

FILED

SEP 17 2002

CLERK *VMC*
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

12:00 PM 9/17/02
NASH J. COOLEY)

Plaintiff)

vs.)

CASE NO. 02-M-1069-N

STERLING BANK)

Defendant)

COMPLAINT

1. This action arises under 42 U.S.C. § 1981, the Equal Credit Opportunity Act, 15 U.S.C.A. § 1691, and the Federal Fair Housing Act . This court has jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1343 and venue is appropriate in this forum.
2. Plaintiff, Nash Cooley, is an African American male residing in the Middle District of Alabama in Montgomery.
3. Defendant, Sterling Bank, is a corporation doing business in the Middle District of Alabama in Montgomery engaged in the business of making credit transactions.
4. In the summer of 2000, Mr. Cooley became interested in obtaining a \$100,000.00 unsecured line of credit from Sterling Bank.
5. Mr. Cooley and Mr. Hill, Vice President of Sterling Bank, had done business together for several years and Mr. Hill had told Mr. Cooley that he was interested in bringing some of Mr. Cooley's business to Sterling Bank.
6. Mr. Hill knew that Mr. Cooley had substantial assets and credit sufficient to obtain a \$100,000.00 line of credit from Sterling Bank.

7. Mr. Hill gave Mr. Cooley assurances that if he applied for the \$100,000.00 line of credit that Sterling Bank would approve the transaction.
8. Mr. Cooley told Mr. Hill that he wanted an unsecured line of credit of \$100,000.00.
9. Then, pursuant to an agreement with Mr. Hill, Mr. Cooley deposited \$100,000.00 into an account with Sterling Bank and applied for a \$100,000.00 unsecured line of credit.
10. Plaintiff sought the \$100,000.00 unsecured line of credit, among other things, to purchase real property and to invest in other business opportunities.
11. On September 19, 2002, Sterling Bank issued a "Notice of Action Taken" and denied Mr. Cooley's application for an unsecured line of credit of \$100,000.00.
12. On October 11, 2002, Mr. Cooley wrote to Mr. Hill and told him that he thought that the decision was unfair and he asked Mr. Hill to check with the President of Sterling Bank, W. Allan Worrell, and the Board members of Sterling Bank, and to give him an explanation as to why his application had been denied.
13. On October 27, 2000, Mr. Hill replied and reiterated that Mr. Cooley's request had been denied by Sterling Bank. Sterling Bank refused to extend the credit to Mr. Cooley that he had requested.
14. Mr. Cooley exercised in good faith his rights under 42 U.S.C. § 1981, the Equal Credit Opportunity Act, 15 U.S.C.A. § 1691, the Federal Fair Housing Act and under the Consumer Credit Protection Act and as a result Sterling Bank discriminated against him with respect to credit transactions.
15. Plaintiff suffered an injury in fact and harm to a legal interest.
16. Plaintiff lost business opportunities and as a result of defendant's intentional and

unlawful conduct, plaintiff suffered and continues to suffer emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, loss of income.

17. Mr. Cooley had sufficient assets and outstanding credit and should have received the \$100,000.00 line of unsecured credit from Sterling Bank but his application was denied and he was discriminated against on the basis of his race.

18. Plaintiff alleges that Sterling Bank has treated African-Americans, including Plaintiff, less favorably than white persons in its banking and other credit transactions.

First Claim For Relief

19. Plaintiff incorporates by reference each of the foregoing allegations of fact as though fully set forth herein.

20. Defendant's actions are in violation of 42 U.S.C. § 1981.

21. As a result of defendant's intentional and unlawful conduct, plaintiff suffered and continues to suffer emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life and loss of income.

22. Defendant acted with malice or with reckless indifference to plaintiff's federally protected rights.

WHEREFORE, plaintiff demands equitable damages, compensatory and punitive damages, costs and attorneys' fees and all other relief deemed appropriate by this Court and/or the jury.

Second Claim For Relief

23. Plaintiff incorporates by reference each of the foregoing allegations of fact as though fully set forth herein.

24. Defendant's actions are in violation of the Equal Credit Opportunity Act, 15 U.S.C.A. § 1691.

25. As a result of defendant's intentional and unlawful conduct, plaintiff suffered and continues to suffer emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life and loss of income.

26. Defendant acted with malice or with reckless indifference to plaintiff's federally protected rights.

WHEREFORE, plaintiff demands equitable damages, compensatory and punitive damages, costs and attorneys' fees and all other relief deemed appropriate by this Court and/or the jury.

Third Claim For Relief

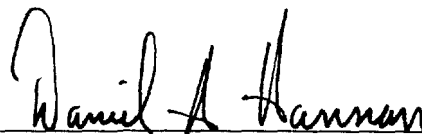
27. Plaintiff incorporates by reference each of the foregoing allegations of fact as though fully set forth herein.

28. Defendant's actions are in violation of the Federal Fair Housing Act.

29. As a result of defendant's intentional and unlawful conduct, plaintiff suffered and continues to suffer emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life and loss of income.

30. Defendant acted with malice or with reckless indifference to plaintiff's federally protected rights.

WHEREFORE, plaintiff demands equitable damages, compensatory and punitive damages, costs and attorneys' fees and all other relief deemed appropriate by this Court and/or the jury.

A handwritten signature in black ink, appearing to read "Daniel A. Hannan", is written over a horizontal line.

DANIEL A. HANNAN (884192)

OF COUNSEL:

FRANKLIN & STEIN, P. C.
63 South Royal Street
Suite 1109
Mobile, Alabama 36602
251-433-0051

PLAINTIFF DEMANDS TRIAL BY JURY.



DANIEL A. HANNAN (884192)

DEFENDANT MAY BE SERVED BY CERTIFIED MAIL AS FOLLOWS:

Sterling Bank
c/o W. Alan Worrell, Registered Agent
4121 Carmichael Road
Montgomery, Alabama 36106