, who is a lawyer associated with Faber & Brand. *Id.* at \P 28. The Warrant in Debt identifies the Hospital as the Plaintiff, and that the return date for the Warrant in Debt is June 2, 2020. ECF 32-1. The

Warrant in Debt contain a block where Buchanan certified that he had mailed the Warrant in Debt to the "defendant[]," who is the Plaintiff in this case. *Id*.

Upon receipt of the Warrant in Debt, Plaintiff retained counsel, who purportedly appeared on her behalf in Dinwiddie General District Court on June 2, 2020. ECF 32 at ¶¶ 28-29. The General District Court called certain cases for the Hospital that were on the docket that day, but did not call the Plaintiff's case. *Id.* at ¶¶ 33-35. Forrest appeared at the June 2, 2020 return date on behalf of the Hospital. *Id.* at ¶ 32.

Plaintiff asserts that the Faber & Brand Defendants knew that the Dinwiddie General District Court had rejected the Warrant in Debt naming Plaintiff as a defendant because the court sent it back with a cover letter in the form attached as Exhibit B to the Amended Complaint. *Id.* at \P 56, ECF 32-2. Plaintiff asserts that the defendants did not notify Plaintiff that "no court case had been filed against them." *Id.* at \P 66.

Plaintiff asserts two Counts against the Faber & Brand Defendants. In Count I, Plaintiff asserts a claim for alleged violation of the FDPCA. In Count Four, Plaintiff also asserts a fraud claim against all defendants.

LEGAL STANDARD

To survive a motion under Rule 12(b)(6), the Complaint must state sufficient "facts to state a claim for relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "Facial 'plausibility' lies on a spectrum between possibility and probability, and it is established when the court is able to draw a reasonable inference that the defendant may be liable for the conduct alleged." *Barish-Stern Ltd. v. Town of Buchanan, Va.*, No. 7:14cv00181, 2014 WL 6680692, at *3 (W.D. Va. Nov. 25, 2014). "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *see also Jesse v. Wells Fargo Home Mortg.*, 882 F.Supp.2d 877, 879–80 (E.D. Va. 2012) (dismissing an FDCPA claim on a 12(b)(6) motion where the complaint merely "recites the law with a bald assertion that the defendants violated it."). Rather, the "[f]actual allegations must be enough to raise a right to relief above the speculative level." *Twombly*, 550 U.S. at 555. While the Court must accept as true Plaintiff's well-pled factual allegations when assessing a motion to dismiss, such deference is "inapplicable to legal conclusions" contained in the Complaint. *Iqbal*, 556 U.S. at 678. Similarly, the Court "need not accept as true unwarranted inferences, unreasonable conclusions, or arguments." *Eastern Shore Markets, Inc. v. J.D. Assoc. Ltd. P'ship*, 213 F.3d 175, 180 (4th Cir. 2000).

In addition, Rule 9(b) requires that fraud claims must be pled with particularity. Fed. R. Civ. P. 9(b). "Mere allegations of 'fraud by hindsight' will not satisfy the requirements." *Harrison v. Westinghouse Savannah River Co.*, 176 F.3d 776, 784 (4th Cir. 1999).

In considering a Rule 12(b)(6) motion, the district court may "properly take judicial notice of matters of public record." *Philips v. Pitt County Mem. Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009)(citing *Hall v. Virginia*, 385 F.3d 421, 424 (4th Cir. 2004) (noting it was proper during Rule 12(b)(6) review to consider "publicly available [statistics] on the official redistricting website of the Virginia Division of Legislative Services.") (citing *Papasan v. Allain*, 478 U.S. 265, 268 n. 1 (1986) ("Although this case come to us on a motion to dismiss..., we are not precluded in our review of the complaint from taking notice of items in the public record…"). The court may also consider documents attached to the complaint and those "attached to the motion to dismiss, so long as they are integral to the complaint and authentic." *Id.* (citing *Blankenship v. Manchin*, 471 F. 3d 523, 526 n. 1 (4th Cir. 2006)).

ARGUMENT

The "FDCPA provides consumers with a private right of action where '(1) the plaintiff has been the object of collection activity arising from consumer debt; (2) the defendant is a debt collector as defined by the FDCPA; and (3) the defendant has engaged in an act or omission prohibited by the FDCPA." *Penn v. Cumberland*, 883 F. Supp.2d 581, 587 (E.D. Va. 2012). The FDCPA under section 1692(e) prohibits a "debt collector" from using "any false, deceptive, or misleading representation or means in connection with the collection of any debt." 15 U.S.C. § 1692(e). Section 1692(e) provides a "non-exhaustive list of 'conduct' that falls within the general prohibition." *Laporte v. Midland Funding, LLC*, No. 5:19-cv-000073, 2020 WL 2814184, * 3 (W.D. Va. May 28, 2020)(citing § 1692e(1)-(16)). In considering whether a violation has occurred, courts apply the objective "least sophisticated consumer" standard. *United States v. Nat'l Servs., Inc.*, 98 F.3d 131, 135-36, 138-139 (4th Cir. 1996).

With respect to its FDCPA claim, Plaintiff asserts violations of four specific subparts of § 1692e. Plaintiff alleges the Faber & Brand Defendants violated the FDCPA by:

1. the use of allegedly false representations as to the character, amount, or legal status of the purported debt in violation of § 1692e(2)(A);

2. the use or distribution of any written communication which simulates or is falsely represented to be a document authorized or issued by a Virginia General District Court, or which creates a false impression as to its source, authorization or approval in violation of § 1692e(9);

3. the false representation or implication that documents are legal process in violation of § 1692e(13); and

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4. generally, the use of false or misleading representations or deceptive means to collect or attempt to collect the alleged medical services debt in violation of § 1692e(10).
 Id. at ¶ 53.

Plaintiff's Amended Complaint fails to establish that the Faber & Brand Defendants violated any of these provisions of the FDCPA.

A. Plaintiff Fails to Allege Any Act or Omission by Forrest That Can Give Rise to an FDPCA violation.

Plaintiff fails to identify any act that Forrest committed or any statement he made to Plaintiff in connection with the collection of any debt. Forrest did not sign the Warrant in Debt at issue in this case. ECF 32-1. Plaintiff does not allege that she communicated with Forrest at any time regarding her debt. Forrest is merely alleged to have appeared on behalf of the Hospital on June 2, 2020 at the return date for the Dinwiddie General District Court. Accordingly, Plaintiff has failed to state a claim against Forrest. This Court should therefore dismiss the Complaint against him with prejudice.

B. Plaintiff Fails to Allege a Violation of the FDCPA by Buchanan and Faber & Brand.

1. Plaintiff Fails to Allege a Plausible Claim for Violation of § 1692e(2)(A).

FDCPA § 1692e(2)(A) prohibits the false representation of "the character, amount, or legal status of any debt." 15 U.S.C. § 1692e(2)(A). Plaintiff's Complaint does not allege facts suggesting that the character or amount of the debt at issue in the Warrant in Debt is false or incorrect. Apparently, Plaintiff asserts that because the Warrant in Debt was not issued by the General District Court Clerk, then the Warrant in Debt she received in the mail falsely stated the "status of the debt." Plaintiff's claim is meritless.

A misrepresentation as to the "status of the debt" occurs when the debt collector represents that the debt had not been satisfied, and thus was "legally due and owing," when it was not because the debtor had paid her debt. Russell v. Absolute Collection Services, Inc., 763 F.3d 385, 395 (4th Cir. 2014). Likewise, attempts to settle a debt that has been settled have been found to violate § 1692e(2)(A). Yarney v. Ocwen Loan Servicing, LLC, 929 F. Supp. 2d 569, 576 (W.D. Va. 2013) (citing Ross v. RJM Acquisitions Funding, LLC, 480 F.3d 493, 495 (7th Cir. 2007) (holding that a debt collector who demands payment from a debtor whose debts are discharged in bankruptcy makes a false claim and violates the statute); Vitullo v. Mancini, 684 F.Supp.2d 747, 758 (E.D.Va. 2010) (finding debt collector's attempt to collect from a non-debtor spouse constituted a false statement actionable under the FDCPA)). See also McCollough v. Johnson, Rodenburg & Lauinger, LLC, 637 F.3d 939, 949-50 (9th Cir.2011) (holding a debt collector violated FDCPA by seeking attorney's fees to which it was not entitled); Fetters v. Paragon Way, Inc., 2010 WL 5174989, at *3-*4 (M.D.Pa. Dec. 15, 2010) ("[W]hen a debt collector asserts that there is an obligation to be paid, whether true or not, the protections of the FDCPA are triggered.") (citations omitted).

Plaintiff does not allege facts demonstrating that Buchanan or anyone else acting on behalf of Faber & Brand falsely asserted that a debt existed when it did not in the Warrant in Debt. Plaintiff does not allege that she had paid the debt when she received the Warrant in Debt, nor does she allege that the debt had been settled. Indeed, she does not allege that the debt is not owed. Accordingly, Plaintiff fails to state a claim for violation of § 1692e(2)(A).

2. Plaintiff Fails to Allege a Plausible Claim for Violation of § 1692e(9).

Section 1692e(9) prohibits debt collectors from using a "written communication which simulates or is falsely represented to be a document authorized, issued, or approved by any court,

official, or agency of the United States or any State, or which creates a false impression as to its source, authorization, or approval." 15 U.S.C § 1692e(9).

The four corners of the Warrant in Debt attached to the Complaint defeats this claim.

The Warrant in Debt form is approved by the Court. The mailing of the document is authorized by law. The Warrant in Debt mailed to Plaintiff did not falsely state that it had been issued by the Clerk.

While Plaintiff selectively quotes from portions of the Warrant in Debt that she received in the mail, Plaintiff omits any reference to the first block in the Warrant in Debt, which has a block for the signature of the Court's Clerk, Deputy Clerk or Magistrate, indicating that the Warrant in Debt has actually been issued by the Court. ECF 32-1. That signature block is blank, thereby plainly indicating that the Warrant in Debt mailed to Plaintiff had not been issued by the Court. *Id.* The second page of the Warrant in Debt contains blocks where the manner of service of process would be indicated. Those blocks are blank, plainly indicating that service has not been made. *Id.* Finally, the Warrant in Debt plainly indicates that it is being mailed to Plaintiff by the Hospital's attorney – not the court.

Thus, there was no false representation that the Warrant in Debt had been issued by the General District Court Clerk. While the FDCPA "protects uninformed consumers, the standard employed," i.e., the least sophisticated consumer, "nevertheless protects creditors from 'liability for bizarre or idiosyncratic interpretations of collection notices by preserving a quotient of reasonableness and presuming a basic level of understanding and *willingness to read with care*." *Ramsay v. Sawyer Property Management of Maryland, LLC*, 593 Fed. Appx. 204, 208 (4th Cir. 2014)(quoting *Ellis v. Solomon & Solomon, P.C.*, 591 F.3d 130, 135 (2d Cir. 2010)).

The "least sophisticated consumer" test requires a court to evaluate a communication "as a whole, not sentence-by-sentence, because the least sophisticated consumer standard 'does not go so far as to provide solace to the willfully blind or non-observant. Even the least sophisticated debtor is bound to read collection notices in their entirety." *Vitullo v. Mancini*, 684 F. Supp. 2d 747, 756 (E.D.VA. 2010) (quoting *Campuzano-Burgos v. Midland Credit Mgmt.*, 550 F.3d 294, 298-99 (3d Cir. 2008)). In considering the entirety of the document, as is required, no consumer who read the Warrant in Debt with "care" would have been misled into believing the Clerk's office had issued the Warrant in Debt when it was not signed by the Clerk and had not been served by the Sheriff's office or a private process server. *See Ramsay*, 593 Fed. Appx. At 209 (considering the context of the documents in their entirety).

Moreover, the Warrant in Debt form is approved by the Court and Virginia law permits the plaintiff in the action to mail the defendant a copy of the Warrant in Debt before it is issued by General District Court Clerk. Va. Code § 8.01-296(2)(b). As the Dinwiddie General District Court Clerk's letter makes clear, Buchanan attempted to have the Clerk issue the subject Warrant in Debt, but the Clerk improperly rejected the filing not because of any defect or the failure to pay the appropriate filing fee and service fees, but due to the exigencies of the pandemic. Ex. 1.

Accordingly, the Warrant in Debt did not "simulate[]" or "falsely represent[]" that it is authorized or issued by a court. The mailed copy of the Warrant in Debt clearly indicated that it had *not* been issued by the court, and the mailing of the Warrant in Debt prior to its issuance by the Clerk and service by the Sheriff's office is permitted by Virginia law. Therefore, neither Buchanan nor Faber & Brand violated § 1692e(9), and this claim must be dismissed with prejudice.

3. Plaintiff Fails to Allege a Plausible Claim for Violation of § 1692e(13).

For the same reasons, Plaintiff's claim that mailing the Warrant in Debt to her "falsely represented and implied that the Warrant in Debt was legal process ... in violation of 15 U.S.C. 1692e(13)" fails as a matter of law.

As noted by the Court in *Biber v. Pioneer Credit Recovery, Inc.*, 229 F.Supp.3d 457, 470 (E.D.Va. 2017), "most cases where courts have sustained a potential §1692e(13) claim involved allegations – not present in the instant case – (i) that the debt collectors' correspondence was accompanied by actual service of process, (ii) that the debt collectors held out the correspondence as if it were a summons or complaint, or (iii) that the debt collectors' correspondence carried the official imprimatur of a court or government agency." (citations omitted). Typically, a §1692e(13) violation involves a debt collector's "attempt to dress up an ordinary collection letter in the trappings of a judicial summons or complaint." *Id.* at 471 n. 20.

Here, the Warrant in Debt was mailed to Plaintiff, in accordance with Virginia law, with no other correspondence. There is no allegation that Buchanan or Faber & Brand did anything to falsely state or imply that the mailing of the Warrant in Debt to Plaintiff constituted actual service of the Warrant in Debt. The letter was not "served" by the Sheriff or any other purportedly official party. To the contrary, the back portion of the Warrant in Debt, where the manner of service is to be designated, was left blank, as was the place for the Clerk's signature on the front of the document. Accordingly, Plaintiff has failed to state a claim for violation of § 1692e(13), and this claim must be dismissed with prejudice.

4. Plaintiff Fails to Allege a Plausible Claim for Violation of § 1692e(10).

Likewise, Plaintiff has failed to state a claim against Buchanan and Faber & Brand for violation of § 1692e(10), which prohibits "the use of any false representation or deceptive means

to collect or attempt to collect any debt." 15 U.S.C.§ 1692e(10). The mailing of the Warrant in Debt did not falsely represent that the Hospital had retained Buchanan and Faber & Brand to collect the debt. It had retained them to pursue a legal action, which they did. Nor did its mailing falsely indicate that the Hospital intended to initiate a civil action in General District Court to collect the debt, because it had attempted to do so. Under Virginia law, the Warrant in Debt was "filed" in the clerk's office – notwithstanding the Clerk's decision to return it to Faber & Brand. *See* 16.1-86. Moreover, a Warrant in Debt against Turner for the same debt was subsequently issued by the General District Court. Ex. 3.

As noted by the Fourth Circuit, courts have found a violation of § 1692e(10) when debt collectors falsely represent that "unpaid debts would be referred to an attorney for immediate legal action." *United States v. National Financial Services, Inc.*, 98 F.3d 131, 138-39 (4th Cir. 1996)(citing *Jeter v. Credit Bureau, Inc.*, 760 F.2d 1168, 1175 (11th Cir. 1985)). Likewise, false threats that legal action would be taken violates § 1692e(10). *Id.*; *see also Talbott v. GC Servs. Ltd. P'ship,* 53 F.Supp.2d 846, 852 n. 2 (W.D.Va.1999) ("[c]ases where the courts have found §1692e(10) in addition to § 1692g violations have generally been where the letter issued falsely threatened legal action or threatened to make immediate credit reports).

Here, there was no empty threat of filing. Buchanan attempted to have the Clerk issue the Warrant in Debt, which attempt was thwarted as a result of the extraordinary circumstances of the pandemic. Ex. 1 and 2. A subsequent filing of the Warrant in Debt against the Plaintiff, however, was accepted by the Dinwiddie General District Court. Ex. 3. Thus, there is no false representation that the Hospital intended to pursue legal action to collect its debt, which it did pursue.

Accordingly, Plaintiff has failed to state a claim for violation of the FDCPA, and Count One should be dismissed with prejudice.

5. The Faber and Brand Defendants Had No Duty to Tell Plaintiff that the Dinwiddie General District Court Clerk had Returned the Warrant in Debt.

Even if it can be assumed that before June 2, 2020, the Faber & Brand Defendants had received the Clerk's letter, and thus, had knowledge that the Clerk for the Dinwiddie General District Court had returned the Warrant in Debt naming Turner as a Defendant (notwithstanding the impact the pandemic had on mail delivery, the fact that people were working from home, and the fact that the court had certain of the Hospital's cases on its docket), the FDCPA does not impose any duty on debt collectors to correct statements that were true when made.

As discussed above, when Plaintiff received the Warrant in Debt through the mail, the Faber & Brand Defendants had attempted to file the Warrant in Debt with the General District Court Clerk, and had set a return date for June 2, 2020. The Warrant in Debt mailed to Plaintiff did not purport to be issued by the Clerk, nor did it purport to have been served by proper process. Moreover, the Warrant in Debt properly evidenced the debt that Plaintiff owed. In short, there was no misrepresentation in the communication.

Section 1692e proscribes false or deceptive communications with debtors *when* the communication is made. As explained by one court, "[t]he gist of § 1692e is that 'where some aspect of a debt collector's communication – whether explicit or implied – has the purpose or effect of making a debtor more likely to respond, the FDCPA requires it to be true." *Sparks v. Phillips & Cohen Assoc., Ltd.*, 641 F. Supp.2d 1234, 1248 (S.D. Ala. 2008)(quoting *Campuzano-Burgos v. Midland Credit Management*, 497 F.Supp.2d 660, 665 (E.D.Pa. 2007)).

Thus, the Warrant in Debt stated true facts as the Faber & Brand Defendants knew them to be when it was mailed to Plaintiff. Accordingly, the FDCPA was not violated.

C. Plaintiff's Fraud Claim Fails as a Matter of Law.

In Count Four, Plaintiff cites to *Norris v Mitchell*, 255 Va. 235, 240 (1998) for the proposition that a "party's willful nondisclosure of a material fact that he knows is unknown to the other party may evince an intent to practice actual fraud." ECF 32, at ¶ 94. Plaintiff then attempts to construct her allegations to fit that legal principle, asserting in conclusory fashion that "[b]e [sic] sending the Warrants in Debt and then concealing that no such action were actually filed[,] Defendants falsely represented that Plaintiff ... had been sued, when in fact no such legal actions had been instituted." *Id.* at ¶ 95. Plaintiff asserts that the Faber & Brand Defendants mailed the Warrant in Debt to Plaintiff and then "did not inform Plaintiff ... that [it] had been rejected with the intent that Plaintiff ... would rely on [it], intending that they would think that an action had been filed against [her], and then be concerned about that action." *Id.* at ¶ 98.

Plaintiff's fraud claim fails as a matter of law. Under Virginia law, consistent with Fed. R. Civ. P. 9, "[f]Fraud, since it must be clearly proved, must be distinctly alleged."" *Sweely Holdings, LLC v. SunTrust Bank,* 296 Va. 367, 382, 820 S.E.2d 596, 603 (2018)(quoting *Welfley v. Shenandoah Iron, Lumber, Mining & Mfg. Co.,* 83 Va. 768, 771, 3 S.E. 376 (1887) (citation omitted)). "'It will not do to state it argumentatively. The charge must be direct as the proof must be clear." *Id.* (quoting *Alsop, Mosby & Co. v. Catlett & Jenkins,* 97 Va. 364, 370, 34 S.E. 48 (1899)). "For these reasons, allegations of fraud in a complaint 'must show, specifically and in detail,' all elements of the cause of action at a level which, if believed, would qualify as clear and convincing proof. 'Generalized, nonspecific allegations ... are insufficient to state a valid claim of fraud."" *Id.* (citations omitted).

The elements of a fraud claim are well established. The state a claim for fraud, Plaintiff must allege and prove a "false representation, of a material fact, made intentionally and knowingly,

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with intent to mislead, reliance by the party misled, and resulting damage." *Yuzefovsky v. St. John's Wood Apartments*, 261 Va. 97, 111, 540 S.E.2d 134, 143 (2001).

Plaintiff's fraud claim fails because there was no "false representation of fact." The Faber & Brand Defendants did not falsely represent that an action had been or was to be commenced against Plaintiff. As shown above, when Faber & Brand transmitted the Warrant in Debt to the clerk, it was "brought" under Virginia law, and thus, the whole basis for the fraud claim fails. Va. Code § 16. 1-86. Even though the Clerk improperly returned the Warrant in Debt to Faber & Brand, a subsequent Warrant in Debt was accepted by the Clerk and that action is proceeding against the Plaintiff.

Moreover, the face of the Warrant in Debt does not make any assertion that in fact the Clerk had issued the Warrant in Debt. To the contrary, the Warrant in Debt reveals only that Plaintiff's counsel was mailing her a copy of the Warrant in Debt that counsel intended to file with the General District Court, which of course is permitted by Virginia law. This intent is made evident by the fact that the Warrant in Debt had not been signed by the General District Court Clerk, and there was no service of the Warrant in Debt.

At most, the mailing of the Warrant in Debt evidences an intent to obtain issuance of the Warrant in Debt by the Clerk's office and to have it served. Thus, to properly allege fraud, Plaintiff must allege specific facts establishing that when Buchanan mailed the Warrant in Debt to Plaintiff, he did not have the present intent to have the Warrant in Debt issued by the Dinwiddie General District Court.

To be actionable, fraud "must involve a misrepresentation of a present or a pre-existing fact, fraud ordinarily cannot be predicated on unfulfilled promises or statements regarding future events." *Supervalu, Inc. v. Johnson*, 276 Va. 356, 367, 666 S.E.2d 335, 342 (2008)(citations

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omitted). It is well-established that a "'promisor's intention – his state of mind – is a matter of fact.'" *Radiance Capital Receivables Fourteen, LLC v. Foster*, 298 Va. 14, 24, 833 S.E.2d 867, 871 (2019) (quoting *Colonial Ford Truck Sales, Inc. v. Schneider*, 228 Va. 671, 677, 325 S.E.2d 91 (1985)).

Plaintiff has not, and indeed, cannot allege that Buchanan did not have the present intention to file the Warrant in Debt with the General District Court when he mailed Plaintiff a copy of the Warrant in Debt. To the contrary, at approximately the same time Buchanan mailed Plaintiff the Warrant in Debt, Buchanan also made an attempt to have the Clerk issue the Warrant in Debt, but the Clerk returned it due to the restrictions placed on the General District Court due to the Covid-19 pandemic. ECF 32-1.

In the face of these insurmountable hurdles to her fraud claim, Plaintiff asserts a concealment theory that has no application to this case. Concealment, as a species of fraud, arises when one party to a transaction conceals a material fact from the other party to the transaction. As explained by the Supreme Court of Virginia in *Van Deusen v. Snead*, 247 Va. 324, 328, 247 S.E.2d at 209 (1994): "For purposes of an action for fraud, concealment, whether accomplished by words or conduct, may be the equivalent of a false representation, because concealment always involves deliberate nondisclosure designed to prevent another from learning the truth. A *contracting party's* willful nondisclosure of a material fact that he knows is unknown to the other party may evince an intent to practice actual fraud." (quoting *Spence v. Griffin*, 236 Va. 21, 372 S.E.2d 595, 598-599 (1988)(citations omitted))(emphasis added). "'Concealment is an *affirmative* act intended to be likely to keep another from learning a fact of which he would otherwise have learned. Such affirmative act is always the equivalent to a misrepresentation....'" *Id.* (quoting Restatement (Second) of Contracts § 160 (1979)(emphasis added)); *Devine v. Buki*, 289 Va. 162, 176, 767

S.E.2d 459, 466 (2015)("If a party conceals a fact that is material to the transaction, knowing that the other party is acting on the assumption that no such fact exists, the concealment is as much a fraud as if the existence of the fact were expressly denied, or the reverse of it expressly stated.")(citations omitted).

Plaintiff has not alleged that she entered into a "transaction" with the Faber & Brand Defendants. She did not settle or pay her debt, much less communicate with the Faber & Brand Defendants. Moreover, Plaintiff has failed to plead any "active concealment or any other affirmative action intending to deceive them." *Modern Oil v. Cannady*, No. 141839, 2015 WL 10990113, at * 5 (Va. Dec. 30, 2015)(unpublished). Thus, there was no concealment, much less one of a material fact.

Furthermore, "silence alone, absent a duty to speak, is generally not treated as an affirmative representation of anything." *Wooten v. Bank of America, N.A.*, 290 Va. 306, 311, 777 S.E.2d 848, 851 (2015)(citation omitted); *see Commonwealth, Dept. of Labor and Industry v. E.A. Clore Sons, Inc.*, 281 S.E.2d 901, 904, 281 S.E.2d 901, 904 (1981)("Silence, however, cannot constitute fraud or misrepresentation unless 'there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."")(citations omitted).

It is also well-settled that "to establish fraud, it is essential that the defrauded party demonstrates the right to reasonably rely upon the misrepresentation," which is an element of fraud sometimes labeled "justifiable reliance." *Sweely Holdings, LLC v. SunTrust Bank,* 296 Va. 367, 383, 820 S.E.2d 596, 605 (2018)(citing *Murayma 1997 Tr. v. NISC Holdings, LLC,* 284 Va. 234, 246, 727 S.E.2d 80 (2012) (emphasis and citation omitted). Without such justifiable reliance, "no fraud is established." *Id.* Furthermore, reliance will not be justified, when the complaining party "undertakes an investigation regarding the matter at issue. Upon undertaking such an investigation,

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the buyer is charged with the knowledge the investigation reveals, or, if the investigation was incomplete, the knowledge that would have been revealed had the investigation been pursued diligently to the end." *Beck v. Smith*, 260 Va. 452, 457, 538 S.E.2d 312, 315 (2000)(citations omitted).

Here, Plaintiff retained counsel. Notwithstanding that even under a least sophisticated consumer standard, a person reading the Warrant in Debt would know that it had not been issued by the Court, a lawyer licensed in Virginia would know that the mere mailing of a Warrant in Debt that has not been issued by the Court does not compel a party to appear in court much less evidence that in fact a legal proceeding had been filed or instituted in the court.

Accordingly, the Court should dismiss the Fraud claim with prejudice.

CONCLUSION

For the reasons stated above, this Court should dismiss the Amended Complaint against the Faber & Brand Defendants with prejudice.

Dated: April 28, 2021

Respectfully submitted,

FABER & BRAND LLC, JARED L. BUCHANAN AND JEREMY FORREST

/s/ Charles M. Sims Charles M. Sims (VSB No. 35845) C. Quinn Adams (VSB No. 90506) O'HAGAN MEYER, PLLC 411 East Franklin Street, Suite 400 Richmond, Virginia 23219 Telephone: (804) 403-7100 Facsimile: (804) 403-7110 CSims@ohaganmeyer.com CAdams@ohaganmeyer.com

Counsel for Faber & Brand. LLC, Jared L. Buchanan and Jeremey Forrest Case 3:21-cv-00030-DJN Document 35 Filed 04/28/21 Page 25 of 25 PageID# 294

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of April 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record.

/s/ Charles M. Sims

Charles M. Sims (VSB No. 35845) O'HAGAN MEYER, PLLC 411 East Franklin Street, Suite 400 Richmond, Virginia 23219 Telephone: (804) 403-7100 Facsimile: (804) 403-7110 CSims@ohaganmeyer.com

Counsel for Faber & Brand. LLC, Jared L. Buchanan and Jeremey Forrest

EXHIBIT 2



,

COMMONWEALTH of VIRGINIA

RAY P. LUPOLD, III, JUDGE GENERAL DISTRICT COURT THOMAS STARK, IV, JUDGE GENERAL DISTRICT COURT Dinwiddie Combined District Court 11th JUDICIAL DISTRICT P.O. BOX 280 DINWIDDIE, VIRGINIA 23841 Tel. (804) 469-4533 Fax (804) 469-5383

LISA G. COLEMAN CLERK

VALENTINE W, SOUTHALL, JR., JUDGE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Date: 4-20.2020

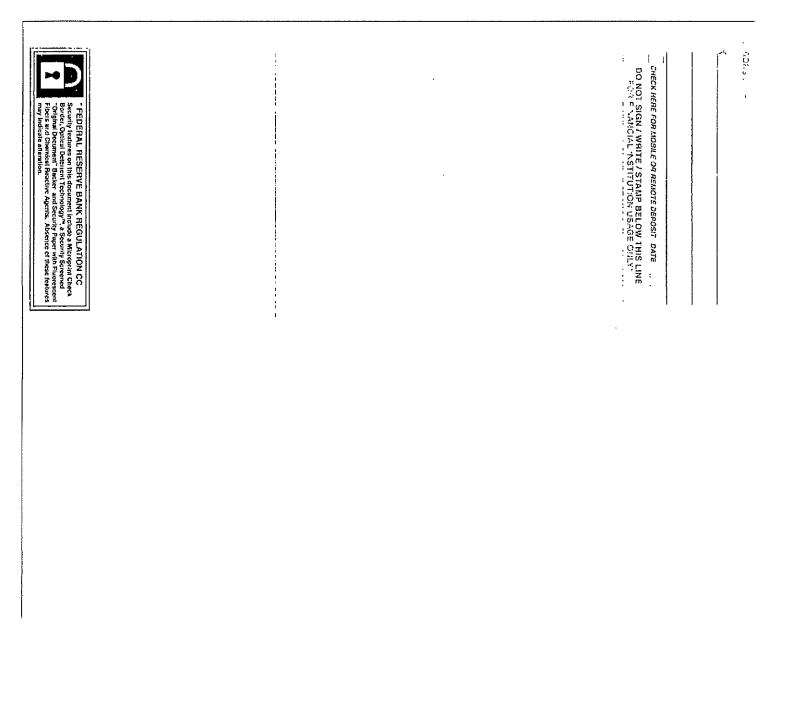
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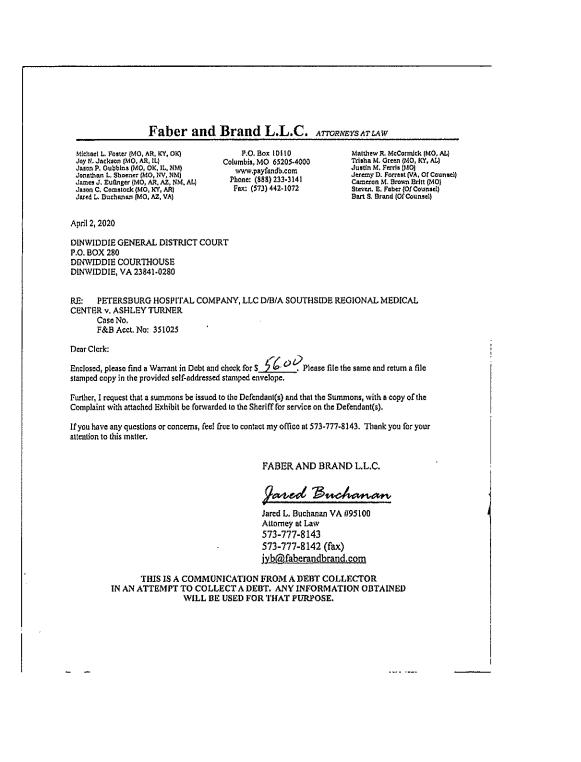
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Dinwiddle Combined District Court

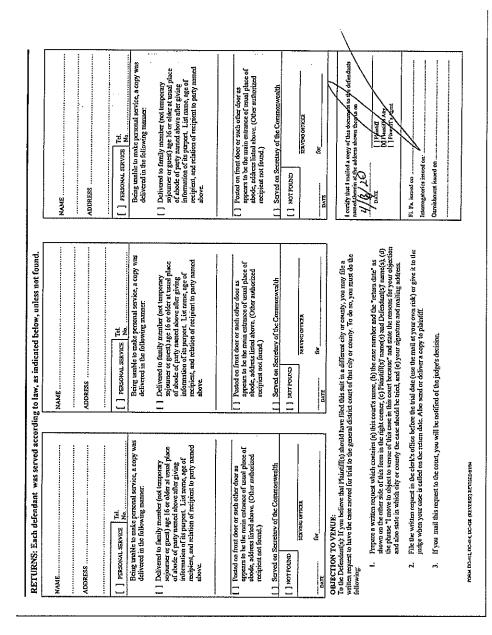
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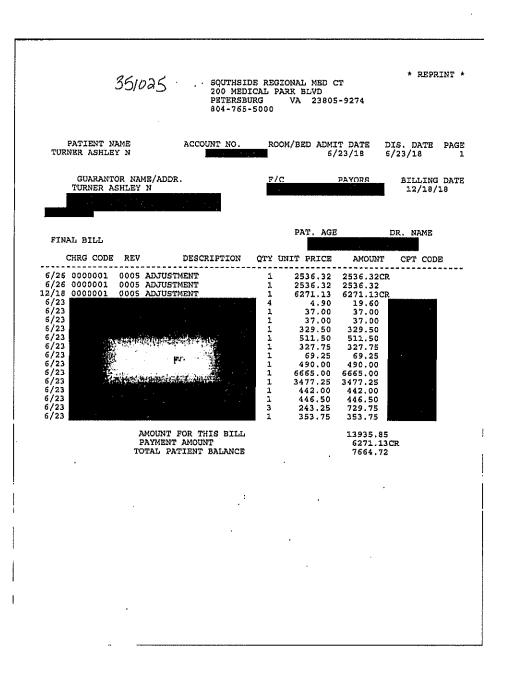


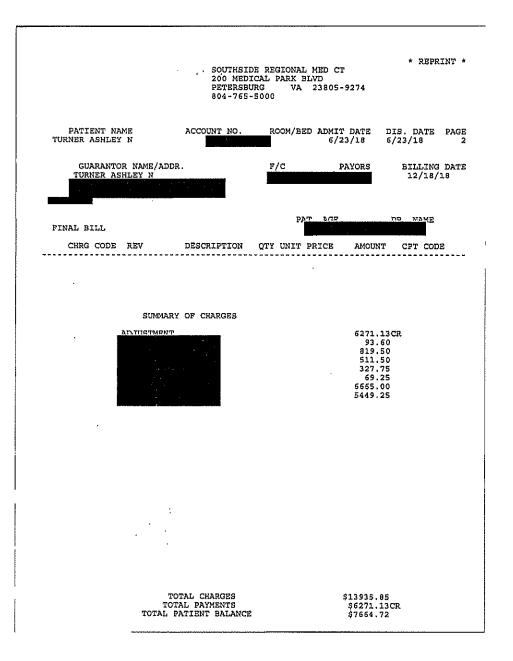


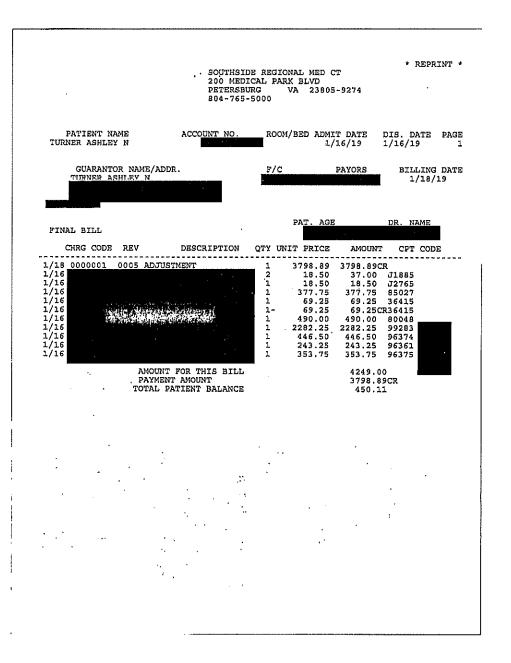
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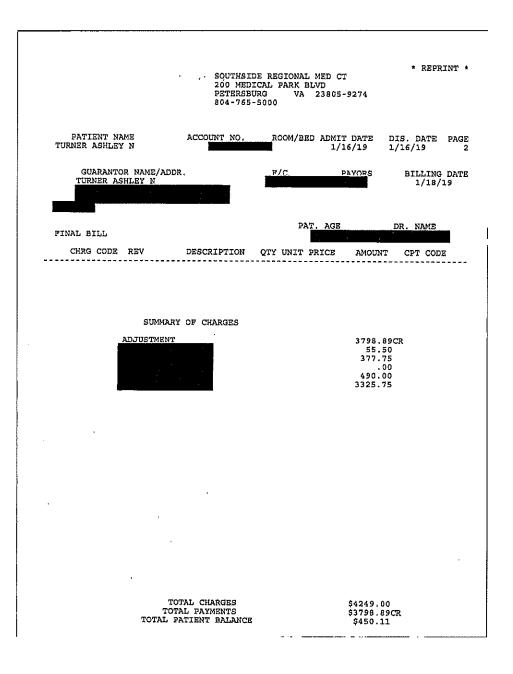


In the ordinary course of business. 3. The books and records (including electronic records) indicate that after application of any and all oradits, ediptiments and lawful set offs the Defendant(s) noted above isfare justly indebted to the Hospital in the amount of 8025.77 as of May 28, 2019 for the below listed account(s). Image: Control of the amount of 8025.77 as of May 28, 2019 for the below listed account(s). Image: Control of the amount of 8025.77 as of May 28, 2019 for the below listed account(s). Image: Control of the amount of 8025.77 as of May 28, 2019 for the below listed account(s). Image: Control of the amount of 8025.77 as of May 28, 2019 for the below listed account(s). Image: Control of the amount of 8025.77 as of May 28, 2019 for the below listed account(s). Image: Control of the amount of 8025.77 as of May 28, 2019 for the below listed account(s). Image: Control of the amount of 8025.77 as of May 28, 2019 for the below listed account(s). Image: Control of the amount of 8025.77 as of May 28, 2019 for the below listed account(s). Image: Control of the best of my knowledge and belief the active ermed forces of the United States of America. 5. That the charges were reasonable and the services rendered were necessary. The foregoing matters are, to the best of my knowledge and belief, true and correct, Petersburg Hospital Company, LLC d/b/a Southside Regional, Madical Center BY: Authorized agent/custodian of Patient Accounts Subscribed and swom to before me this 2.977 My commission expires on : Comments and Particular, Network and accounts Value of the angles toorage accounts Wy commission expires on : <td< th=""><th></th><th></th></td<>		
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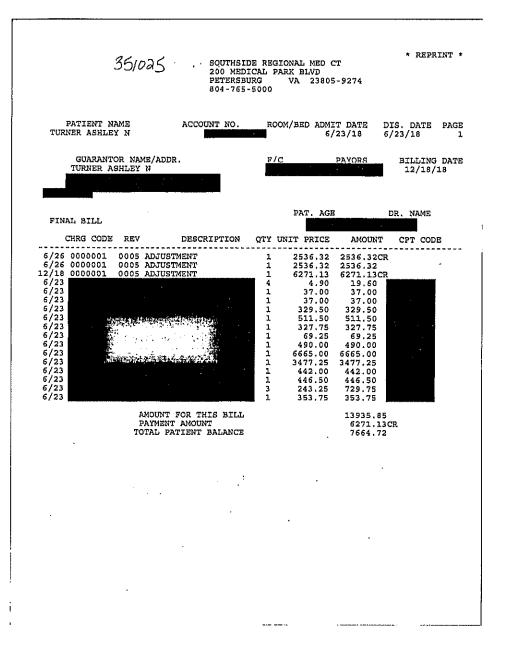


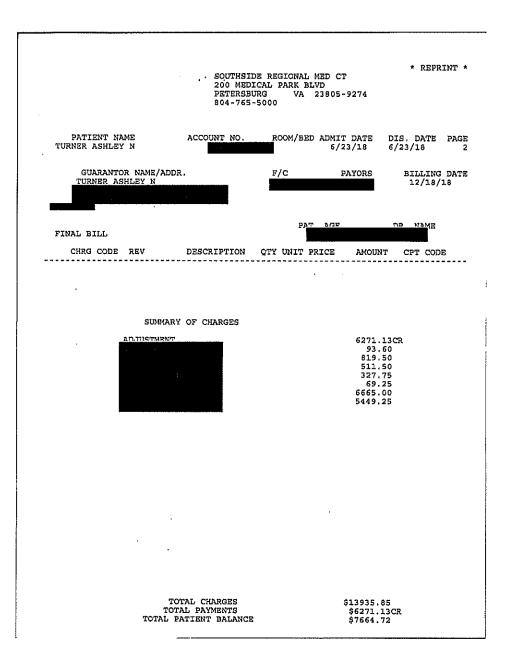
WARRANT IN DEBT (CIVIL CLAIMFOR MONEY)	CASE NO.	HEARING DATE AND
Commonwealth of Virginia vA cooke § 16.1-79		TIME
P.O. BOX 280, DINWIDDIE COURTHOUSE, DINWIDDIE, VA 23843-0280	PLANTERS (CLAT KAAE, FEET KAAE, MEDOLE ENTIAL) PETERSBURG HOSPITAL COMPANY, LLC	0202/2020 01:00PM
An employment of the second	D/B/A SOUTHSIDE REGIONAL MEDICAL	
TO ANY AUTHORIZED OFFICER: You are hereby connurated to summors the Defendant(s).	CENTER	
moned to a	Ķ	
US/US/2020 UJJUPM RETRANDATE AND TAKE	DETERDANT(S) (LAST NAME, FIRST NAME, ARDALE (NITML)	
	ASHLEY TURNER 11813 FROSTY BROGE FT DIAWARD VA 3141	
SATERSAED [] CLEAK [] DEPOTY CLEAR [] MAGINATE		
CLAIM: Plaintiff(s) claim that Defendant(s) over Plaintiff(s) a debt in the sum of e 81075.77		•
$s = \frac{56.0}{56.00}$ costs and $s \frac{1}{0.00}$ altorney's first which the basis of this chim being	WARBANT IN DEBT	
[X] Open Account [] Combast [] Note [] Other (EXPLAIN)		
	TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment may be entered	JUDGMENT PAID OR
HOMESTEAD EXEMPTION WAIVED? []YES [X] NO [] EXTRACT TO COMMAND	eration you not use eventuous notes of the teverse about requesting a change of that location.	SATISHED PURSUANT TO ATT ACTUED NOTICE
-V/3/2D /s/Jared L. Buchanan 6/11 / 1/11 Alonne Mis Autores Arrivers (1.18) Alonne Mis Autores Arrivers (1.18) Alonne Mis Autores Alonne Mis	 To dispute this claim, you <u>must</u> appear on the roturn bete to try this case. 	OF SATISFACTION.
CASE DISPOSITION	To dispute this claim, you must appear on the return date for the index to set mother date for solal	DATE
JUDGMENT against [] ammed Defendant(s) []		A DE AND A D
for \$	AUD BURGHTER CONCERNED AND AUDITED	
of	Grounds of Defense	
[] and \$ costs for Servicemember Civil Relief Act counsel fees		DISABILITY
HOMESTEAD EXEMPTION WALVED? [] YES [] NO [] CAN NOT BE DEMANDED	ATTORNEY FOR PLAINTIFF(S)	for loss of hearing,
[] JUDGMENT FOR [] NAMED DEFENDANT(S) []	Jared Lee Buchanan VA#95100, Jeremy Forrest VA#89170	vision, mobility, etc., contact the court altered
	Faber and Brand, LLC, PO Box 10110 Columbia, MO 65205	of time.
[] NON SUIT [] DISMISSED	ATTORNEY FOR DEFENDANT(S)	
Defendant(s) Present: []NO []YES		
DATE JUDGE	a management of the state of the	
F08A DC-412 (FX0AT) REYERD 10/1		351025

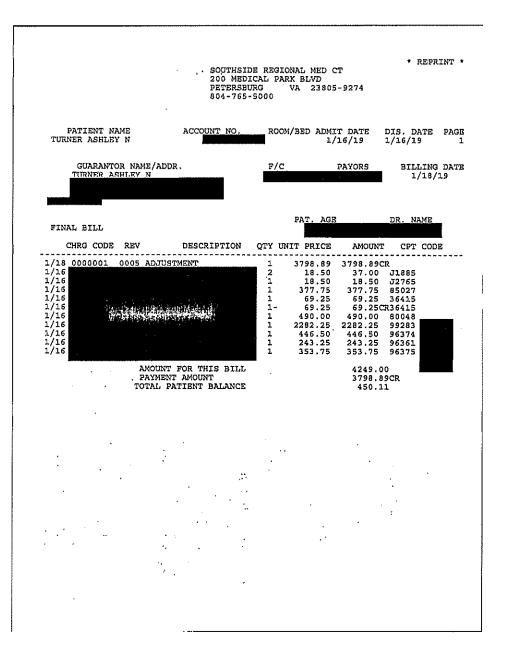
OBJECTION TO VENUE: To the Defordand(s). If you believe that Plaintiff(s) should have fited this sait in a different city or county, you may file a written request to have the case moved for trial to the general district court of that (ity or county. To do so, you must do the Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized [] Delivered to family netmber (not lemponery sejourne or guesd) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. NAME. RETURNS: Each defendant was served according to law, as indicated below, unless not found. following: Served on Secretary of the Commonwealth ADDRESS DATE | NOT FOUND PERSONAL SERVICE recipient not found.) Being unable to make personal service, a copy was delivered in the following manner: FORM DC-412, DC-414, DC-408 (REVERUE) REVISED BINH μı ы Prepare a written equest which combins (a) this courts name, (b) the case number and the "return date" as shown on the other side of this form in the right courser, (c) Plantfl(2) name(3), and Defendate(3) name(3), (d) the phrase T mover to object to verme of this rease in this court because" and static the reasons for your objection and also state in which city or county the case should be tried, and (c) your signature and mailing address. File the written request in the clerk's office before the trial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or deliver a copy to plaintiff. If you mail this request to the court, you will be notified of the judge's decision. ŝ SULVING OFFICER Tel. No [1] Delivered to family member (not lemporary solutions or guest) age 16 or older at usual place of inode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. [] NOT FOUND Served on Secretary of the Commonwealth [] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized) NAME ... ADDRESS PERSONAL SERVICE DATE Being unable to make personal service, a copy was delivered in the following manner. recipient not found.) 1 e I SERVENC OFFICER X I [] Delivered to family member (not (amporary sojourner or guess) age 16 or older at usual place of lobede of party named above nher giving information of its purport. List name, age of recipient, and relation of recipient to purty named above. 4/6/20 NVME Ξ FL FL issued on l certify that I multed a copy of this document to the defendants nampd therejn is the address shown therein on [] NOTPOUND ADDRESS DATE Served on Secretary of the Commonwealth र्शतत्ताट्ट्रस्टलांस्ट विडापदी का: Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized PERSONAL SERVICE Being unable to make personal service, a copy was delivered in the following manner. recipiera not found.) shavent issued on ... ,Ř SEXVENC OFFICER [] Plantiff's Any. [] Plantiff's Agent 운로 <u>/s/ Jared L. Buchanan</u> 1 }Phina

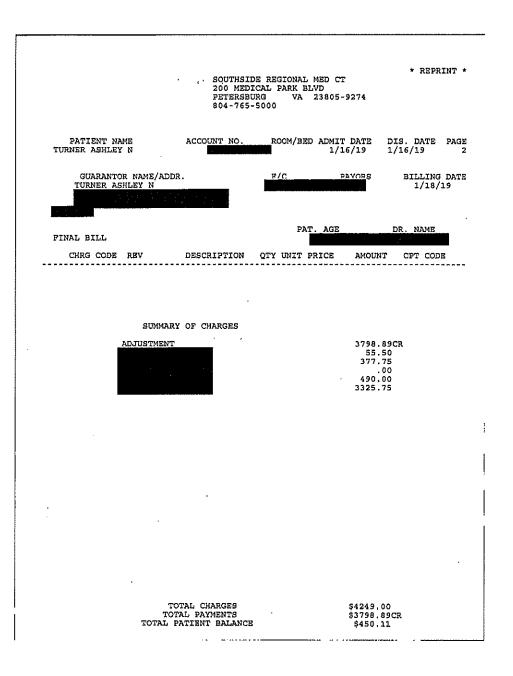
Case 3:21-cv-00030-DJN Document 35-1 Filed 04/28/21 Page 14 of 34 PageID# 308

AFFIDAVIT Petersburg Hospital Company, LLC drive Southside Regional, Medical Center ASHLEY TURNER Defanciant(s) State of PA County of Northampton The undersigned, being an adult of sound mind duly swom, states the following: .1 Image: American adult of sound mind duly swom, states the following: .1 Image: American adult of sound mind duly swom, states the following: .1 Image: Adult of the agent for the custodian of the books and records of Petersburg Hospital Company, LLC drive Southside Regional, Medical Center (Hospital herein): .1 Image: Adult of the agent for the custodian to the which I have authorized access and and while accounties of the state of the books and records indicate that after application of any and and which accounts of business. .1 The books and records indicate the adult of the book which I have authorized access and it credits, adjustments and advall as of the Defendant(s) noted stow latera busity indepted access and it credits, adjustments and stord as of the Defendant(s) noted stow latera busity indepted its the hospital in the amount of 0225.77 ms of May 28, 2018 for the below listed account(s). .1 Ima to the bast of my knowledge and ballet the above listed Defandant is a resident(s) of Vasouthed States of Amoritac. .1 That is in the charges were reasonable and the services rendered were necessary. .1 That is the bast of my knowledge and ballet fits above listed Defandan		4. 	·		the second second second	
ASHLEY TURNER Defendani(s) State of PA Counly of Northampton The undersigned, being an adult of sound mind duly swom, states the following: 1. I am a custodian or the agent for the custodian of the books and records of Petersburg Hospital Company, LLC driva Southside Regional, Medical Center (Hospital herein). 2. I am familier with the books and records of the said Hospital to which I have authorized access and which are controlled by me, or the custodian to whom I report, and are produced and kept in the ordinary course of business. 3. The books and records (including electronic records) indicate that after application of any and at all endits, adjustments and lawful sat offs into Defendant(s) noted above layer justly indibited to the Hospital in the amount of BOS.77 ns of May 28, 2018 for the betow listed account(s). Image: the drages were reasonable and ballef the above isled Defondant is a resident(s) of VA and is released in the foregoing matters are, to the best of my knowledge and ballef the above isled Defondant is a resident(s) of VA and is released and the services rendered were necessary. 3. That to the bast of my knowledge and ballef the above isled Defondant is a resident(s) of VA and is released and the services rendered were necessary. 4. That to the charges were reasonable and the services rendered were necessary. The foregoing matters are, to the bast of my knowledge and ballef the above isled Center BY: Authorized agent/custofan of Patient Accounts Subscribed and swom to before me this 2.927			· AFFIDA	νiτ		
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Authorized agenutus a	Pete	arsburg Hospital Company, LL	C d/b/a Southside Reg	ional, Medical Center		
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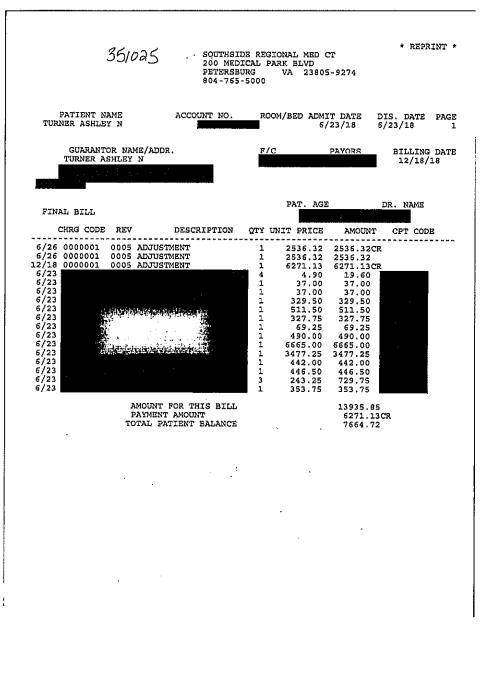


[6.1-79		TIME
strict Court	PLANTIPE(S)(LAST NAME, FIRST NAME, MURKE MITML) PETTERSHIPG HACSDITAL FAMADANY 11 (2000)	06/02/2020
P.D. BOX 280, DRWIDDIE COURTHOUSE, DINWIDDIE, VA 23841-0280 STREET ADDRESS OF COURT	D/B/A SOUTHSIDE REGIONAL MEDICAL	W400:10
TO ANY AUTHORIZED OFFICER: You are hereby commanded to summons the Defendant(s).	CENTER	taasa ahaa ahaa ahaa ahaa ahaa ahaa ahaa
TO THE DEFEMDANT(S): You are summoused to uppear before this Court at the above address on	v.	
U6/02/2020 01:00PM to answer the Plaintiff(s)' civil claim (see below)	DEFENDANTAS) (LAST NAME, FIRST KAME, AUDOLE DITTIAL)	
	ASHLEY TURNER	
DATE ISSUED [] CLEAK [] DEPUTY CLEAK [] ADGSTRATE 11813F	11813 FROSTY RIDGE, CT, DINWEDDIE, VA 23841	
CLAIM: Plaintifi(s) claim that Defendent(s) owe Plaintifi(s) a debt in the sum of \$ 8025.77		
5	WARRANT IN DEBT	
[X] Open Account [] Contract [] Note [] Other (EXPLAIN)		
TO DEFINIC	TO DEFENDANT: You use not required to appear, however, if you fail to appear, judgment may be entered	
HOMESTEAD EXEMPTION WAIVED? []YES [X] NO [] cannot be demanded about teques	agaunst you. See the auguranu rouce of the reverse about tequesting a change of trial location.	SATISFIED PURSUANT TO ATTACHED NOTICE
2/1//20 [1] To dispondent but but []PLANTIF & DELAGTHETA ATTORNEY [] PLANTIFE BUCH BUCH BUCH BUCH BUCH BUCH BUCH BUCH] To dispute this claim, you <u>must</u> appear on the return date to try this case.	OF SATISFACTION.
5	To dispute this claim, you must appear on the return dute for the judge to set another date for trial.	DATE
UDGMENT against [] named Defeadant(s) []		CLERK
	ORDERED DUE	
tuatil paic	Jefense	DISABILITY
J 2013	ATTORNEY FOR PLAINTIFF(S)	ACCOMMODATIONS for loss of hearing.
	lared Lee Buchanan VA#95100, Jeremy Forrest VA#89170 Eaber and Brand 11C, PO Box 10110 Columbia, MO 65016	vision, mobility, etc., contact the count ahead
TOWNSUIT DISMISSEDATTORNEY	ATTORNEY FOR DEFENDANT(S)	01 11120
Defendan(t) Present: [] NO [] YES		
DATE		
R081/105-412 (PRONT) REVIED 10/4		351025

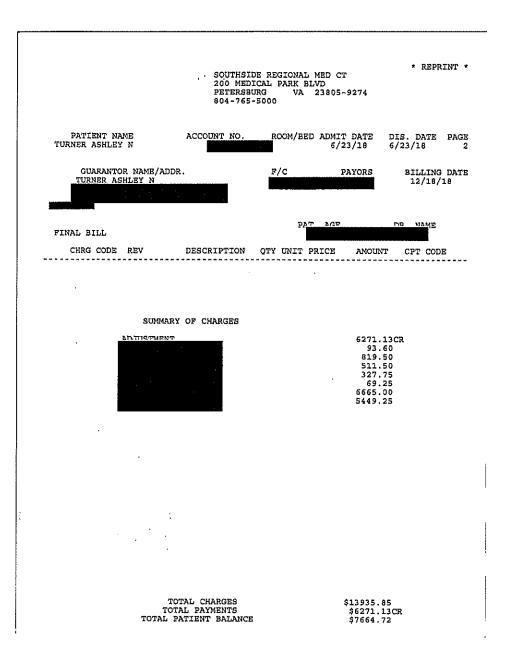
[) Delivered to family member (not temporary solutions: or guess) use 16 or older at trand place of shoets of party nameet above after, piving information of its purport. List name, age of recipient, and relation of recipient to party named above. OBJECTION TO VENUE: To be Deforduntly). If you believe that Plenniff(s) should have filed this soil in a different city or county, you may file a written request to have the case moved for trial to the general distinct court of that city or county. To do so, you must do the Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized NOT FOUND Served on Secretary of the Commonwealth RETURNS: Each defendant was served according to law, as indicated below, unless not found. ADDRESS MANE DATE FORM DC-412, DC-414, DC-424 (REVERSE) REVISED 0344 recipicat not found.) Being mable to make personal service, a copy was delivered in the following manner. PERSONAL SERVICE ų μ Prepare a written request which comlains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the right course, (c) Planiaff(z) name(3) and Defendant(s') name(3),(d) the phrase " move to object to venue of this case in this court because" and state the reasons for your objection and also state in which city or county the case should be tried, and (c) your signature and making address. If you mail this request to the court, you will be notified of the judge's decision File the written request in the elerk's office before the trial date (use the mail at your own risk) or give it to the Judge when your case is called on the return date. Also send or deliver a copy to plainliff. ,Ř SURVENC OFFICER N 7 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of hode of party named above after giving information of its parport. List name, age of recipient, and relation of recipient to party named above. DALE [] NOTFOUND [] Served on Secretary of the Commonwealth NAME . ADDRESS Postel on front door or such other door as appears to be the main entrance of usual place of abode, a ddress listed above. (Other authorized recipient not found.) Being mathe to make personal service, a copy was delivered in the following manner: PERSONAL SERVICE No. ខ្ម SEXVENO OFFICEX Fi, Fa, issued og " Garnishment issued on . scrrogatories insued on: [] NOTFOUND Savel on Secretary of the Commonwealth Posted on front door or such other door as appears to be the main entrance of turnal place of aloode, address listed above. (Other anthonized recipient not found.) [] Delivered to family member (not temporary sojuenter or guesci) age 16 or older at testual place of abode of payiny ramoda above after griving information af its purport. List name, age of recipient, and relation of recipient to party named above. DATE NAME ADDRESS BERSONAL SERVICE Na. DATE Being unable to make personal service, a copy was delivered in the following manner; ā, <u>/s/ Jared L. Buchanan</u> [] Pheela [] Pheela [] Pheela Agent SERVING OFFICER

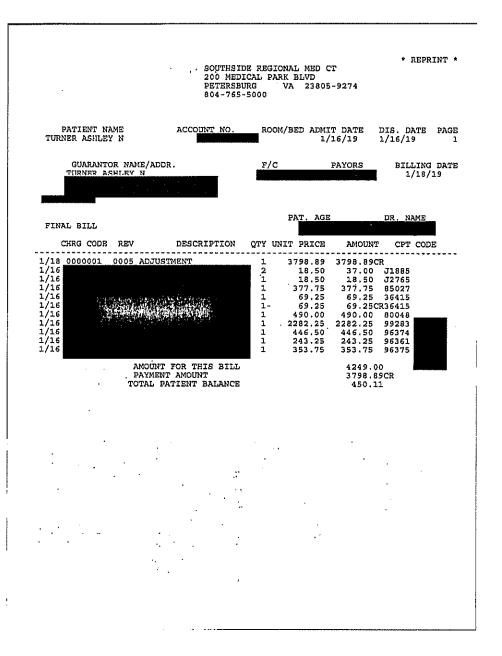
Case 3:21-cv-00030-DJN Document 35-1 Filed 04/28/21 Page 21 of 34 PageID# 315

			and a second
		AFFIDAVI	
P	etersburg Hospital Company, L faintiff	LC d/b/a Southside Re	gional, Medical Center
Å	SHLEY TURNER		
SI	tate of PA ounty of Northampton		
	re undersigned, being an adult i	are viuh hoim house ìo	nth addies the falles falls
1.	am a custodian or the and	at for the outloding of	4-4-1 · · ·
2.	f am familiat with the books	and records of the sal	une books and records of Petersburg , Medical Center (Hospital herein). d Hospital to which I have authorized acces o whom I report, and are produced and kep
3.	The books and records (inc all cradits, adjustments and	luding electronic record	ts) indicate that after application of any and andant(s) noted above is/are jusity indebted 28, 2019 for the below listed account(s).
		06/23/18 01/16/19	7664.72 361.05
4.	That to the best of my know and is neither an infant nor i United States of America.	ledge and belief the ab ncompetent, and is not	ove listed Defendant is a resident(s) of VA a member of the active armed forces of the
5.	That the charges were reas	onable and the service	s rendered were necessary.
The	foregoing matters are, to the b	est of my knowledge ar	nd belief, true and correct.
Pete	ersburg Hospital Company, LLC	d/b/a Southside Regio	Inai, Medical Center
	8Y:	uthonized agent/custod	ian of Patient Accounts
Sub.	scribed and swom to before me		or <u>Mary</u> 20/9.
	My commission expires on :	Novembe	- 12, 205-07%3
		Commonwealth of Penns Judy Dobrotke, N Northampion My commission aspires Commission num Msmber, Pennsylvania Asp	November 12, 2022

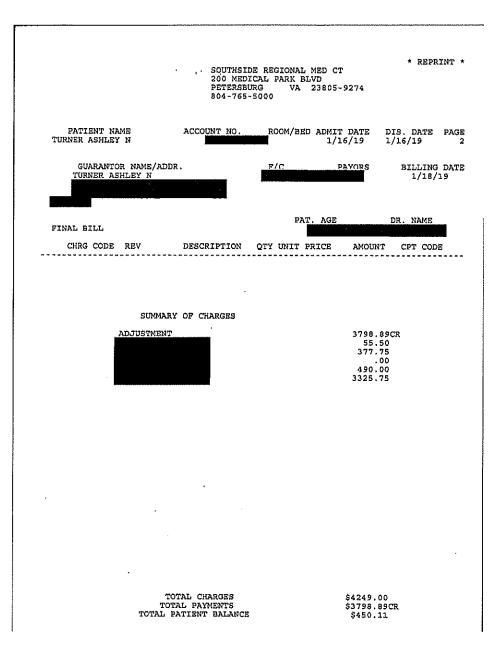


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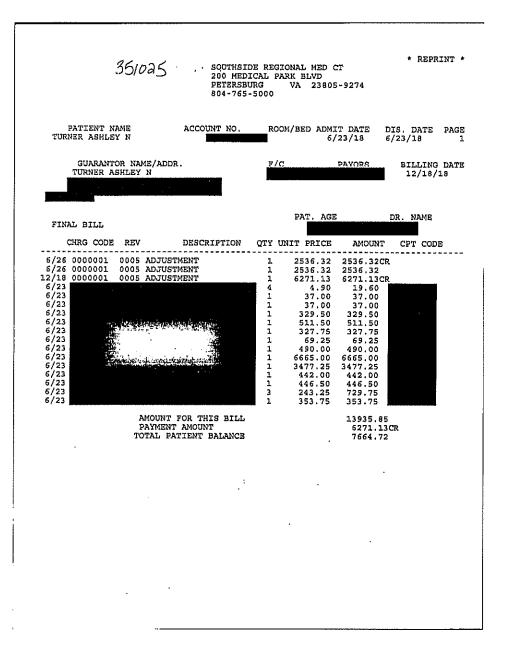


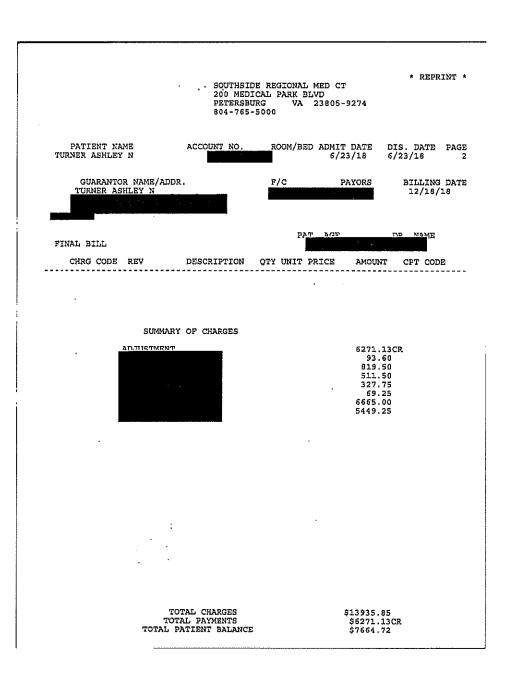
WARRANT IN DEBT (CIVIL CLAIM FOR MONEY) Commonwealth of Virginia VA. CODE 3 14.1-79	CASE NO.	HEARING DATE AND TIME
DINWIDDIE General District Court cray on country P.O. BOX 280, DINWIDDIE COURTHOUSE, DINWIDDIE, VA 23841-0280 stream Audersas or count	PLANTERS (LATTANE FERTINALE ADDR ENTLA) PETERSBURG HOSPITAL COMPANY, U.C. D/B/A SOUTHSIDE REGIONAL MEDICAL	06/02/2020 01:00PM
TO ANY AUTHORIZED OFFICER: You are hereby commanded to summons the Defendan(s). TO THE DEFENDANT(S): You are summoned to appear before this Court at the above address on	CONTER	
06/02/2020 01:00PM to answer the Plaintiff(s)' divil claim (see below) METURENANDTHE MERSICED [] CLEBM 1 DEPUTY CLEBM 1 MAGETRATE	DEFENDATING (LATTANE, FRET MALE, LITDOLE NITTAL) ASHLEY TURNER 11813 FROST RIDGE, CT, DINWIDDIE, VA 23841	
s) claim that Defendant(s) owe Plaintif(s) a debt in the sum of net of any credits, with interest at		
$s = \frac{5.6 \cdot \sigma_0}{100}$ costs and $s_{0.00}$ atomo's fees with the basis of this chaim being [X] Over example 1] Contrast [] Mote [] Other GYMA (NO)	WARRANT IN DEBT	
	TO DEFENDANT: You are not required to appear, bowever, if you fail to appear, judgment may be entered monter you. See the additional action of the account	JUDGMENT PAID OR
HOMESTEADEXEMPTION WAIVED? [] YES [X] NO [] cannot be demanded $\frac{1}{\sqrt{3}}$	about requesting a change of trial location.	SATISPHED PURSUANT TO ATTACHED NOTICE OF SATISFACTION.
CASE DISPOSITION	date for the judge to set another date for their for the return date for the judge to set another date for the judge to set another date for trial.	DATE
JUDGMENT against [] named Defendant(s) [] for a % from date for S for a date and or any credits, with interest at % from date	Bill of Particulars	CLERK
of	Grounds of Defense	DISABILITY
<pre>HOMESTEAD EXEMPTION WAIVED? [] VES [] NO [] CAN NOT BE DEMANDED [] JUDGMENT FOR[] NAMED DEFENDANT(S)[]</pre>	ATTORNEY FOR PLAINTIFF(S) Jareel Lee Buchanan VA#95100, Jaremy Forrest XA#89170 Faber and Brand, U.C. PO Box 10110 Columbia, MO 65205	for loss of hearing, vision, mobility, etc. contact the court abead of time.
[] Now-suff [] DisvidseD	ATTORNEY FOR DEFENDANI (S)	
Determine) Present: [] NU [] YES		
FURN ICALIZ (1800) INT. INT. INT. INT. INT. INT. INT. INT.		351025

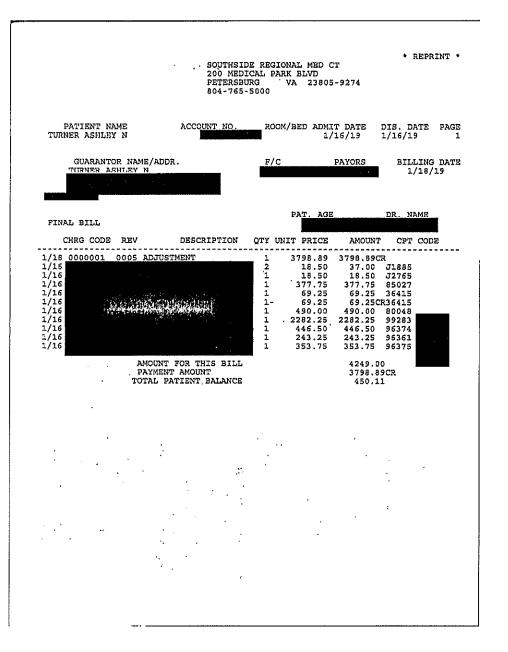
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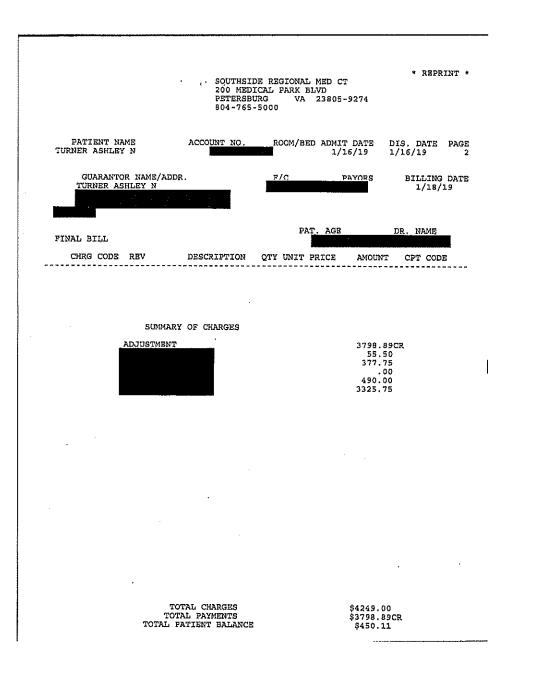
[) Delivered to family member (not temporary sojourner or guest) age 16 or other at testal place of above or pury merced above after giving information of its puryport. Jist name, age of recipient, and relation of recipient to party named above. OBJECTION TO VENUE: To the Defendently). If you believe that Phaintiff(s) should have filed this suit in a different city or county, you may file a written request to have the case moved for trial to the general district court of that city or county. To do so, you must do the following: | NOT FOUND Served on Secretary of the Commonwealth [] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized and the format of the subscience). ADDRESS NAME. RETURNS: Each defendant was served according to law, as indicated below, unless not found. DATE PERSONAL SERVICE No. PORM DC-412, DC-414, DC-424, (REVENSE) REVISED BIOM reciptent not found.) Being mable to make personal service, a copy was delivered in the following manaer. ω ы Prepare a written request which contains (a) this court's name, (b) the case number and the "return date" as shown on the obser side of this form in the right comer, (c) Plaintiff(37 insured) and Defendant(37 named), (d) the places " none to object to transe of this accus in this court because" and actus the nearcoss for your objection and also state in which city or county the case should be tried, and (c) your signature and making address File the written request in the clerk's officer before the bial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or defiver a copy to plantiff. If you mail this request to the court, you will be notified of the judge's decision Ī SEXVENCIOFFICER į Posted on frank door or such other door as spores to be the main cutance of usual place of abode, address listed above. (Other authorized recipient not found.) [] Delivered to family member (not temporary sojourner or guest) see 16 or older at usual place of abode of party named above after giving information of its parport. List name, age of recipient, and relation of recipient to party named [] NOTFOUND NAME . Served on Secretary of the Commonwealth ADDRESS DATE _ Being unable to make personal service, a copy was delivered in the following manar: PERSONAL SERVICE above. ā, SERVING OFFICER Tel. No. I certify that) mailed a copy of this document to the defendance named operation of the address shown there is a $\frac{1}{\sqrt{\frac{6}{200}}}$ $\frac{1}{\frac{51}{100}}$ $\frac{1}{\frac{100}{100}}$ I. Bur han-[] Posted on final door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized) [1] Delivered to fumily member (not temporary supurner or gueed) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipitent, and relation of recipient to party named above. Fi. Fz. issued og " NAME . Served on Secretary of the Commonwealth | | NOTFOUND ADDRESS mishment issued on . empgatories issued on: DATE PERSONAL SERVICE No. recipient not found.) Being unable to make personal service, a copy was delivered in the following manner. SERVING OFFICER <u>/s/ Jared L. Buchanan</u> []Phas*ti* []Phastis Aty []Phastis Agent ŝ

1			
		AFFID	A1/17-
F	etersburg Hospital Comp	eny, LLC d/b/a Southside	
			, regional, Medical CH(IBL
	SHLEY TURNER lefendant(s)		
S C	tale of PA ounty of Northampton		
1	•	adult of sound mind duty.	sworn, states the following:
1.	l am a custorilan or t	be been for the surface	
2.	, ,,,,,	a a a a a a a a a a a a a a a a a a a	mai, medical Center (Hospital herein).
2.	and which are contro in the ordinary course	books and records of the illed by me, or the custodia e of business.	sald Hospital to which I have authorized access an to whom I report, and are produced and kept
3.	The books and record all credits, adjustmen to the Hospital In the	ds (including electronic red its and lawful set offs the D amount of 8025.77 as of M	cords) indicate that after application of any and berendent(s) noted above is/are justly indebted tay 28, 2019 for the below listed account(s).
		01/16/19	7664.72
4.	That to the best of my and is neither an Infan United States of Amer	/ knowledge and belief the	above listed Defendant is a resident(s) of VA not a member of the active armed forces of the
5.	That the charges were	e reasonable and the serv	ices rendered ware necessary.
The	foregoing matters are, to	the best of my knowledge	and belief, true and correct.
Peti	arsburg Hospital Company	y, LLC d/b/a Southside Re	igional, Medical Center
	Bì		adian of Patient Accounts
Sub	scribed and swom to befo	pre me this 29th	day of 102 20/9
		A du	Delatha Tudy Job-oth
	My commission expires	ion: Noran	ber 12. 2022
		Commonwealth of Po Judy Dobrati Nothern	Innervise - Notery Seal g, Notery Public plon County as November 12, 2022









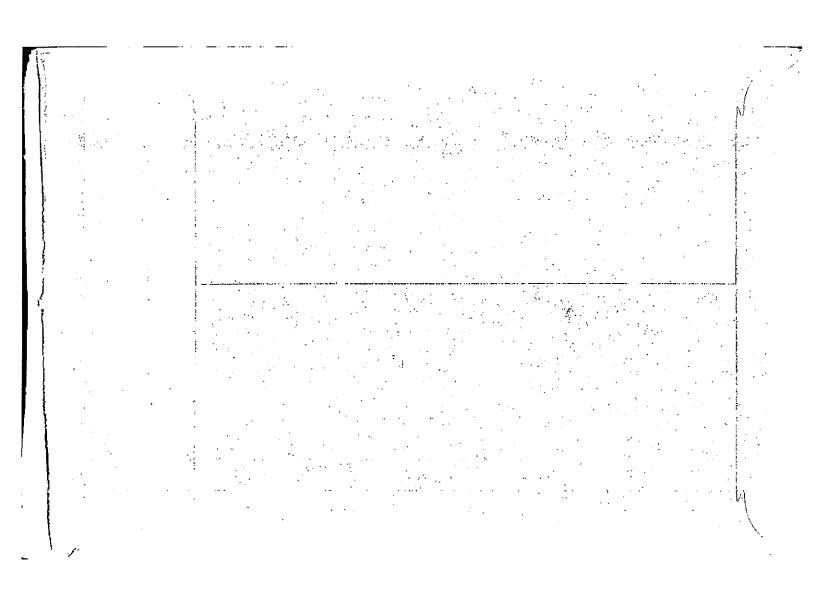
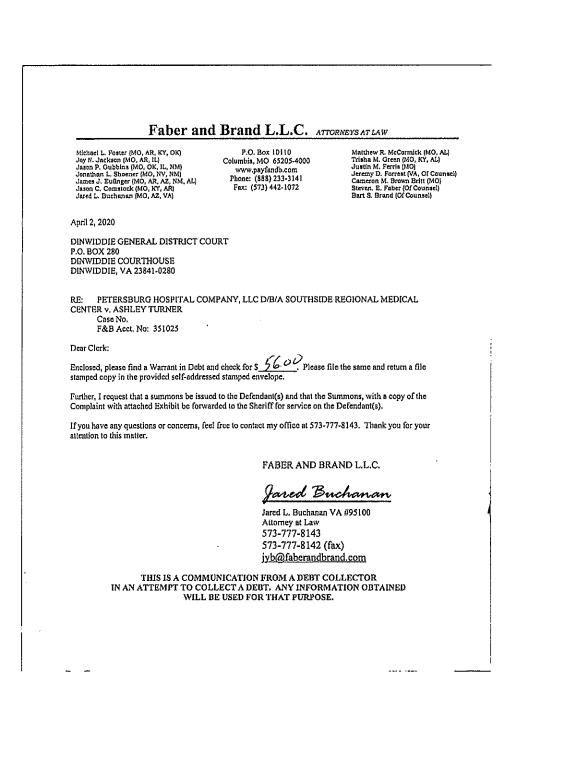
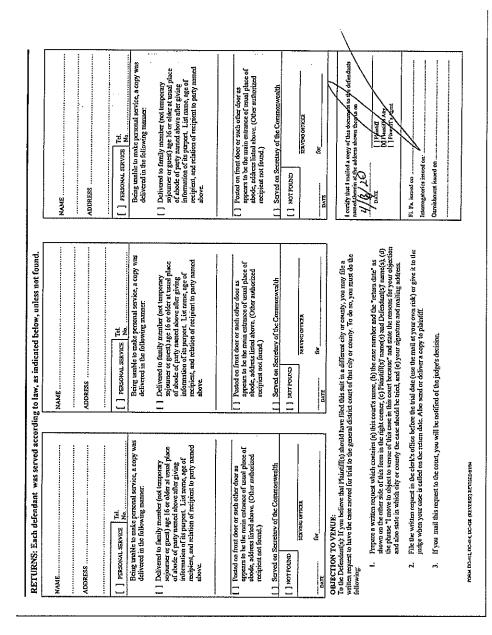


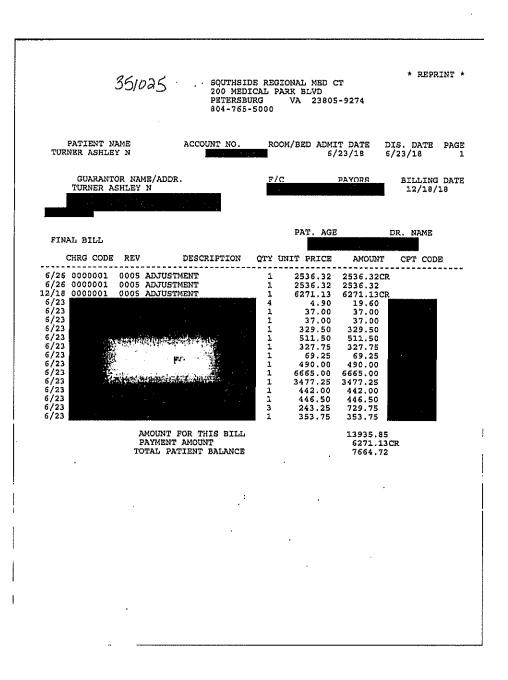
EXHIBIT 1

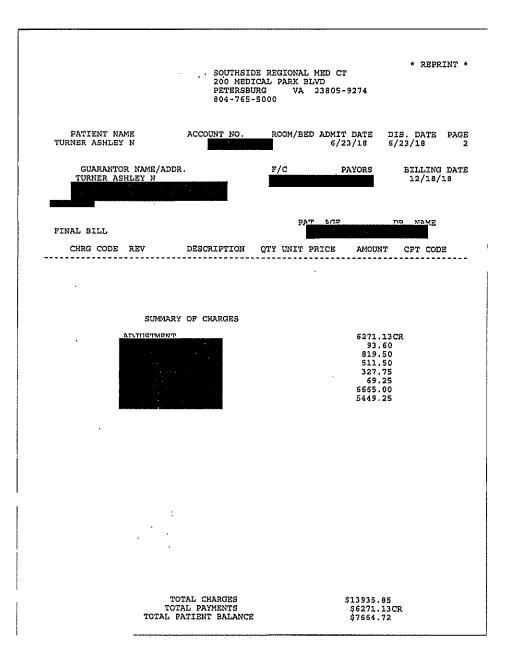


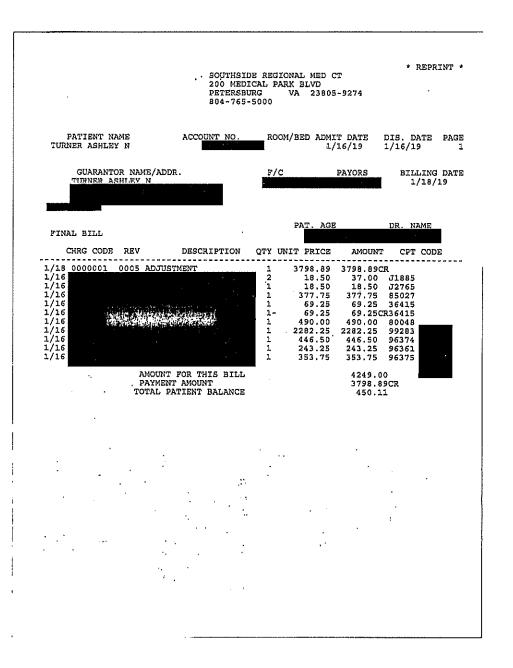
(10)-00-00-00-00-00-00-00-00-00-00-00-00-0		TIME
strict Court	PLAINTERS) (LAST WAKE, FIRST WARE, AUDOLE PUTTAL) PETERSBURG HOSPITAL COMPANY, LLC	06/02/2020
7.0. 8.0.7.200, UNW JURE LUDATHOUSE, UNW JURE, YA 2384.14280	D/B/A SOUTHSIDE REGIONAL MEDICAL	MEDOITO
TO ANY AUTHORIZED OFFICER: You are hereby commanded to summons the Defendant(3).	CENTER	
TO THE DEFENDANT(S): You are summored to appear before this Court at the above address on Def(D7)2070.01-020M	Y.	
	DEFENDANTISICAST NAME, FEIST NAME, NEDOLE INTTAL) ASHLEY TURNER	
בואנה נואנים [] בואנה (] בואנה (] בואנה (] בואנה (] בואנה () ב	11813 FROSTY RIDGE, CT, DINWIDDIE, VA 23841	
CLAIM: Plainiff(s) claim that Defendant(s) over Plainiff(s) a debt in the sum of	anan mara na kanan ka kara manan dan ing manga manga manga kara pana pana pana pana pana mangana mangana manga	
00	WARRANT IN DEBT	
[X] Open Account [] Contract [] Noire [] Other (EXPLAIN)		
	TO DEFENDANT: You are not required to appear, however, if you fail to appear, judgment unay be entered appearyou. See the additional solves of the reverse about remeating a channe of third location	IUDGMENT PAID OR SATISTIED PURSUANT
] To dispute this claim, you <u>must</u> appear on the return dyne to try this case.	TO ATTACHED NOTICE OF SATISFACTION.
	Wo dispute this claim, you must appear on the return date for the judge to set another date for trial.	DATE
JULVIMEN's against partned Deteodent(s))	Bill of Particulars	CLERK
s and 5 attomney's force	Grounds of Defense	
[] and S	0	ACCOMMODATIONS for loss of hearing.
	lared Lee Buchanan VA#95100, Jeremy Forrest VA#89170 Faber and Brand. HLC PO Box 10110 Columbia. MO 65305	~ 8
	ATTORNEY FOR DEFENDANT(S)	50 m 16
Defendant(s) Present: [] NO []] YES	ومحمد والمحمد	
	veren be with diffe the beau a construction of an or a group in the second second second second second second s	
RIGI CIELAN GUOGEJ ELFOOINEDA		351025

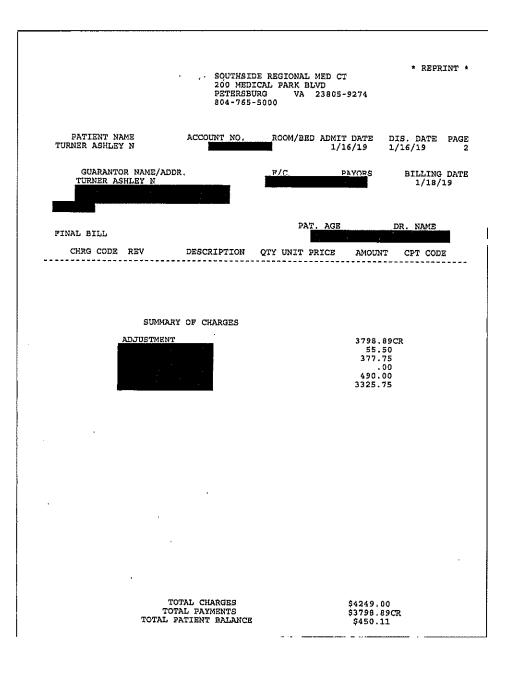


Pe	AFFIDAVIT itersburg Hospital Company, LLC d/b/a Southside Regional, Medical Center
	HLEY TURNER fendant(s)
	ile of PA unty of Northampton
The	a undersigned, being an adult of sound mind duly swom, states the following:
1.	I am a custodian or the agent for the custodian of the books and records of Petersburg Hospital Company, LLC d/b/a Southside Regional, Medical Center (Hospital herein).
2,	I am familiar with the books and records of the said Hospital to which I have authorized access and which are controlled by me, or the custodian to whom I report, and are produced and kept In the ordinary course of business.
3.	The books and records (including electronic records) indicate that after application of any and all credits, adjustments and lawful set offs the Defendant(s) noted above is/are justly indebted to the Hospital in the amount of 8025.77 as of May 28, 2019 for the below listed account(s).
	06/23/48 01/16/19 361.05
4.	That to the best of my knowledge and belief the above listed Defendant is a resident(s) of VA and is neither an infant nor incompetent, and is not a member of the active ermed forces of the United States of America.
5.	That the charges were reasonable and the services rendered were necessary.
	foregoing matters are, to the best of my knowledge and belief, true and correct,
Péte	sburg Hospital Company, LLC d/b/a Southside Regional, Medical Center
	BY: Autriorized agen/custodian of Patient Accounts
Subs	aribed and swom to before me line 2975 tay of May 20/9
	My commission expires on : <u>No ven be</u> <u>12</u> , <u>2022</u>
	Committee for the state of the







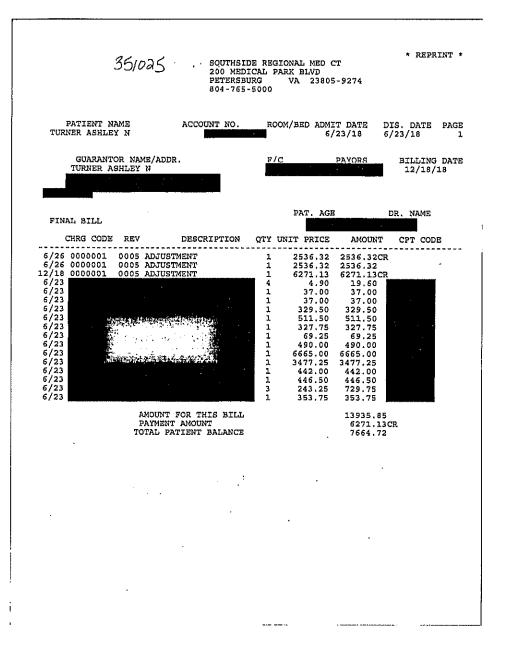


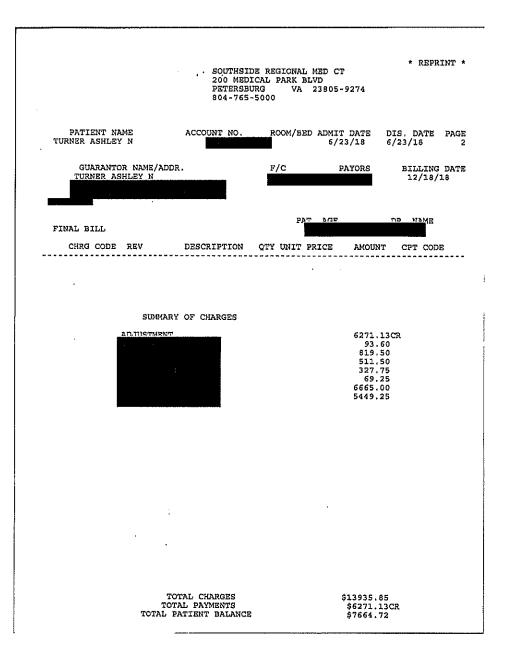
WARRANT IN DEBT (CIVIL CLAIM FOR MONEY) Commenterath of Virginia VA. CODE 5 16.1-79	CASE NO.	HEARING DATE AND TIME
DINWIDDIE Grantal District Court P.O. BOX 280, DINWIDDIE COURTHOUSE, DINWIDDIE, VA 23841-0780	PLANTIFFSICLAT KARE FRATYANE, KROALE KITIAL) PETERSBURG HOSPITAL COMPANY, LLC	06/02/2020 01-000M
STREET ADDRESS OF COURT	D/B/A SOUTHSIDE REGIONAL MEDICAL	MICOTO
TO ANY AUTHORIZED OFFICER. You are hereby commanded to summons the Defendant(s).	CENTER	
TO 111E DEFENDANT(S): You are summoned to appear before this Court at the above address on 06/02/2020 01:00PM RETURNENTE AND THE	V. Defendantis) (Last Name, Fiest Name, Aedole Catina)	
2) 212 212 212 212 212 212 212 212 212 2	ASHLEY TURKIER 11813 FROSTY RIDGE, CT, DINWIDDIE, VA 23841	
CLAIM: Plainsiff(s) claim that Defendam(s) owe Plaintiff(s) a daht in the sum of 5 8025-222		*
s = 56.0 b costs and $s = 0.00$ b allowed in the basis of this chain being	WARRANT IN DEBT	
[X] Open Account [] Contract [] Note [] Other (EXPLAIN)		
	TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment tray be entered aminst you. She the additional notice of the reverse	JUDGMENT PAID OR
HOMESTEAD EXEMPTION WAIVED? []YES [X]NO [] CHIMAN be demanded	about requesting a change of trial location.	SATISHED PURSUANT TO ATTACHED NOTICE
13/10 /s/lared L. Buchanan 6/15 (]PLUNDF DIRANTERSATTORNEY]PLANTERSERFOREACENT	[] To dispute this claim, you <u>must</u> appear on the return bate to try this case.	OF SATISFACTION.
CASE DISPOSITION	I a dispute this claim, you must appear on the return date for the judge to set another date for trial.	DATE
ENT against [] named Defendant(s) []	Bill of Particulars	2102
% from date	Grands of Defenses	
	ORDERED	DISABILITY
D EXEMPTION WA	ATTORNEY FOR PLAINTIFF(S)	ACCOMMODATIONS for loss of hearing.
[] JUDGMENT FOR [] NAMED DEFENDANT(S) []	Jared Lee Buchanan VA#95100, Jeremy Forrest VA#89170	vision, mobility, etc., contact the court abead
14 de 1997 - 199	Faber and Brand, LLC, PO Box 10110 Columbia, MO 65205	of time.
[] Non-suit [] Dismissed	ALTORNEY FOR DEFENDANT(S)	
Defendant(s) Present: [] NO [] YES		
DATE JUDGE		
101125-112 (FKONT) SEVEND 1011		351025
		-

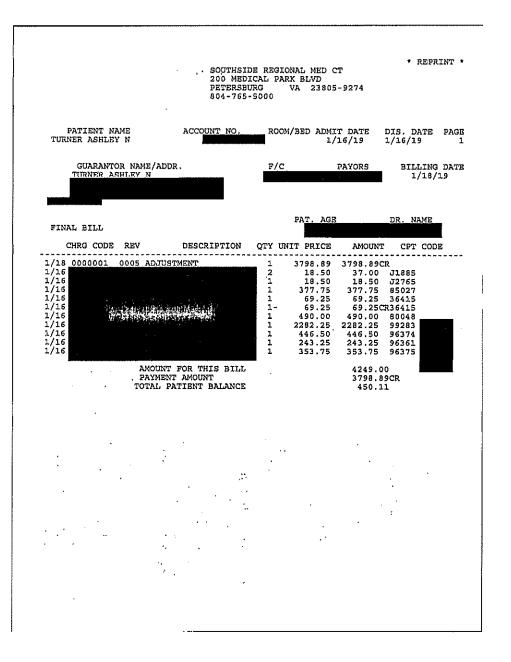
OBJECTION TO VENUE: To the Defordand(s). If you believe that Plaintiff(s) should have fited this sait in a different city or county, you may file a written request to have the case moved for trial to the general district court of that (ity or county. To do so, you must do the Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized [] Delivered to family netmber (not lemponery sejourne or guesd) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. NAME. RETURNS: Each defendant was served according to law, as indicated below, unless not found. following: Served on Secretary of the Commonwealth ADDRESS DATE | NOT FOUND PERSONAL SERVICE recipient not found.) Being unable to make personal service, a copy was delivered in the following manner: FORM DC-412, DC-414, DC-408 (REVERUE) REVISED BINH μı ы Prepare a written equest which combins (a) this courts name, (b) the case number and the "return date" as shown on the other side of this form in the right courser, (c) Plantfl(2) name(3), and Defendate(3) name(3), (d) the phrase T mover to object to verme of this rease in this court because" and static the reasons for your objection and also state in which city or county the case should be tried, and (c) your signature and mailing address. File the written request in the clerk's office before the trial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or deliver a copy to plaintiff. If you mail this request to the court, you will be notified of the judge's decision. ŝ SULVING OFFICER Tel. No [1] Delivered to family member (not lemporary solutions or guest) age 16 or older at usual place of inode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. [] NOT FOUND Served on Secretary of the Commonwealth [] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized) NAME ... ADDRESS PERSONAL SERVICE DATE Being unable to make personal service, a copy was delivered in the following manner. recipient not found.) į e I SERVENC OFFICER X I [] Delivered to family member (not (amporary sojourner or guess) age 16 or older at usual place of lobede of party named above nher giving information of its purport. List name, age of recipient, and relation of recipient to purty named above. 4/6/20 NVME Ξ FL FL issued on l certify that I multed a copy of this document to the defendants nampd therejn is the address shown therein on [] NOTPOUND ADDRESS DATE Served on Secretary of the Commonwealth र्शतत्ताट्ट्रस्टलांस्ट विडापदी का: Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized PERSONAL SERVICE Being unable to make personal service, a copy was delivered in the following manner. recipiera not found.) shavent issued on ... ,Ř SEXVENCIOFFICER [] Plantiff's Any. [] Plantiff's Agent 운로 <u>/s/ Jared L. Buchanan</u> 1)Phina

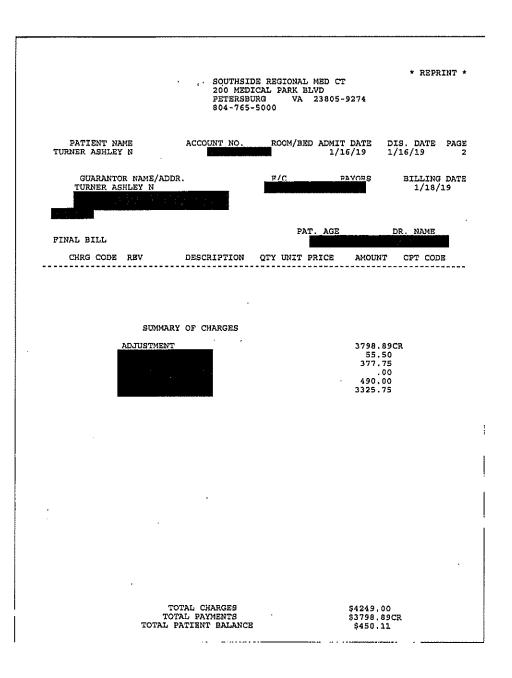
Case 3:21-cv-00030-DJN Document 35-2 Filed 04/28/21 Page 11 of 31 PageID# 339

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		· AFFIDA	VIT		
P	etersburg Hospital Company, aintif	LLC d/b/a Southside R	egional, Medical Center		
	SHLEY TURNER				
SI	ate of PA				
	ounly of Northampton	14 - F			
1,	e undersigned, being an adu I am a custodian or the a	north for the surface of			
		erand opgenation Meditoli	of the books and records (al, Medical Center (Hospit	al herein),	
2.	am familiar with the boo	ks and records of the s	aid Hospital to which I hav to whom I report, and are		
3.	The books and records (in all credits, adjustments an Io the Hospital in the amo	ncluding electronic reco nd lawful set offs the De punt of 8025.77 as of Ma	rds) indicate that after app fendant(s) noted above is ay 28, 2019 for the below i	lication of any and are justly indebted sted account(a)	
		06/23/18	7664.72 361.05		
4.	That to the best of my kno and is neither an infant no United States of America.	wiedge and belief the a it incompetent, and is n		resident(s) of VA armed forces of the	
5.	•		es rendered were necess		
The	foregoing mallers are, to the	best of my knowledge a	and belief, true and correc	ary. H	
Pete	rsburg Hospital Company, Ll	C d/b/a Southside Reg	ional, Medical Center	•	
	BY:	Authorized agen//cust	dian of Pallant Accounts		i
Subs	cribed and swom to before a			19.	
		Diary Probile	Odrocka	-	
	My commission expires on	0 0 0	They Dob-on	· •	1
		Convnortweath of Pan Judy Obbroika Northernor	nsylvania - Motary Spail	<u>-</u>	ļ
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		Commission nu Member, Panneylvania	hiber 1194787		









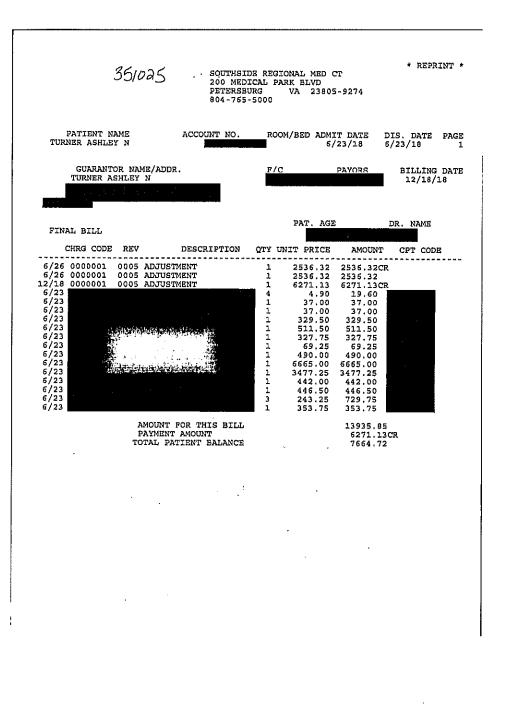
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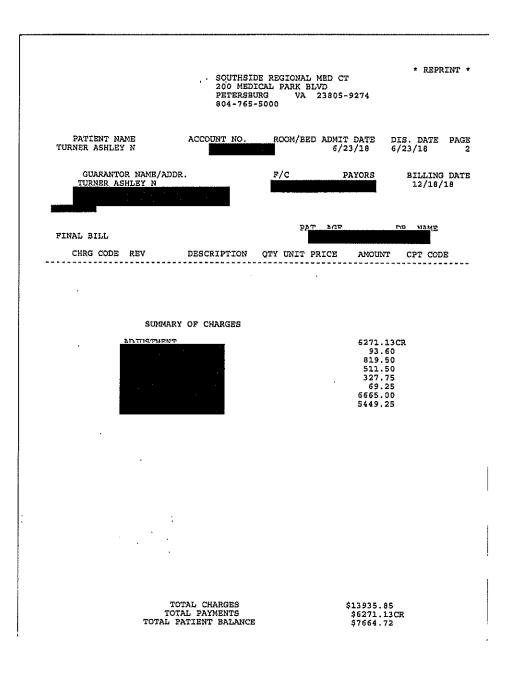
WARRANT IN DEBT (CIVIL CLAIM FOR MONEY) Commonwealth of Virginia va code 5 16.1.39	CASE NO.	HEARING DATE AND TIME
DINWIDDIE General District Court	PLAINTDF(S)(LAST NAME, FRST NAAE, MICRAE, MICRAE, MICRAL)	06/02/2020
P.D. BOX 280, DINWIDDE COURTHOUSE, DINWIDDIE, VA 23841-0280 STREEF ADDRESS OF CORET	PELERNBURG HUSPITAL COMPANY, LLC D/8/A SOUTHSIDE REGIONAL MEDICAL	M400:10
TO ANY AUTHORIZED OFFICER: You are hereby commanded to summons the Defendant(s).	CENTER	an a star a s
TO THE DEFENDANT(S): You are summored to uppear before this Court at the above address on	v.	
06/02/2020 01.00PM RETURNENTE AND THE	DÉFENDANTAS) (LAST NAME, FINST KAME, MODUE DATITAL)	
באנוגנגניבה גענוגנגניבה גענוגנגניבה	ASHLEY TURNER 11813 FROSTY RIOGE, CT, DINWRDOIE, VA 23841	
CLAIM: Plaintif(s) claim that Defendan(s) owe Plaintif(ts) a debt in the sum of 5 8025-177		
s = 56.00 costs and $s 0.00$ altorney's fees with the basis of this claim bring	WARRANT IN DEBT	
[X] Open Account [] Contract [] Note [] Other (EXPLAIN)		11-12-00004
	TO DEFENDANT: You are not required to appear, however, if you fail to appear, judgment may be entered against you. See the additional notice of the cover-	JUDGMENT PAID OR
HOMESTEAD EXTEMPTION WAIVED? [] YES [X] NO [] cannot be demanded	about requesting a change of trial location.	SATISFIED PURSUANT TO ATTACHED NOTICE
N////// Isumer Naverer I Buchanan	 To dispute this claim, you <u>must</u> appear on the return date to by this case. 	OF SATISFACTION.
CASE DISPOSITION	X] To dispute this claim, you must appear on the return dute for the judge to set another date for trial.	DATE
JUDGMENT' against [] named Defeatdan(s) []	Rill of Particulars	CIESC
for \$	ONCRED	
of	Grounds of Defense	
[] and S		ACCOMMODATIONS
HOMESTEAD EXEMPTION WAIVED? [] YES [] NO [] CAN NOT BE DEMANDAED	ATTORNEY FOR PLAINTIFF(S)	for loss of hearing.
[] JUDGMENT FOR [] NAMED DEFENDANT(S) []	lared Lee Buchanan VA#95.100. Jeremy Forrest VA#89.170 Faber and Brand, LLC, PO Box 10.110 Columba, MO 65.205	vision, mobility, etc., contact the court ahead of filme.
[]] NOW-SUIT []] DISMISSED	ATTORNEY FOR DEFENDANT(S)	
Defendant(s) Present: [] NO [] YES		
DATE		
FOR LDC-412 (FROM F) AND F FOR THE FOR T		351025

[) Delivered to family member (not temporary solutions: or guess) use 16 or older at trand place of shoets of party nameet above after, piving information of its purport. List name, age of recipient, and relation of recipient to party named above. OBJECTION TO VENUE: To be Deforduntly). If you believe that Plenniff(s) should have filed this soil in a different city or county, you may file a written request to have the case moved for trial to the general distinct court of that city or county. To do so, you must do the Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized NOT FOUND Served on Secretary of the Commonwealth RETURNS: Each defendant was served according to law, as indicated below, unless not found. ADDRESS MANE DATE FORM DC-412, DC-414, DC-424 (REVERSE) REVISED 0344 recipicat not found.) Being mable to make personal service, a copy was delivered in the following manner. PERSONAL SERVICE ų μ Prepare a written request which comlains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the right course, (c) Planiaff(z) name(3) and Defendant(s') name(3),(d) the phrase " move to object to venue of this case in this court because" and state the reasons for your objection and also state in which city or county the case should be tried, and (c) your signature and making address. If you mail this request to the court, you will be notified of the judge's decision File the written request in the elerk's office before the trial date (use the mail at your own risk) or give it to the Judge when your case is called on the return date. Also send or deliver a copy to plainliff. ,Ř SURVENC OFFICER N 7 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of hode of party named above after giving information of its parport. List name, age of recipient, and relation of recipient to party named above. DALE [] NOTFOUND [] Served on Secretary of the Commonwealth NAME . ADDRESS Postel on front door or such other door as appears to be the main entrance of usual place of abode, a ddress listed above. (Other authorized recipient not found.) Being mathe to make personal service, a copy was delivered in the following manner: PERSONAL SERVICE No. ខ្ម SEXVENO OFFICEX Fi, Fa, issued og " Garnishment issued on . scrrogatories insued on: [] NOTFOUND Savel on Secretary of the Commonwealth Posted on front door or such other door as appears to be the main entrance of turnal place of aloode, address listed above. (Other anthonized recipient not found.) [] Delivered to family member (not temporary sojuenter or guesci) age 16 or older at testual place of abode of paying randed above after griving information af its purport. List name, age of recipient, and relation of recipient to party named above. DATE NAME ADDRESS BERSONAL SERVICE Na. DATE Being unable to make personal service, a copy was delivered in the following manner; ā, <u>/s/ Jared L. Buchanan</u> [] Pheela [] Pheela [] Pheela Agent SERVING OFFICER

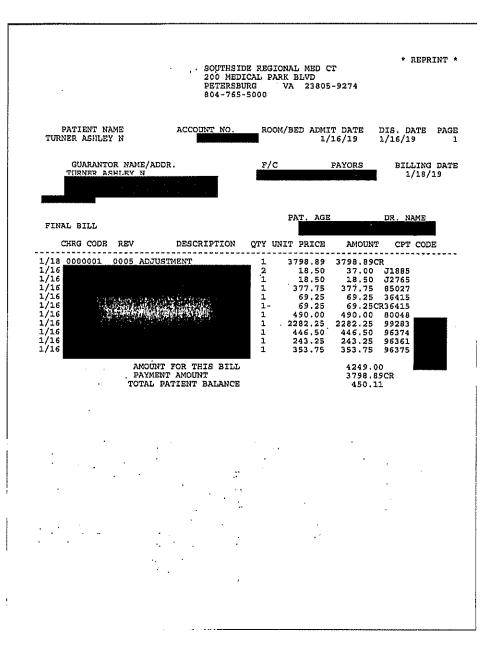
Case 3:21-cv-00030-DJN Document 35-2 Filed 04/28/21 Page 18 of 31 PageID# 346

			n a fransministration, a polyhamma i a a sann fan yn Angelandau a a anny
		AFFIDAVIT	
Pe Pi	stersburg Hospital Company, LL aintiff	.C d/b/a Southside Regi	onal, Medical Center
	HLEY TURNER		
Stu Co	ate of PA unty of Northampton		
Th	e undersigned, being an adult o	f sound mind duly swom	a, states the following:
1,	8m a custodian or the so-	at for the surlade	e books and records of Petersburg Medical Center (Hospital herein).
2.	f am famillar with the books	and records of the said . me, of the custoriles to	Hospital to which I have authorized acces whom I report, and are produced and kep
3.	The books and records (incl all credits, educationants and	uding electronic records) Indicate that after application of any and dant(s) noted above is/are justly indebted 8, 2019 for the below listed account(s).
		06/23/18 01/16/19	7664.72 361.05
4.	That to the basi of my knowle and is neither an infant nor in United States of America.	edge and belief the abov competent, and is not a	re listed Dafendant is a resident(s) of VA member of the active armed forces of the
5.	That the charges were reaso	mable and the services (rendered were necessary.
The	foregoing matters are, to the be	st of my knowledge and	belief, true and correct.
Péte	rsburg Hospital Company, LLC	d/b/a Southside Region	ai, Medical Center
	8Y:	illionized ageni/custodia	n of Patient Accounts
Subs	cribed and swom to before me	this 2975 day o	
		Molery Profile -	anarcha .
	My commission expires on :	November	- 12. 2022
		Commonwealth of Pennsylv Judy Dobrotke, Not Northermotion C	ania - Kolery Sezi
		Northampton C My commission expires No Commission number Member, Penneytvente Asso	vember 12, 2022
		Attain a series and a series and a series of the series of	alation of Notarias

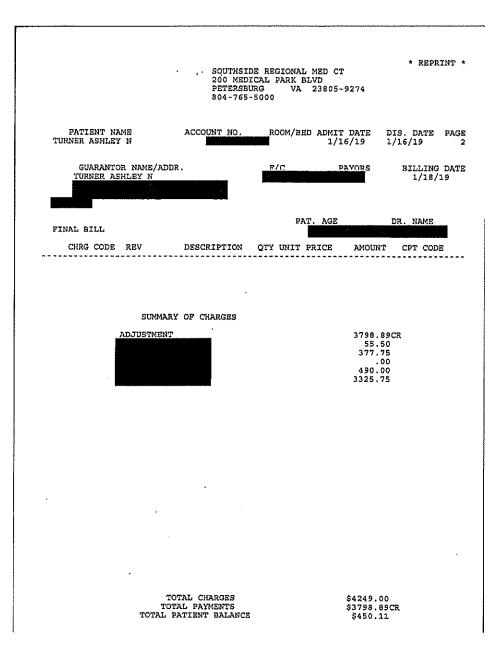




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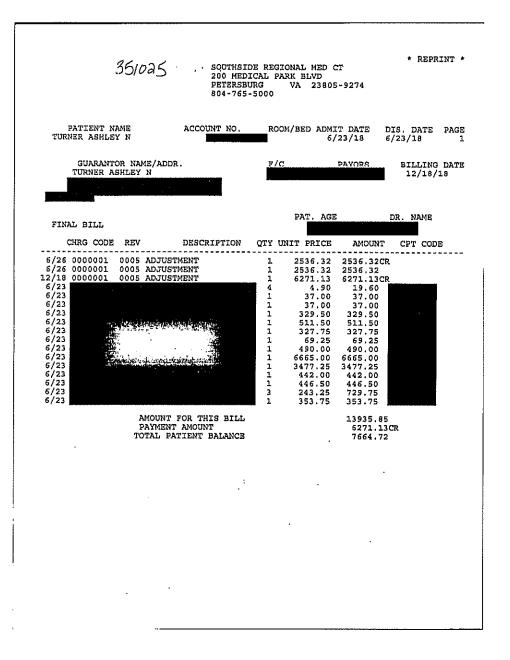


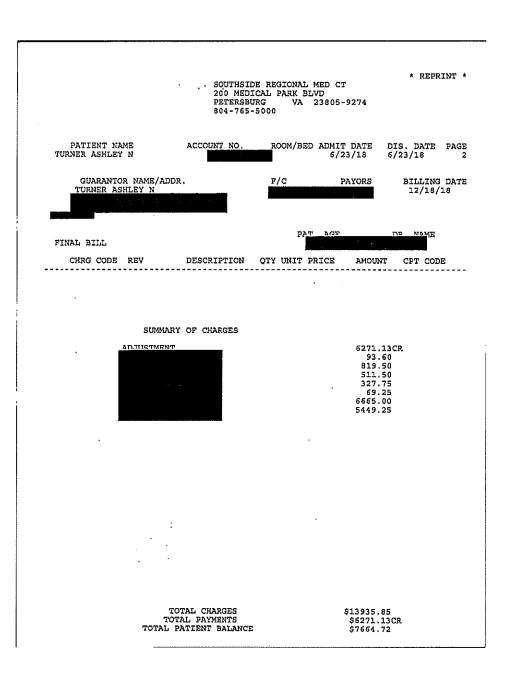
TATATATATATATATATATATATATATATATATATATA		HEARING DATE AND TIME
DINWIDDIE General District Court	PLANTEF(S) (LAST RUME, FEEST RAME, AUDOLE RUTLAL)	
1	PETTERSBURG HOSPITAL COMPANY, LLC	01:00PM
	D/B/A SOUTHSIDE REGIONAL MEDICAL	
TO ANY AUTHORIZED OFFICER. You are hereby commanded to summons the Defendant(s).	CENTER	
TO THE DEFENDANT(S): You are summoned to appear before this Court at the above address on	*	1
06/02/2020 01:00PM to answer the Plaintiff(5)' civil claim (see below) betwood to be answer the Plaintiff(5)' civil claim (see below)	DEFENDANT(3) (LATT NAME, FIRST NAME, ANDOLE INITIAL)	
	ASHLEY TURNER	
DATE USSUED [] JCLERK [] DEPUTY CLERK [] MANUSTRATE 11813	11813 FROSTY RIDGE, CT, DINWIDDIE, VA 23841	
lainti		
\$ 8025.77 net of any credits, with interest at 6.000 % from date of 02/16/2019. until pard.		
$s = 56.00$ costs and $s_{0.00}$ stlomes's fees with the basis of this chaim being	WARRANT IN DEBT	
[X] Oper Account [] Contract [] Note [] Other (EXPLAIN)		
TO DEFEN	IO DEFENDANT: You are not required to appear, bowever, if you fail to appear, judgment may be entered	SO CLARENT PARTO
HOMESTEADEXEMPTION WAIVED? [] YES [X] NO [] cannot be demanded about reque:	againes you. See use autility in four of the reverse about requesting a change of trial location.	SATISFIED PURSUANT SATISFIED PURSUANT
H/3/LD Is/ Jared L Buchanan 0.000 11 Provinces Arrowses (1) Provin	To dispute this claim, you <u>must</u> appear on the return date to try this case.	OF SATISFACTION.
Ť	To dispote this claim, you must appear on the return date for the judge to set another date for trial.	DATE
JUDGMENT against [] acmed Defeadant(s) []	ticulars	CLERK
for \$	ORDERED DATE	
of	Grounds of Defense outcome Difference	
		ACCOMMODATIONS
HOMESTEAD EXEMPTION WAIVED? [] YES [] NO [] CAN NOT BE DEMANDED ATTORNE	ATTORNEY FOR PLAINTIFF(S)	for loss of hearing, reletion mobility ato
[] JUDGMENT FOR [] NAMED DEFENDANT(S) []	ared Lee Buchanan VA#95100, Jeremy Forrest VA#89170	contact the court alread
	raper and Brand, LLL, PU BOX JULIO COMMON, MU 05205	of tine.
[] NON-SUIT [] DISMISSED	ATTORNEY FOR DEFENDANT(S)	
Defendan(s) Present: [] NO [] YES		
DATE ALLOSE DATE		
NT) REVISED 10/11		
		351025

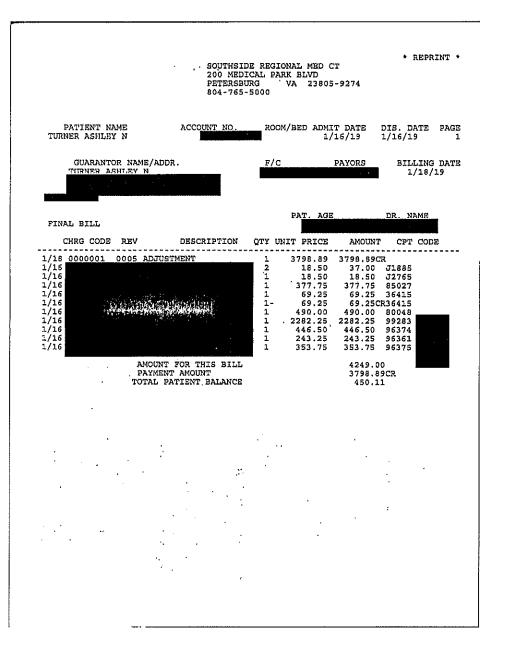
Case 3:21-cv-00030-DJN Document 35-2 Filed 04/28/21 Page 24 of 31 PageID# 352

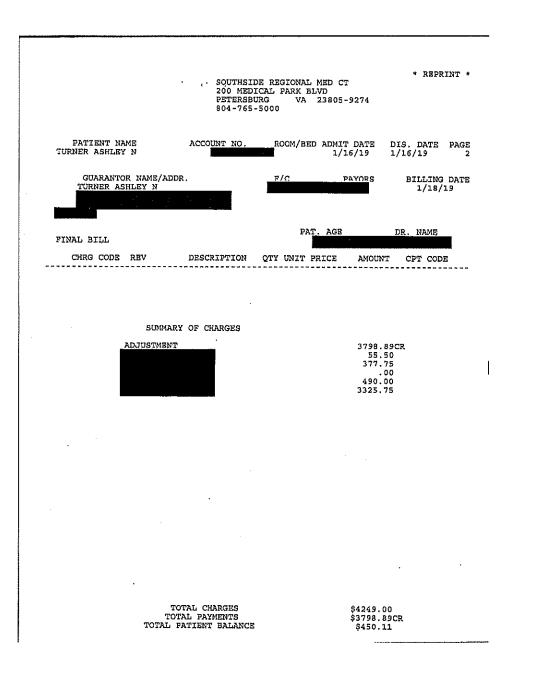
[] Delivered to family member (not temporary sojourner or guest) age 16 or other at testal place of above or pury merced above after giving information of its puryord. List name, age of recipient, and relation of recipient to purty named above. OBJECTION TO VENUE: To the Defendently). If you believe that Phaintiff(s) should have filed this suit in a different city or county, you may file a written request to have the case moved for trial to the general district court of that city or county. To do so, you must do the following: | NOT FOUND Served on Secretary of the Commonwealth [] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized and the format of the subscience). ADDRESS NAME. RETURNS: Each defendant was served according to law, as indicated below, unless not found. DATE PERSONAL SERVICE No. PORM DC-412, DC-414, DC-424, (REVENSE) REVISED BIOM reciptent not found.) Being mable to make personal service, a copy was delivered in the following manaer. ω ы Prepare a written request which contains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the right conter, (c) Plaintiff(y mane(s) and Defendent(s) range(s), (d) the places "I more to object to transmo of this case in this court because" and state the removes for your objection and also state in which city or county the case should be tried, and (c) your signature and mailing address File the written request in the clerk's officer before the bial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or defiver a copy to plantiff. If you mail this request to the court, you will be notified of the judge's decision Ē SEXVENCIOFFICER į Posted on frank door or such other door as spores to be the main cutance of usual place of abode, address listed above. (Other authorized recipient not found.) [] Delivered to family member (not temporary sojourner or guest) see 16 or older at usual place of abode of party named above after giving information of its parport. List name, age of recipient, and relation of recipient to party named [] NOTFOUND NAME . Served on Secretary of the Commonwealth ADDRESS DATE _ Being unable to make personal service, a copy was delivered in the following manar: PERSONAL SERVICE above. ā, SERVING OFFICER Tel. No. I certify that) mailed a copy of this document to the defendance named operation of the address shown there is a $\frac{1}{\sqrt{\frac{6}{200}}}$ $\frac{1}{\frac{51}{100}}$ $\frac{1}{\frac{100}{100}}$ I. Burly and [] Posted on final door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized) [1] Delivered to family member (not temporary supramer or gueed) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipitent, and relation of recipient to party named above. Fit. Fat. issued on ... NAME . Served on Secretary of the Commonwealth | | NOTFOUND _ ADDRESS mishment issued on . empgatories issued on: DATE PERSONAL SERVICE No. recipient not found.) Being unable to make personal service, a copy was delivered in the following manner. SERVING OFFICER <u>/s/ Jared L. Buchanan</u> []Phas*ti* []Phastis Aty []Phastis Agent ŝ

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			AFFIDA	
	PI	atersburg Hospital Company aintiff	/, LLC d/b/a Southside I	Regional, Medical Center
		SHLEY TURNER Ifendani(s)		
		ale of PA unty of Northampton		
	Th	e undersigned, being an adı	ult of sound mind duly s	worn, states the following:
	1.	am a custodian or the	nonal for the surface	of the books and records of Petersburg aal, Medical Center (Hospital herein).
	2.	am familiar with the bo	oks and records of the a	ald Hospital to which I have authorized access in to whom I report, and are produced and kept
	3.	The books and records (all credits, adjustments a	including electronic rec	ords) indicate that after application of any and afendant(s) noted above (s/are justly indebted ay 28, 2019 for the below listed account(s).
			06/23/18 01/16/19	7664.72
	4.	That to the best of my kn and is neither an Infant n United States of America	owledge and bellef the or incompetent, and is r	above listed Defendant is a resident(s) of VA tot a member of the active armed forces of the
	5.	That the charges were re	asonable and the servi	ces rendered were necessary.
	The	foregoing matters are, to the	a best of my knowledge	and belief, true and correct.
	Pete	rsburg Hospital Company, L	LC d/b/a Southside Re	Dional Medical Contest
		BY:	Alla M	12-1
			Authorized agent/cust	edian of Patient Accounts
	Subs	cribed and swom to before i	me this <u>297</u> d	avol <u>Mary</u> 20/9 Del actor Trady Zabboarts
		My commission expires on		- 12, 2022
			My commission expir	naryteanta Notary Saal A Notary Public Ion County as November 12, 2022 Uniber 11 Java 57 Association of Netariae









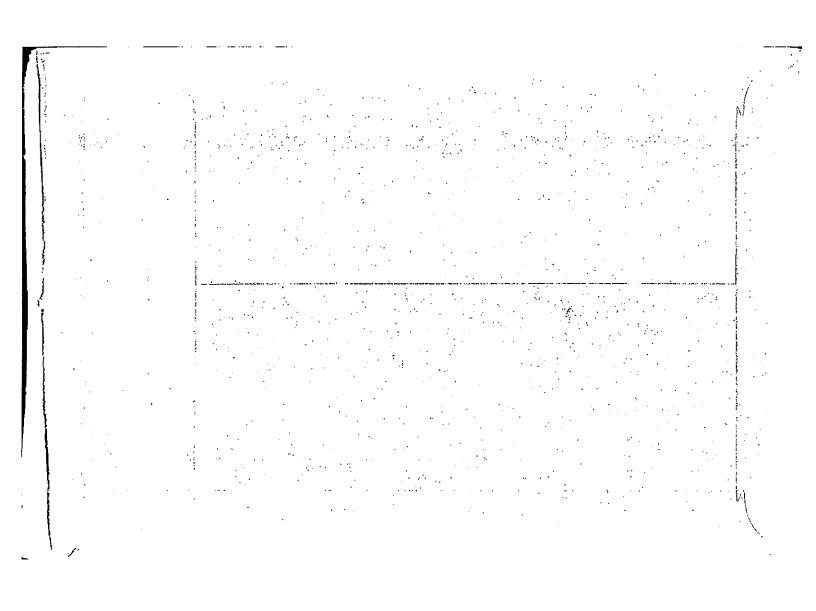


EXHIBIT 3

DINWIDDIE CITY OR COUNTY P.O. BOX 280, DINWIDDIE COURTHOUSE, DINWIDDIE, VA 23841-0280 STREET ADDRESS OF COURT TO ANY AUTHORIZED OFFICER: You are hereby commanded to summons the Defendant(s). TO THE DEFENDANT(S): You are summoned to appear before this Court at the above address on 02/02/2021 01:00PM but to answer the Plaintiff(s)' civil claim (see below)	PLAINTIFF(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL) PETERSBURG HOSPITAL COMPANY, LLC D/B/A SOUTHSIDE REGIONAL MEDICAL CENTER V. DEFENDANT(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)	02/02/2021 01:00PM
P.O. BOX 280, DINWIDDIE COURTHOUSE, DINWIDDIE, VA 23841-0280 STREET ADDRESS OF COURT TO ANY AUTHORIZED OFFICER: You are hereby commanded to summons the Defendant(s). TO THE DEFENDANT(S): You are summoned to appear before this Court at the above address on 02/02/2021 01:00PM to answer the Plaintiff(s)' civil claim (see below)	D/B/A SOUTHSIDE REGIONAL MEDICAL CENTER V. DEFENDANT(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)	01:00PM
TO THE DEFENDANT(S): You are summoned to appear before this Court at the above address on 02/02/2021 01:00PM to answer the Plaintiff(s)' civil claim (see below)	V. DEFENDANT(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)	· · · · · · · · · · · · · · · · · · ·
RETURN DATE AND TIME	ASHLEY TURNER	
DATE ISSUED [VLERK [] DEPUTY CLERK [] MAGISTRATE CLAIM: Plaintiff(s) claim that Defendant(s) owe Plaintiff(s) a debt in the sum of	11813 FROSTY RIDGE, CT, DINWIDDIE, VA 23841	
8025.77 net of any credits, with interest at <u>6.000</u> % from date of <u>02/16/2019</u> until paid, <u>62.00</u> costs and <u>0.00</u> attorney's fees with the basis of this claim being	WARRANT IN DEBT	
	 TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment may be entered against you. See the additional notice of the reverse about requesting a change of trial location. [] To dispute this claim, you <u>must</u> appear on the return date to try this case. [X] To dispute this claim, you must appear on the return 	JUDGMENT PAID OR SATISFIED PURSUANT TO ATTACHED NOTICE OF SATISFACTION.
CASE DISPOSITION JUDGMENT against [] named Defendant(s) [] for \$% from date	date for the judge to set another date for trial. Bill of Particulars ORDERED DUE	CLERK
[] JUDGMENT FOR [] NAMED DEFENDANT(S) [] [] NON-SUIT [] DISMISSED Defendant(s) Present: [] NO [] YES	Grounds of Defense	DISABILITY ACCOMMODATIONS for loss of hearing, vision, mobility, etc., contact the court ahead of time.
DATE JUDGE FORM DC-412 (FRONT) REVISED 10/18		351025

RETURNS: Each defendant was served according to law, as indicated below, unless not found.

NAME	NAME	NAME
ADDRESS	ADDRESS	ADDRESS
F		
PERSONAL SERVICE 1et.	F PERSONAL SERVICE Tel.	Image: Image and the service image and the servic
Being unable to make personal service, a copy was delivered in the following manner:	Being unable to make personal service, a copy was delivered in the following manner:	Being unable to make personal service, a copy was delivered in the following manner:
[] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving	 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving 	 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving
information of its purport. List name, age of recipient, and relation of recipient to party named above.	information of its purport. List name, age of recipient, and relation of recipient to party named above.	information of its purport. List name, age of recipient, and relation of recipient to party named above.
[] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address lisited above. (Other authorized recipient not found.)	 Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.) 	 Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)
[] Served on Secretary of the Commonwealth	[] Served on Secretary of the Commonwealth	[] Served on Secretary of the Commonwealth
[] NOT FOUND	[] NOTFOUND	[] NOT FOUND
SERVING OFFICER	SERVING OFFICER	SERVING OFFICER
DATE for	for for the second s	for for
OBJECTION TO VENUE: To the Defendant(s): If you believe that Plaintiff(s) should have filed this suit in a different eity or county, you may file a written request to have the case moved for trial to the general district court of that eity or county. To do so, you must do the general district court of that eity or county. To do so, you must do the general district court of that eity or county. To do so, you must do the general district court of the distribution of the general distribution of the gen	OBJECTION TO VENUE: To the Defendan(s). If you believe that Plaintiff(s) should have filed this suit in a different eity or county, you may file a written request to have the case moved for trial to the general district court of that eity or county. To do so, you must do the	I certify that I mailed a copy of this document to the defendants
following		named therein at the address shown therein on

g must so, you 9 following:

- Prepare a written request which contains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the right corner, (c) Plaintiff(s) name(s) and Defendant(s) name(s), (d) the phrase "I move to object to venue of this case in this court because" and state the reasons for your objection and also state in which city or county the case should be tried, and (e) your signature and mailing address. ÷
- File the written request in the clerk's office before the trial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or deliver a copy to plaintiff. e,
- If you mail this request to the court, you will be notified of the judge's decision. è.

FORM DC-412, DC-414, DC-428 (REVERSE) REVISED 07/04

Interrogatories issued on: Gamishment issued on ..

Fi. Fa. issued on

/s/ Jared L. Buchanan []Plaintif []]Plaintiff's Atty-[]]Plaintiff's Agent

DATE

Case 3:21-cv-00030-DJN Document 35-3 Filed 04/28/21 Page 4 of 13 PageID# 363

AFFIDAVIT – DEFAULT JUDGMENT
SERVICEMEMBERS CIVIL RELIEF ACT
Commonwealth of Virginia VA. CODE § 8.01-15.2

Case No.

02/02/2021 01:00PM Return Date and Time

[] Circuit Court[X] General District Court [] Juvenile and Domestic Relations District Court DINWIDDIE CITY OR COUNTY PETERSBURG HOSPITAL COMPANY, LLC D/B/A SOUTHSIDE REGIONAL MEDICAL CENTER v./In re: ASHLEY TURNER , the undersigned affiant, states the following under oath: I. Jared L. Buchanan PRINT NAME [X] The defendant/respondent [] is in military service [X] is not in military service. [] The affiant is unable to determine whether or not the defendant/respondent is in military service. The following facts support the statement above: Affiant states that he is the attorney for the Plaintiff, PETERSBURG HOSPITAL COMPANY, LLC D/B/A SOUTHSIDE REGIONAL MEDICAL CENTER, in this action and that the Defendant(s), ASHLEY TURNER, is/are not in the Armed Forces for the United States nor any branch thereof. Defendant's military status was verified on 12/30/2020 via the United States Department of Defense website, please see the attached report Pursuant to 50 U.S.C. § 3931, if the court is unable to determine whether the defendant/respondent is in military service based upon the affiant's statement, the court, before entering judgment, may require the plaintiff/petitioner to file a bond in an amount approved by the court. /s/ Jared L. Buchanan AFFIANT'S SIGNATURE DATE ORIGINAL AFFIDAVIT HAS BEEN NOTARIZED AND IS ON FILE WITH THE COURT NOTICE REGARDING APPOINTMENT OF COUNSEL TO REPRESENT ABSENT SERVICEMEMBER: Where appointment of counsel is required pursuant to 50 U.S.C. § 3931 or § 3932 or another section of the Servicemembers Civil Relief Act, the court may assess reasonable attorney fees and costs against any party as the court deems appropriate, including a party aggrieved by a violation of the Act, and shall direct in its order which of the parties to the case shall pay such fees and costs, except the Commonwealth unless it is the party that obtains the judgment. Further, counsel appointed pursuant to the Servicemembers Civil Relief Act shall not be selected by the plaintiff or have any affiliation with the plaintiff. FOR COURT USE ONLY: [] ORDER OF APPOINTMENT OF COUNSEL I find that appointment of counsel is required pursuant to 50 U.S.C. § 3931 or § 3932 or another section of the Servicemembers Civil Relief Act and therefore, I appoint the lawyer indicated below to represent the absent servicemember named as defendant/respondent above.

[] The lawyer shall be paid a fee of \$ for serving as counsel for the absent servicemember.

AME, ADDRESS F COURT PPOINTED		NEXT REARING DATE AND TIME	
WYER		DATE	
		JUDGE	
[] [TAVOE BROCEEDINCS		

[] STAY OF PROCEEDINGS

I find that a stay of proceedings is required pursuant to 50 U.S.C. § 3931 and, therefore, such a stay, for a minimum period of 90 days, is ordered until

NEXT HEARING DATE AND TIME

DATE



Status Report Pursuant to Servicemembers Civil Relief Act

 SSN:	XXX-XX-6462
Birth Date:	Apr-XX-1991
Last Name:	TURNER
First Name:	ASHLEY
Middle Name:	
Status As Of:	Dec-29-2020
Certificate ID:	8SGHTH6DQGT8YZL

On Active Duty On Active Duty Status Date						
Active Duty Start Date Active Duty End Date Status Service Component						
NA NA NG NA						
This response reflects the individuals' active duty status based on the Active Duty Status Date						

	Left Active Duty Within 367 Days	s of Active Duty Status Date				
Active Duty Start Date Active Duty End Date Status Service Component						
NA NA No NA						
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date						

1, · · · ·

	The Member or His/Her Unit Was Notified of a Future C	all-Up to Active Duty on Active Duty Status Da	ate			
Order Notification Start Date	Order Notification End Date	Status	Service Component			
NA	NA	No	NA			
This response reflects whether the individual or his/her unit has received early notification to report for active duty						

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Somento

Michael V. Sorrento, Director Department of Defense - Manpower Data Center 400 Gigling Rd. Seaside, CA 93955

Reporting System (DEERS) database which is the official source of data on eligibility for military gredical care and other eligibility systems. Filed 04/28/21 Page 6 of 13 PageID# 365

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: https://scra.dmdc.osd.mil/scra/#/faqs. If you have evidence the person was on active duty for the active duty for the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

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Pe Pla	tersburg Hospital Company, LL	C d/b/a Southside F	Regional, Medical Center	•
	HLEY TURNER fendant(s)			
Sta	ite of PA unty of Northampton			
	e undersigned, being an adult of	Sound mind duly s	worn states the following	
1.	I am a custodian or the agen Hospital Company, LLC d/b/	t for the custodion	مؤغامه والمراجع	
2.	I am familiar with the books a and which are controlled by r in the ordinary course of busi	and records of the s		
3.	The books and records (inclu all credits, adjustments and k to the Hospital in the amount	iding electronic reco awful set offs the De of 8025.77 as of M	ords) indicate that after a efendant(s) noted above ay 28, 2019 for the below	pplication of any and is/are justly indebted w listed account(s).
		06/23/18 01/16/19	7664.72 361.05	
4. 5.	That to the best of my knowle and is neither an infant nor in- United States of America. That the charges were reaso	semperent, and is r	ior a member of the activ	e armed forces of the
The I	foregoing matters are, to the be			
	rsburg Hospital Company, LLC o			ect.
	BY:		giorial, iviedical Center	
		thorized agent/cust	edian of Patient Account	- S
ubs	cribed and sworn to before me t	his_ <u>29</u> 75_d	ay of May	20 <u>/9</u>
		Deal Antolic	Dolatha Tudy Dob-0-	
	My commission expires on :	Novent	be- 12, 21	<u>22</u> 2
		Northam	nnsylvania - Notary Seal a, Notary Public oton County 165 November 10, 0000	
	λ	Commission expir	Uniber 1194787 Accordation of Notaries	

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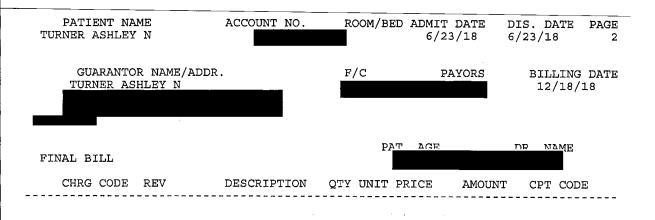
3:21-cv-00030-DJN Document 35-3 Piled 794728/21 Page 8 of 13 PageID# 367 Case 3510as 200 MEDICAL PARK BLVD PETERSBURG VA 23805-9274

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PATIENT NAME ACCOUNT NO. ROOM/BED ADMIT DATE DIS. DATE PAGE TURNER ASHLEY N 6/23/18 6/23/18 GUARANTOR NAME/ADDR. F/C PAYORS BILLING DATE TURNER ASHLEY N 12/18/18 PAT, AGE DR. NAME FINAL BILL CHRG CODE REV DESCRIPTION OTY UNIT PRICE AMOUNT CPT CODE ---------6/26 0000001 0005 ADJUSTMENT 1 2536.32 2536.32CR 6/26 0000001 0005 ADJUSTMENT 1 2536.32 2536.32 12/18 0000001 0005 ADJUSTMENT 1 6271.13 6271.13CR 6/23 4 4.90 19.60 6/23 1 37.00 37.00 6/23 1 37.00 37.00 6/23 1 329.50 329.50 6/23 1 511.50 511,50 6/23 1 327,75 327.75 6/23 1 69.25 69.25 6/23 1 490.00 490.00 6/23 1 6665.00 6665.00 6/23 1 3477.25 3477.25 6/23 1 442.00 442.00 6/23 1 446.50 446.50 6/23 3 243.25 729.75 6/23 1 353.75 353.75 AMOUNT FOR THIS BILL 13935.85 PAYMENT AMOUNT 6271.13CR TOTAL PATIENT BALANCE 7664.72

804-765-5000

Case 3:21-cv-00030-DJN Document 35-3 FileEP02928721 Page 9 of 13 PageID# 368 SOUTHSIDE REGIONAL MED CT 200 MEDICAL PARK BLVD PETERSBURG VA 23805-9274 804-765-5000

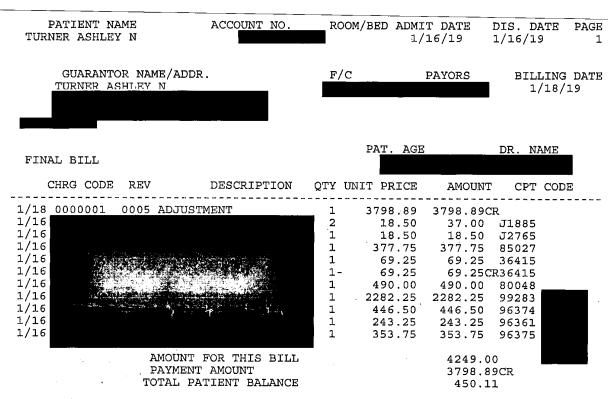


SUMMARY OF CHARGES

 ΑΠΤΗΝΤΗΕΝΤ	6271.13CR 93.60 819.50 511.50 327.75 69.25 6665.00 5449.25
TOTAL CHARGES TOTAL PAYMENTS TOTAL PATIENT BALANCE	\$13935.85 \$6271.13CR \$7664.72

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804-765-5000



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Case 3:21-cv-00030-DJN Document 35-3 Filed: 0:41/28/21 Page 11 of 13 PageID# 370 SOUTHSIDE REGIONAL MED CT 200 MEDICAL PARK BLVD PETERSBURG VA 23805-9274 804-765-5000 PATIENT NAME ACCOUNT NO. ROOM/BED ADMIT DATE DIS. DATE PAGE TURNER ASHLEY N 1/16/19 1/16/19 2 GUARANTOR NAME/ADDR. F/C PAYORS BILLING DATE TURNER ASHLEY N 1/18/19 PAT. AGE DR. NAME FINAL BILL CHRG CODE REV DESCRIPTION QTY UNIT PRICE AMOUNT CPT CODE

SUMMARY OF CHARGES

ADJUSTMENT	3798.89CR
•	55.50
	377.75
	.00
	490.00
	3325.75

TOTAL CHARGES			
TOTAL PAYMENTS			
TOTAL	PATIENT	BALANCE	

\$4249.00 \$3798.89CR \$450.11

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