IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
SIXTEENTH JUDICIAL DISTRICT AT ~~NASHVILLE~~ MURFREESBORO

STATE OF TENNESSEE, ***ex rel.*** **ROBERT E. COOPER, JR., ATTORNEY GENERAL and REPORTER,**	)	
Plaintiff,	)	No. 08-0053MI
v.	)	
CHRISTOPHER MOUNTRY, a/k/a OTT MOUNTRY,	)	Trial Judge - Corlew
Defendant.	)	

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COMPLAINT FOR PERMANENT INJUNCTION AND OTHER RELIEF

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. § 23-3-103 of the Unauthorized Practice and Improper Conduct statutes, Tenn. Code Ann. § 23-3-101 *et seq.* ("Unauthorized Practice of Law statutes" or "UPL statutes"), Tenn. Code Ann. § 47-18-108 of the Tennessee Consumer Protection Act of 1977, Tenn. Code Ann. § 47-18-101 *et seq.* ("TCPA"), the Attorney General's general statutory authority at Tenn. Code Ann. § 8-6-109, and the Attorney General's common law authority.

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. The Director and the Attorney General have reason to believe that the Defendant named herein has violated the UPL statutes and the TCPA generally by: misrepresenting that he is an attorney in the State of Tennessee; able to provide legal services such as immigration document preparation to consumers; promising to provide goods or services, but failing to provide those goods or services in a timely manner; thereafter failing to provide refunds of consumers' monies when he failed to deliver those goods or services and as otherwise described herein. The Director and the Attorney General also have reason to believe that this action is in the public interest.

Pursuant to Tenn. Code Ann. § 47-18-108(a)(2), on September 7, 2007, the Division attempted to give ten (10) days notice of its intention to institute legal proceedings against the above-named Defendant by mailing a letter by certified mail - return receipt requested to the Defendant's last known home address. This letter was returned as "unclaimed" after two notices were left at the address. After the attempt to give ten (10) days notice and in light of the Defendant's evading of notice, the Division has determined in writing that the purposes of the TCPA would be substantially impaired by further delay in instituting legal proceedings by further attempts to locate and serve the notice letter. The State needs to proceed as stated in Tenn. Code Ann. § 47-18-102(b) to "protect consumers and legitimate business enterprises from those who engage in unfair or deceptive acts or practices in part or wholly within the state." *See* Exhibit A,

Affidavit of Mary Clement, Director of the Division of Consumer Affairs of the Department of Commerce and Insurance.

I. JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to the provisions of Tenn. Code Ann. §§ 23-3-103(c)(2) and 47-18-108.

2. Venue is proper in Rutherford 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. Venue is also proper in Rutherford 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.

II. DEFENDANT

3. Defendant, Christopher Mountry also known as Ott Mountry ("Defendant Mountry"), is a resident of Tennessee whose last known address is 113 Mary Joe Martin Drive, La Vergne, Tennessee, 37086.

III. FACTUAL ALLEGATIONS

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

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

5. According to the records of the Board of Law Examiners of Tennessee, Defendant Mountry is not an attorney licensed in the State of Tennessee.

5. According to the records of the Nashville School of Law, Defendant Mountry has not attended and is not currently attending the Nashville School of Law, located at 4013 Armory Oaks Drive, Nashville, TN, 37204.

6. From approximately July 27, 2007 until August 31, 2007, Defendant Mountry worked as a paralegal for Mark Daly, who is a licensed attorney in the State of California.

7. At a date uncertain, but at least by the year 2006, Defendant Mountry began distributing business cards with deceptive and unfair statements in stores and directly to consumers in whole or in part in Tennessee.

8. The deceptive business cards distributed by Defendant Mountry in whole or in part in Tennessee state:

A true and exact copy of the business card is attached hereto as Exhibit A.

9. At a date uncertain, but at least by the year 2006, Defendant Mountry began falsely holding himself out as a lawyer to consumers in the Laotian community and possibly others in Tennessee.

10. Defendant Mountry told members of the Laotian community he could help them with their immigration, divorce and disability issues or legal problems.

11. In 2006, Consumer P.L.[1] hired Defendant Mountry to obtain a driver's license.

12. Defendant Mountry received three hundred dollars ($300.00) in the form of a personal check from Consumer P.L.'s sister for the driver's license he promised to obtain for Consumer P.L.

13. Approximately two weeks later, Defendant Mountry produced an "international driver's license" in Consumer P.L.'s name.

14. Defendant Mountry has offered to provide and provided "international driver's licenses" to Tennessee consumers.

15. Defendant Mountry also told Consumer P.L. that he could obtain a Social Security card, green card and work permit for Consumer P.L.

16. Consumer P.L. paid Defendant Mountry two thousand dollars ($2000.00) to obtain a Social Security card, green card and work permit for Consumer P.L.

17. Defendant Mountry never fulfilled his promise to provide a social security card, green card or work permit to Consumer P.L.

18. In December, 2006, Defendant Mountry went to Consumer P.H.'s home in Rutherford County, Tennessee. While at the home, Defendant Mountry told Consumer P.H. he had a master's degree in business law and was attending law school.

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[1] In order to protect the consumers involved, initials will be used in lieu of full names. Full names will be provided to the Defendant upon request.

19. Consumer P.H. was interested in hiring Defendant Mountry to obtain citizenship for his mother (hereinafter Consumer P.M.). In January 2007, Defendant Mountry went with Consumer P.H. to his brother-in-law's (hereinafter Consumer R.K.) house to discuss obtaining citizenship for Consumer P.M.

20. Defendant Mountry misrepresented to Consumers P.H. and R.K. and possibly others that he had a lot of experience filling out citizenship applications.

21. Defendant Mountry told Consumer R.K. that he had attended the University of California-Berkeley for his undergraduate work in business law.

22. Defendant Mountry additionally falsely stated to Consumer R.K. and possibly others that he was attending Nashville School of Law.

23. Defendant Mountry enticed Consumer R.K. and possibly other consumers by claiming that he was actively working *with* Mark Daly, an attorney in Nashville, Tennessee.

24. Defendant Mountry misrepresented to Consumers P.H. and R.K. and possibly others that he had an office in Memphis, Tennessee and many contacts who could move the citizenship process along more quickly than normal.

25. Defendant Mountry additionally lured Consumer R.K. and possibly others with claims that he was experienced in processing loans and refinancing.

26. Consumer R.K. asked Defendant Mountry for the names of other clients as references.

27. Defendant Mountry did not provide Consumer R.K. with any names, so Consumer R.K. refused to hire him to obtain citizenship for Consumer P.M.

28. Consumer P.H. hired Defendant Mountry and paid him four hundred dollars ($400.00) to obtain citizenship for Consumer P.M.

29. A few months later, Consumer R.K. saw Defendant Mountry at a gathering and asked him about Consumer P.M.'s citizenship application. Defendant Mountry told Consumer R.K. that the application had been sent out.

30. Consumer R.K. asked Defendant Mountry if Consumer P.M. had signed the citizenship application and Defendant Mountry replied that her signature was not required.

31. After the gathering, Consumer R.K. called and emailed Defendant Mountry numerous times regarding the status of Consumer P.M.'s citizenship application.

32. When the Defendant finally responded, he provided Consumer R.K. with what he claimed to be his law license number. Consumer R.K. later learned that this number was actually Mark Daly's California bar number.

33. Approximately nine (9) months after Consumer P.H. paid for these legal immigration services for Consumer P.M., he contacted Defendant Mountry and was told the citizenship documents had been lost.

34. Consumer P.H. attempted to contact Defendant Mountry several other times, but only reached the Defendant's voice mail which stated the Defendant was "either with clients or in court."

35. In April 2007, Defendant Mountry met with Consumer Y.S. to discuss refinancing Consumer Y.S.'s mortgage.

36. At that April 2007 meeting, Defendant Mountry represented to Consumer Y.S. he could assist with Consumer Y.S.'s wife's (hereinafter Consumer K.S.) citizenship.

37. Defendant Mountry gave Consumer Y.S. and possibly others one of his business cards falsely stating he was a "state license assistant attorney."

38. Later that month, Consumer Y.S. and Consumer K.S. hired Defendant Mountry to help obtain citizenship for Consumer K.S.

39. Defendant Mountry gave Consumer Y.S. citizenship paperwork to fill out for Consumer K.S. and told him the paperwork would only take two weeks to process because Defendant Mountry had a connection in Memphis.

40. Consumer Y.S. paid Defendant Mountry six hundred and twenty dollars ($620.00) to help obtain citizenship for Consumer K.S.

41. Consumer Y.S. never received notice that the federal immigration office in Memphis had received Consumer K.S.'s citizenship paperwork.

42. When Consumer Y.S. asked Defendant Mountry why the federal immigration office had not received the citizenship paperwork, Defendant Mountry changed his story and said he was still working on the paperwork.

43. In August 2007, Consumer R.K. arranged a meeting with Defendant Mountry and several consumers, including Consumers P.H. and Y.S.

44. At the August 2007 meeting, Defendant Mountry finally admitted he was not an attorney, but again changed his story and claimed he was a paralegal working under the direction of an attorney.

45. At the August 2007 meeting, Defendant Mountry also promised Consumers R.K., P.H. and Y.S. they would receive refunds.

46. To date, none of the consumers promised a refund at the August 2007 meeting have received any money from Defendant Mountry.

47. Defendant Mountry has failed to provide goods or services promised and/or promoted to Tennessee consumers as represented and has failed to provide refunds to those consumers.

48. As a result of Defendant Mountry's conduct described in this Complaint, the consumers described herein have and other consumers may have suffered ascertainable losses associated with the various unfair, deceptive and misleading acts and practices and the unauthorized practice of law by Defendant Mountry.

IV. VIOLATIONS OF THE LAW

COUNT I: UNAUTHORIZED PRACTICE OF LAW

49. Plaintiff incorporates by reference and re-alleges each and every allegation contained in Paragraphs (3) - (48) of this Complaint.

50. Defendant Mountry 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. § 23-3-101 *et seq*.

51. By the procuring of or assisting in the drawing of legal documents for a valuable consideration, Defendant Mountry has been and is engaging in "law business" pursuant to Tenn. Code Ann. § 23-3-101(1).

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

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

54. By soliciting directly or indirectly to provide legal services such as the drawing of immigration papers or documents in connection with proceedings prospective before any court, Defendant Mountry has been and is engaging in the "practice of law" pursuant to Tenn. Code Ann. § 23-3-101(3).

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

COUNT II: TENNESSEE CONSUMER PROTECTION ACT

56. The Plaintiff incorporates by reference and re-alleges each and every allegation contained in Paragraphs (3) - (48) of this Complaint.

57. Defendant Mountry's offering of legal services and driver's licenses to consumers, as alleged herein, constitutes the offering of or providing of "goods" and/or "services" and constitutes "trade," "commerce" and/or a "consumer transaction" as defined in Tenn. Code Ann. §§ 47-18-103 (5), (10) and (11).

58. All of the acts and practices engaged in and employed by Defendant Mountry, as alleged herein, are "unfair or deceptive acts or practices affecting the conduct of any trade or commerce" in Tennessee, which are declared unlawful by Tenn. Code Ann. § 47-18-104(a).

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

60. Defendant Mountry 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).

61. Defendant Mountry has misrepresented that his services or goods have approval, characteristics, uses or benefits or qualities that Defendant's goods or services do not have, in violation of Tenn. Code Ann. § 47-18-104(b)(5).

62. Defendant Mountry has misrepresented that his services or goods are of a particular standard, quality, or grade when they are not, in violation of Tenn. Code Ann. § 47-18-104(b)(7).

63. Defendant Mountry has represented or implied that a consumer transaction confers or involves rights, remedies or obligations that it does not have or involve, in violation of Tenn. Code Ann. § 47-18-104(b)(12).

64. Defendant Mountry 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).

65. By accepting payment for legal services and driver's licenses and failing to deliver those goods and/or services, Defendant Mountry has engaged in conduct in violation of Tenn. Code Ann. § 47-18-104(a) and (b)(27).

66. By failing to clearly and conspicuously disclose to consumers that Defendant Mountry has not met the State's requirements to practice law and Defendant Mountry cannot legally offer legal services in the State of Tennessee, including the preparation of legal documents without a valid law license or the assistance of an attorney, Defendant Mountry has violated Tenn. Code Ann. §§ 47-18-104(a) and (b)(27).

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

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 and the Unauthorized Practice of Law statutes, the Attorney General's general statutory authority, the Attorney General's authority at common law 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 Mountry requiring the Defendant to appear and answer this Complaint.

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

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

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

6. That this Court enter judgment against Defendant Mountry 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. §§ 23-3-103(c)(1) and 47-18-108(a)(5) and (b)(4), and other state law.

7. 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 Mountry by reason of the violations of the Tennessee Unauthorized Practice and Improper Conduct statutes.

8. 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.

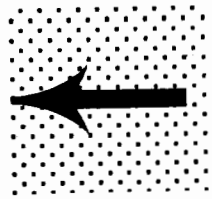
9. That this Court adjudge and decree that Defendant Mountry pay civil penalties of not more than ten thousand dollars ($10,000.00) per violation of the Unauthorized Practice and Improper Conduct statutes to the State of Tennessee as provided by Tenn. Code Ann. § 23-3-103(c)(1).

10. That this Court adjudge and decree that Defendant Mountry 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).

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

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

Respectfully submitted,



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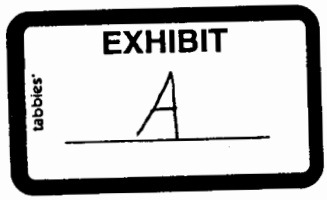
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