

# **EXHIBIT 2**

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IN THE SUPERIOR COURT OF DISTRICT 19A  
CABARRUS COUNTY, NORTH CAROLINA

FILED

2014 NOV 13 P 2:13

CONTONIUS GILL and RAYMOND BELL,  
on behalf of themselves and a class of  
similarly situated persons,

Plaintiffs,

v. •

WESTERN UNION BUSINESS  
SOLUTIONS (USA) LLC,

Defendant.

CABARRUS COUNTY, C.S.C.

BY:                     

CASE NO.                     

JURY TRIAL DEMANDED

**STATEWIDE CLASS ACTION COMPLAINT**

Pursant to Rule 23 of the North Carolina Rules of Civil Procedure, Plaintiffs Raymond Bell and Contonius Gill state as follows on behalf of themselves and on behalf of all others similarly situated.

**NATURE OF THE ACTION**

1. This is a statewide class action against defendant Western Union Business Solutions (USA) LLC ("Western Union"), concerning its violation of North Carolina law governing the collection of consumer debts. Plaintiffs seek redress for Western Union's violations of North Carolina General Statutes § 75-50 et seq. Plaintiffs' claims arise under N.C. Gen. Stat. § 75-55.

**THE PARTIES**

2. Plaintiff Raymond Bell is an adult resident citizen of Cabarrus County, North Carolina.

3. Plaintiff Contonius Gill is an adult resident citizen of Cabarrus County, North Carolina.

4. Defendant Western Union is a Delaware corporation with its principal place of business in Englewood, Colorado.

#### **JURISDICTION AND VENUE**

5. Jurisdiction is proper in the superior court because the amount in controversy in this case exceeds \$10,000.

6. Venue is proper in this Court, pursuant to N.C. Gen. Stat § 1-80, because plaintiffs Contonius Gill and Raymond Bell are residents of Cabarrus County, North Carolina.

#### **FACTUAL ALLEGATIONS ON BEHALF OF THE INDIVIDUAL PLAINTIFFS**

##### **PLAINTIFF RAYMOND BELL**

7. Plaintiff Raymond Bell purchased a 2004 Dodge Durango and a 2003 Dodge Caravan. These vehicles were obtained through loans that were ultimately serviced by non-party Santander Consumer USA, Inc.

8. Plaintiff Bell purchased the vehicle primarily for personal, family, or household purposes.

9. Santander serviced this loan and collected the payments. Santander has engaged in debt collection activities with respect to this loan.

10. Plaintiff Bell at times made payments over the telephone using Western Union's SpeedPay payment system. In connection with these payments, Western Union charged and collected fees that are prohibited by North Carolina law.

##### **PLAINTIFF CONTONIUS GILL**

11. Plaintiff Contonius Gill purchased a 2002 GMC envoy from Dale Jarret Ford in 2006.

12. Plaintiff Gill purchased the vehicle primarily for personal, family, or household purposes. This vehicle was obtained through a loan that was ultimately serviced by non-party Santander Consumer USA, Inc.

13. Santander serviced this loan and collected the payments. Santander has engaged in debt collection activities with respect to this loan.

14. Plaintiff Gill at times made payments over the telephone using Western Union's SpeedPay payment system. In connection with these payments, Western Union charged and collected fees that are prohibited by North Carolina law.

#### **VIOLATIONS OF NORTH CAROLINA CONSUMER PROTECTION LAWS**

Plaintiffs assert the following claims on behalf of themselves and a class of similarly situated persons:

15. Plaintiffs re-allege the preceding paragraphs and factual allegations as if fully set forth below.

16. Each plaintiff is a "consumer" under the definition found in N.C. Gen. Stat. § 75-50(1), and each loan is a "debt" under the statute. N.C. Gen. Stat. § 75-50(2)

17. Under N.C. Gen. Stat § 75-50(3), Western Union is a debt collector with respect to plaintiffs and all similarly situated persons. Western Union acts as a "payment partner" with loan servicers, including Santander, and shares a portion of the "convenience fee" collected as part of its SpeedPay service with those loan servicers. Western Union acts on behalf of and in concert with the loan servicers. Western Union "directly or indirectly" collects debts.

18. By charging fees that were not authorized by the contract or any provision of North Carolina law each time plaintiffs paid online or over the phone, Western Union violated N.C. Gen. Stat § 75-55, which prohibits "collecting or attempting to collect any interest or other

charge, fee or expense incidental to the principal debt unless legally entitled to such fee or charge.” The North Carolina Attorney General has specifically stated that convenience fees for online or telephone payments such as those charged by Western Union are prohibited by this provision of North Carolina law. (See attached)

### **CLASS ACTION ALLEGATIONS**

19. This action is maintainable as a class action under North Carolina Rule of Civil Procedure 23. The named plaintiffs seek to represent the following class:

All individuals with consumer loans who, while residing the state of North Carolina and within the four years preceding the filing of this complaint, paid fees for making online or telephone payments using the Western Union SpeedPay service.

20. Pursuant to Rule 23(a), this class is so numerous that bringing them all before the court would be impracticable. The named plaintiffs will fairly insure the adequate representation of all members of the class and have no interests adverse to the interests of the absent class members.

### **PRAYER FOR RELIEF**

Plaintiffs pray for the following relief:

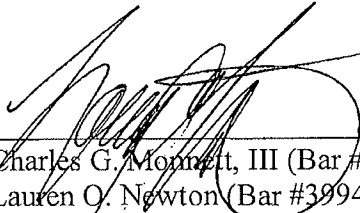
(A) a declaratory ruling that Western Union has engaged in the practices alleged herein in violation of North Carolina law;

(B) a temporary and permanent injunction requiring Western Union to cease engaging in these illegal practices directed towards residents of North Carolina;

(C) an order certifying this case as a statewide class action, and appointing plaintiffs' counsel as class counsel;

(D) after a jury trial, an award of damages and civil penalties for the plaintiffs and the class members;

(E) an award of reasonable attorneys' fees, expenses, and costs pursuant to N.C. Gen. Stat § 75-16.1.



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**Corporate Names**

**Legal:**   Western Union Business Solutions (USA), LLC

**Limited Liability Company Information**

**SosId:**                      1308220  
**Status:**                    Current-Active  
**Annual Report Status:**   Current  
**Citizenship:**            Foreign  
**Date Formed:**            3/20/2013  
**Fiscal Month:**            December  
**State of Incorporation:**   DE  
**Registered Agent:**      CT Corporation System

**Corporate Addresses**

**Principal Office:**   1152 15th St, NW, 7th Floor  
                              Washington, DC 20005-1723  
**Mailing:**                12500 E. Belford Avenue #m21a2, Corporate Secretary  
                              Englewood, CO 80112-5939  
**Reg Office:**            150 Fayetteville St., Box 1011  
                              Raleigh, NC 27601-2957  
**Reg Mailing:**          150 Fayetteville St., Box 1011  
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