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RICHARD R. ROSS, CLERK
D.C.

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE, *ex rel.* ROBERT E. COOPER, JR., Attorney General and Reporter,	)	
Plaintiff,	)	
v.	)	**No.** 11C52
CHARLENE CARTER, individually and doing business as CARTER'S PARALEGAL SERVICE, a sole proprietorship owned and operated by CHARLENE CARTER	)	
Defendant.	)	

COMPLAINT FOR INJUNCTVE AND OTHER RELIEF

1. This civil law enforcement action is brought in the name of the State of Tennessee, in its sovereign capacity, by and through Robert E. Cooper, Jr., Attorney General and Reporter ("Attorney General") pursuant to Tenn. Code Ann. § 47-18-108 of the Tennessee Consumer Protection Act of 1977, Tenn. Code Ann. § 47-18-101 *et seq.* ("TCPA"); the Unauthorized Practice and Improper Conduct statutes, Tenn. Code Ann. § 23-3-101 *et seq.* ("UPL statutes"); the Attorney General's general statutory authority at Tenn. Code Ann. § 8-6-109; and the Attorney General's common law authority.

2. Mary Clement, Director of the Division of Consumer Affairs of the Department of Commerce and Insurance, has requested that the State of Tennessee, by the Attorney General, commence civil law enforcement proceedings against the above-named Defendant for violations of the TCPA.

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3. The Director and the Attorney General have reason to believe that the Defendant named herein has violated the TCPA and the UPL statutes. The Director and the Attorney General also have reason to believe that this action is in the public interest.

I. JURISDICTION AND VENUE

4. The jurisdiction of this Court is invoked pursuant to the provisions of Tenn. Code Ann. § 47-18-108.

5. Venue is proper in Davidson County pursuant to Tenn. Code Ann. §§ 47-18-108(a)(3), because it is the county where the alleged unfair or deceptive acts or practices took place, and the county in which the Defendant conducts, transacts or has transacted business.

6. Venue is also proper in Davidson County pursuant to Tenn. Code Ann. § 23-3-103(c)(2), because it is the county where the alleged violations took place or are about to take place, and it is the county where the Defendant conducts, transacts or has conducted business.

II. DEFENDANT

The State of Tennessee alleges upon information and belief:

7. Defendant Charlene Carter ("Defendant Carter") is an individual residing at 421 Coles Ferry Road, Gallatin, TN 37066. Defendant Carter personally participated in and controlled and directed the business practices of her sole proprietorship, Carter's Paralegal Service.

8. Defendant Carter owns and/or owned and operates and/or operated a sole proprietorship called Carter's Paralegal Service. Defendant Carter d/b/a Carter's Paralegal Service is and/or was headquartered in Gallatin, Tennessee, at 421 Coles Ferry Road.

III. GENERAL ALLEGATIONS

The State of Tennessee alleges upon information and belief:

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9. Defendant has engaged in the unauthorized practice of law and law business by selecting and completing divorce documents for valuable consideration.

10. Defendant has misled consumers regarding her ability to provide legal services by advertising as "paralegal" when no attorneys are supervising Defendant.

IV. FACTUAL ALLEGATIONS

Upon information and belief, the State of Tennessee alleges as follows:

11. Defendant has engaged in trade or commerce in whole or in part in the State of Tennessee by offering goods or services to consumers.

12. Defendant ran a business located at 421 Coles Ferry Road, Gallatin, TN 37066.

13. Defendant Carter advertised in Craigslist with the following language:

> DO YOU NEED TO GET A DIVORCE?
> WE CAN HELP YOU OUT. REAL CHEAP BUT
> PROFESSIONAL. YOU CAN OBTAIN A DIVORCE FOR
> 200.00-225.00 PLUS FILING FEES. JUST GIVE US A CALL
> OR SHOOT AN EMAIL. WE WILL BE GLAD TO HELP.
>
> NEED A DIVORCE?
> IT CAN BE DONE WITHOUT GOING BROKE. CONTACT US
> WE WOULD LOVE TO HELP.

14. Defendant also distributed a flyer to consumers which advertised legal document preparation services. A copy of this flyer has been attached as Exhibit A.

15. Defendant would select and complete divorce documents for consumers including Complaints for Divorce, Final Decrees of Divorce and Marital Dissolution Agreements.

16. Defendant charged $200 for an uncontested divorce if no children were involved and $225 for an uncontested divorce is children were involved.

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17. Defendant distributed a business card for Carter's Paralegal Service which included two email addresses using the term "paralegal." A copy of the business card is attached as Exhibit B.

18. Defendant Carter is not an attorney and not licensed to practice law in the State of Tennessee.

19. Defendant Carter's Paralegal Service does not employ an attorney who is licensed to practice law in the State of Tennessee.

20. Defendant Carter has never worked under the supervision of an attorney.

21. Defendant has directly engaged in the alleged conduct and unfair or deceptive acts or practices described herein, had knowledge or should have had knowledge of the practices, and had the authority to control and stop the violations of the law.

22. As a result of the Defendant's conduct described in this Complaint, consumers may have suffered ascertainable losses associated with the various unfair, deceptive or misleading acts or practices alleged herein.

V. VIOLATIONS OF THE LAW

COUNT I: TENNESSEE CONSUMER PROTECTION ACT

23. The Plaintiff incorporates by reference and re-alleges each and every allegation contained in Paragraphs (10) - (22) of this Complaint.

24. Defendant has caused likelihood of confusion or of misunderstanding as to the source and approval of her goods or services, in violation of Tenn. Code Ann. § 47-18-104(b)(2).

25. Defendant has caused likelihood of confusion or of misunderstanding as to the affiliation, connection or association with, or certification by, another, in violation of Tenn. Code Ann. § 47-18-104(b)(3).

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26. Defendant has used statements in advertisements which create a false impression of the quality, value, usability or origin of the goods or services offered, in violation of Tenn. Code Ann. § 47-18-104(b)(21).

27. All of the acts and practices engaged in and employed by Defendant described in this Complaint are deceptive to the consumer or other person in violation of Tenn. Code Ann. § 47-18-104(b)(27).

COUNT II: UNAUTHORIZED PRACTICE OF THE LAW

28. Plaintiff incorporates by reference and re-alleges each and every allegation contained in Paragraphs (10) - (22) of this Complaint.

29. Defendant has been and is engaging in "law business," engaging in the "practice of law," and performing legal services for persons within the State of Tennessee as defined in Tenn. Code Ann. § 23-3-103, *et seq*.

30. By advising or counseling consumers for a valuable consideration regarding secular laws, Defendant has been and is engaging in "law business" pursuant to Tenn. Code Ann. § 23-3-101(1).

31. By drawing for a valuable consideration documents relating to secular rights, Defendant has been and is engaging in "law business" pursuant to Tenn. Code Ann. § 23-3-101(1).

32. By soliciting directly or indirectly to provide services such as the assisting in the drawing of legal documents and advising or counseling consumers for a valuable consideration, Defendant is and has been engaging in the "practice of law" pursuant to Tenn. Code Ann. § 23-3-101(1).

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33. By engaging in "law business" and the "practice of law" without having been duly licensed, Defendant has engaged in the unlawful practice of law, in violation of Tenn. Code Ann. § 23-3-103(a).

DEMAND FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff, State of Tennessee, *ex rel.* Robert E. Cooper, Jr., Attorney General and Reporter, pursuant to the Tennessee Consumer Protection Act of 1977, the Attorney General's general statutory authority, the Attorney General's common law authority, and this Court's equitable powers, prays:

1. That this Complaint be filed without cost bond as provided by Tenn. Code Ann. §§ 20-13-101 and 47-18-116.

2. That process issue and be served upon Defendant requiring the Defendant to appear and answer this Complaint.

3. That this Court adjudge and decree that Defendant has engaged in the aforementioned acts or practices which violate the Tennessee Consumer Protection Act of 1977.

4. That this Court adjudge and decree that Defendant has engaged in the aforementioned acts or practices which violate the Tennessee Unauthorized Practice and Improper Conduct statutes.

5. That pursuant to Tenn. Code Ann. §§ 47-18-108(a)(1), (a)(4), (a)(5), 23-3-103(c)(1) and (c)(3) this Court temporarily and permanently enjoin and restrain Defendant from engaging in the aforementioned acts or practices which violate the Tennessee Consumer Protection Act of 1977, Unauthorized Practice and Improper Conduct statutes and other laws and regulations.

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6. That this Court enter judgment against Defendant and in favor of the State for the reasonable costs and expenses of the investigation and prosecution of the Defendant's actions, including attorneys' fees and costs, expert and other witness fees, as provided by Tenn. Code Ann. §§ 47-18-108(a)(5), (b)(4), 23-3-103(c)(1) and other state law.

7. That pursuant to Tenn. Code Ann. § 47-18-108(b)(1), this Court make such orders or render such judgments as may be necessary to restore to any person who has suffered any ascertainable loss as defined in Tenn. Code Ann. § 47-18-2102(1), including statutory interest, and requiring that Defendant pay all costs of distributing and administering the same.

8. That pursuant to Tenn. Code Ann. § 23-3-103(c)(1), this Court make such orders or render such judgments as may be necessary to obtain restitution for any person who suffered an ascertainable loss from Defendant's violations of the Tennessee Unauthorized Practice and Improper Conduct statutes.

9. That this Court adjudge and decree that Defendant pay civil penalties of not more than one thousand dollars ($1,000.00) per violation of the Tennessee Consumer Protection Act of 1977 to the State of Tennessee as provided by Tenn. Code Ann. § 47-18-108(b)(3).

10. That this Court adjudge and decree that Defendant pay civil penalties of not more than ten thousand dollars ($10,000.00) per violation of the Unauthorized Practice and Improper Conduct statutes to the State of Tennessee as provided by Tenn. Code Ann. § 23-3-103(c)(1).

11. That all costs in this case be taxed against Defendant.

12. That this Court grant Plaintiff such other and further relief as this Court deems just and proper.

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Respectfully submitted,

ROBERT E. COOPER, JR.
Attorney General and Reporter
B.P.R. No. 10934

JEFFREY L. HILL
Senior Counsel
B.P.R. No. 16731
Office of the Tennessee Attorney General
Consumer Advocate and Protection Division
P. O. Box 20207
Nashville, TN 37202
Phone: (615) 741-2614
Facsimile: (615) 532-2910
jeff.hill@ag.tn.gov

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APPROVED BY:

MARY CLEMENT, DIRECTOR
Division of Consumer Affairs