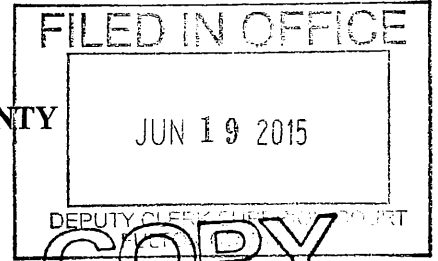


IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



CONSUMER CREDIT RESEARCH
FOUNDATION,

Plaintiff,

vs.

BOARD OF REGENTS OF THE UNIVERSITY
SYSTEM OF GEORGIA,

Defendant.

Civil Action No. 2015CV262 308

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT, PERMANENT
INJUNCTION, AND APPLICATION FOR TEMPORARY RESTRAINING ORDER**

Plaintiff Consumer Credit Research Foundation (“CCRF”) hereby files its Verified Complaint for Declaratory Judgment, Permanent Injunction, and Application for Temporary Restraining Order to enjoin Defendant Board of Regents of the University System of Georgia (“Board of Regents”) from releasing certain documents to a third party in response to an Open Records Act request.

NATURE OF THIS CASE

This action is brought because Kennesaw State University (“KSU”) and the Board of Regents, contrary to exemptions in the Open Records Act preventing such disclosure, intend to release non-public CCRF documents to a third party that made an Open Records Act request to KSU. The Board of Regents should be enjoined from disclosing the subject records because they are exempt from disclosure under the Open Records Act. The prejudice to CCRF will be irreparable if the documents are released because documents cannot be “unproduced” even if

later determined to be exempt from disclosure under the Georgia Open Records Act. CCRF seeks a temporary restraining order, permanent injunctive relief, and a declaratory judgment that the subject documents are exempt from disclosure under the Open Records Act.

PARTIES

1. CCRF is a Delaware, non-stock corporation with its principal office and place of business in Greenwich, Connecticut.

2. Defendant Board of Regents of the University System of Georgia is a body politic of the State of Georgia with its headquarters located in Atlanta, Fulton County, Georgia. The Board of Regents may be served with process through its registered agent, Nels Peterson, at 270 Washington Street, S.W., Suite 7054, Atlanta, Georgia 30334. The Board of Regents of the University System of Georgia, and not Kennesaw State University, is the proper defendant in this matter. *McCafferty v. Medical Coll. of Ga.*, 249 Ga. 62, 67-68 (1982); *Yehudah v. Univ. of Georgia*, No. 3:06-CV-41 (CDL), 2007 WL 1231726, at *1 (M.D. Ga. Apr. 25, 2007).

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this Complaint because it is a civil action under Article 6, Section 4, Paragraph 1 of the Georgia Constitution of 1983 and pursuant to O.C.G.A. § 50-18-73(a).

4. The Court has personal jurisdiction over the Board of Regents because it is domiciled in the State of Georgia.

5. Venue is appropriate because the Board of Regents' principal place of business and registered office is in Fulton County, Georgia.

FACTUAL ALLEGATIONS

6. On November 4, 2013, CCRF entered into a Consulting Agreement with the Kennesaw State University Research and Service Foundation ("KSURSF"). Dr. Jennifer Lewis

Priestley, a professor at KSU, conducted statistical analysis for KSURSF pursuant to this Consulting Agreement.

7. On December 18, 2014, Nick Hackworth sent a Georgia Open Records Act request seeking documents related to work between CCRF and KSU.

8. A true and correct copy of Mr. Hackworth's December 18, 2014 request is attached hereto as Exhibit A.

9. On March 19, 2015, counsel for Mr. Hackworth sent a letter formally withdrawing the Open Records Act request.

10. A true and correct copy of the letter withdrawing Mr. Hackworth's request is attached hereto as Exhibit B.

11. On June 10, 2015, Anne L. Weismann, Executive Director of Campaign for Accountability, requested records from KSU under the Georgia Open Records Act.

12. A true and correct copy of the June 10, 2015 Open Records Act request is attached hereto as Exhibit C.

13. Through her Open Records Act request, Ms. Weismann states that she seeks information "to educate the public about the true financial interests behind purportedly academic studies claiming payday loans do not pose a financial harm to borrowers."

14. Nick Hackworth, sender of the previous Open Records Act Request, is on the Advisory Board for the Campaign for Accountability.

15. The records requested include communications between CCRF and Dr. Priestley related to the research that Dr. Priestley conducted for CCRF (the "Documents").

16. CCRF has not consented to the release of the Documents. The Board of Regents has stated that it intends to disclose the Documents over CCRF's objections and request absent court intervention.

17. The Board of Regents' intent to release the Documents threatens to cause irreparable injury to CCRF.

18. CCRF is entitled to immediate injunctive relief because, if a temporary restraining order and permanent injunction are not issued, CCRF will suffer immediate and irreparable injury, including lost goodwill, damage to its business, and damage to its business reputation.

COUNT I
(Declaratory Judgment)

19. CCRF incorporates by reference Paragraphs 1 through 19 of the Complaint as though fully set forth herein.

20. A justiciable controversy exists between CCRF and the Board of Regents over whether the Documents are exempt from disclosure under the Georgia Open Records Act and whether the Documents should be produced to Ms. Weismann pursuant to the Georgia Open Records Act.

21. CCRF takes the position that the Documents are exempt from disclosure under the Open Records Act pursuant to O.C.G.A. §§ 50-18-72(a)(35) and (36) and therefore the Board of Regents should not produce the Documents in response to Ms. Weissmann's Open Records Act request.

22. The Board of Regents takes the position that the Documents are not exempt from disclosure under the Georgia Open Records Act and therefore should be produced in response to Ms. Weismann's Open Records Act request.

23. The determination of this actual controversy is crucial to the rights and obligations of these parties. CCRF therefore respectfully seeks a declaration from this Court on all issues presented herein.

24. As a result of this controversy, CCRF stands in a position of uncertainty regarding whether the Documents are subject to disclosure under the Open Records Act. CCRF needs a declaratory judgment to settle and afford relief from uncertainty regarding whether the Documents are subject to disclosure under the Open Records Act.

25. Unless and until CCRF receives a declaration from this Court confirming that the Documents are exempt from disclosure under the Open Records Act, the Board of Regents will continue to take the position that the Documents should be disclosed to Ms. Weismann.

26. All parties necessary to resolve the dispute are before the Court.

27. Pursuant to O.C.G.A. § 9-4-1, *et seq.*, CCRF is entitled to relief from uncertainty and insecurity regarding whether the Documents are exempt from disclosure pursuant to O.C.G.A. §§ 50-18-72(a)(35) and (36).

28. Pursuant to O.C.G.A. § 9-4-1, *et seq.*, to relieve CCRF's insecurity, CCRF is entitled to a judgment from the Court declaring that the Documents are exempt from disclosure pursuant to O.C.G.A. §§ 50-18-72(a)(35) and (36).

COUNT II
(Permanent Injunction)

29. CCRF incorporates by reference Paragraphs 1 through 19 of the Complaint as though fully set forth herein.

30. The grant or denial of permanent injunctive relief is within the sound discretion of the Court. *Parker v. Clary Lakes Recr. Assoc'n, Inc.*, 272 Ga. 44, 45 (2000). The balance of the relative equities of the parties in this case supports the entry of a permanent injunction.

31. Although no irreparable injury is required to warrant a permanent injunction, CCRF will, in fact, be irreparably harmed by the Board of Regents' release of the Documents. CCRF will be irreparably harmed by loss of confidence and trust of business partners, loss of goodwill, damage to its business, loss of business reputation, and loss of proprietary information.

32. The irreparable harm will occur unless a temporary restraining order and permanent injunction are issued as requested herein.

33. CCRF has no adequate remedy at law.

34. Although injunctive relief will prevent irreparable harm to CCRF, the injury to the Board of Regents, if any, would be insignificant.

35. CCRF is entitled to permanent injunctive relief to restrain the Board of Regents from releasing the Documents to Anne L. Weismann or Campaign for Accountability.

COUNT III
(Application for Temporary Restraining Order)

36. CCRF incorporates by reference Paragraphs 1 through 19 of the Complaint as though fully set forth herein.

37. CCRF will suffer immediate and irreparable injury if the Board of Regents releases the Documents to Anne L. Weismann or Campaign for Accountability. A temporary restraining order will preserve the status quo because the Documents cannot be released prior to when a hearing on Counts I and II of this Complaint would occur, otherwise the relief requested would be moot.

38. A balancing of the equities demonstrates that the Board of Regents will not be prejudiced by a temporary restraining order, while CCRF will be significantly prejudiced and damaged if a temporary restraining order is not granted.

PRAYER FOR RELIEF

WHEREFORE, CCRF demands judgment against the Board of Regents and prays:

(a) that the Court issue a Rule Nisi to the Board of Regents requiring it to show cause at a time and place to be designated by the Court not less than ten (10) nor more than thirty (30) days from this date why a permanent injunction should not be issued against it.

(b) that upon the hearing on the Rule Nisi, this Court issue a permanent injunction enjoining the Board of Regents from releasing the Documents to Anne L. Weismann or Campaign for Accountability.

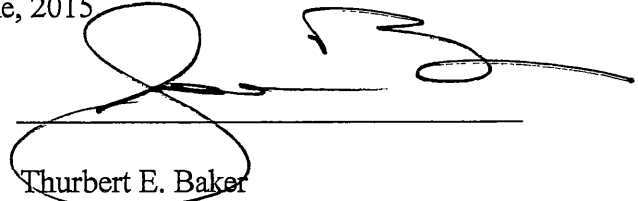
(c) that, until such time as the Court rules on Plaintiff's request for issuance of a permanent injunction, the Board of Regents be temporarily restrained and preliminarily enjoined from releasing the Documents to Anne L. Weismann or Campaign for Accountability;

(d) that this Court declare that the Documents are exempt from disclosure under the Open Records Act pursuant to O.C.G.A. §§ 50-18-72(a)(35) and (36); and

(e) that this Court grant CCRF all other and additional relief as justice may require or as the Court may deem appropriate.

[Signature on the following page now]

Respectfully submitted, this 7th day of June, 2015



Thurbert E. Baker

Georgia Bar No. 033887

tbaker@mckennalong.com

Jeremy T. Berry

Georgia Bar No. 055455

jberry@mckennalong.com

Mark A. Silver

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Atlanta, Georgia 30308

(404) 527-4000

(404) 527-4198 (facsimile)

Attorneys for Consumer Credit

Research Foundation

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

CONSUMER CREDIT RESEARCH
FOUNDATION,

Plaintiff,

vs.

BOARD OF REGENTS OF THE UNIVERSITY
SYSTEM OF GEORGIA,


Defendant.

Civil Action No. _____

VERIFICATION

Before the undersigned officer duly authorized to administer oaths personally appeared Hilary B. Miller who, after being duly sworn, deposes and says:

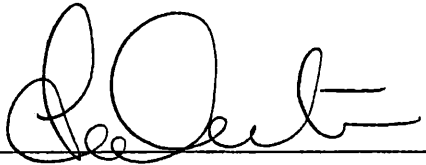
1. My name is Hilary B. Miller and this Verification is made on the basis of my personal knowledge and is to be used in the above-styled matter.
2. I am over 18 years of age and I am otherwise competent to give this Verification.
3. All factual allegations asserted in the Verified Complaint for Declaratory Judgment, Permanent Injunction, and Application for Temporary Restraining Order are true and correct to the best of my knowledge, information and belief.



Hilary B. Miller

STATE OF MARYLAND)
) s.s.:
COUNTY OF MONTGOMERY)

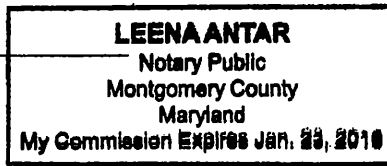
Subscribed and sworn to before me
this 19th day of June, 2015.



Notary Public, Montgomery County, Maryland

My Commission Expires: _____

Acting in the County of Montgomery



Nick Hackworth
421 M St. NW
Washington, DC 20001

December 18, 2014

Office Of Legal Records
Maildrop #9115, Town Point, Suite 3400
Kennesaw State University
3391 Town Point Dr NW
Kennesaw, GA 30144

DIVISION OF
LEGAL AFFAIRS

Dear Custodian Of Records:

Under the Georgia Open Records Act § 50.18.70 et seq., I am requesting an opportunity to obtain copies of the following public records:

1. Copies of all correspondence, electronic and otherwise, between Jennifer Lewis Priestley, a Professor of Statistics and Data Science at Kennesaw State University, and the following individuals, organizations, and emails:
 - A.) Hilary Miller
 - B.) Victor Stango
 - C.) The Consumer Credit Research Foundation
 - D.) The Community Financial Services Association Of America
 - E.) Dollar Financial Group
 - F.) Any email address ending in cfsaa.com
 - G.) Any email address ending in dfcglobalcorp.com
 - H.) Any email address ending in @miller.net
 - I.) Any email address ending in @ucdavis.edu
 - J.) Any email address ending in @creditresearch.org

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$200.

The Georgia Open Records Act requires a response time within three business days. If access to the records I am requesting will take longer than three days, please contact me with information about when I might expect copies of the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Nick Hackworth

269-930-2190
nick@mstreetsolutions.com

**Arnall
Golden
Gregory LLP**

Atlanta Office
171 17th Street NW, Suite 2100
Atlanta, GA 30363-1031
Direct phone: 404.873.8646
Direct fax: 404.873.8647
E-mail: henry.chalmers@agg.com

March 19, 2015

**VIA EMAIL, jmarsh31@kennesaw.edu,
AND UNITED STATES MAIL**

John D. Marshall, Jr.
Part-time Associate Legal Counsel
Kennesaw State University
Division of Legal Affairs
1000 Chastain Rd.
MD 9115.TP. Bldg. 3391.Rm. 3400
Kennesaw, GA 30144-5591

Re: Georgia Open Records Act request served on Kennesaw State
University on December 18, 2014 by Mr. Nick Hackworth (GORA
Request)

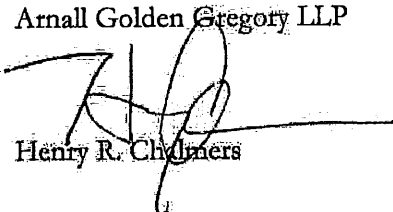
Dear John:

As we have discussed, I represent Mr. Nick Hackworth with regard to the above-referenced GORA Request (a copy of which is enclosed). I am writing to advise you that Mr. Hackworth is hereby formally withdrawing the GORA Request subject to the agreement you have already conveyed to me that (1) the withdrawal in no way prejudices any right or ability to submit a similar request in the future, and (2) Kennesaw State will retain, and not dispose of, any and all of the documents that it has determined could be responsive to the GORA Request, regardless of whether any exclusion to the Georgia Open Records Act might apply.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Arnall Golden Gregory LLP



Henry R. Chalmers

Enclosure

Nick Hackworth
421 M St. NW
Washington, DC 20001

December 18, 2014

Office Of Legal Records
Maildrop #9115, Town Point, Suite 3400
Kennesaw State University
3391 Town Point Dr NW
Kennesaw, GA 30144

Dear Custodian Of Records:

Under the Georgia Open Records Act § 50.18.70 et seq., I am requesting an opportunity to obtain copies of the following public records:

1. Copies of all correspondence, electronic and otherwise, between Jennifer Lewis Priestley, a Professor of Statistics and Data Science at Kennesaw State University, and the following individuals, organizations, and emails:
 - A.) Hilary Miller
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 - G.) Any email address ending in dfeglobalcorp.com
 - H.) Any email address ending in @miller.net
 - I.) Any email address ending in @ucdavis.edu
 - J.) Any email address ending in @creditresearch.org

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$200.

The Georgia Open Records Act requires a response time within three business days. If access to the records I am requesting will take longer than three days, please contact me with information about when I might expect copies of the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Nick Hackworth

269-930-2190
nick@mstreetsolutions.com

C A M P A I G N F O R
ACCOUNTABILITY

DIVISION OF

June 10, 2015

JUN 16 2015

Office of Legal Affairs
Maildrop # 9115, Town Point
Suite 3400
Kennesaw State University
3391 Town Point Drive NW
Kennesaw, GA 30144

LEGAL AFFAIRS

Re: Georgia Open Records Request

Dear Custodian of Records:

The Campaign for Accountability (“CfA”) makes this request for records pursuant to the Georgia Open Records Act, § 50.18.70, *et seq.* This request includes records of any kind, regardless of format, including paper records, electronic records, audiotapes, videotapes, and photographs.

Specifically, CfA requests copies of all correspondence, electronic or otherwise, between Jennifer Lewis Priestley, a professor of Statistics and Data Science at Kennesaw State University, and the following individuals, organizations, and email addresses:

- (1) Hilary Miller
- (2) Victor Stango
- (3) The Consumer Credit Research Foundation
- (4) The Community Financial Services Association of America
- (5) Dollar Financial Group
- (6) Any email address ending in *cfsaa.com*
- (7) Any email address ending in *dfcglobalcorp.com*
- (8) Any email address ending in *@miller.net*
- (9) Any email address ending in *@ucdavis.edu*
- (10) Any email address ending in *@creditresearch.org*

By way of background, Professor Priestley conducted a study concerning payday loan rollovers that was the subject of a press release issued by Kennesaw State University on December 9, 2014. Professor Priestley received a \$30,000 grant from the Consumer Credit Research Foundation to conduct the study, more than double the next largest grant she received in 2014. The Consumer Credit Research Foundation is funded by financial institutions, which include payday lenders. Its funding of this project raises serious questions about the objectivity of Professor Priestley’s study and the extent to which it was tainted by industry-financed bias.

Custodian of Records
June 10, 2015
Page Two

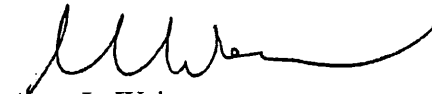
I am aware the requested records also were the subject of a prior request in which the Consumer Credit Research Foundation took the position all of the responsive documents, which consisted exclusively of emails, were exempt. Please note CfA's request does not seek any documents constituting research, § 50.18.72(a)(35), or additional research within the scope of § 50.18.72(a)(36) of the Georgia Open Records Act. Moreover, the subject of this request concerns a published study. Accordingly, the requested records are not properly subject to withholding. *Id.*

CfA is a non-profit organization and seeks the requested information to educate the public about the true financial interests behind purportedly academic studies claiming payday loans do not pose a financial harm to borrowers. CfA therefore asks for a waiver of any fees otherwise charged for searching and copying the requested records. If a fee waiver is not available, please inform me if the cost will exceed \$200.

The Georgia Open Records Act requires you to respond to this request within three business days. If you are unable to meet this statutorily required time period or foresee any problems in releasing fully the requested records, please contact me at (202) 780-5750. If you deny this request in whole or in part, please specify each specific exemption on which you are relying to withhold information.

If you have any questions about this request, please contact me at 202-780-5750. If possible, please email the records to me at aweismann@campaignforaccountability.org. If the records are mailed, please send them to: Anne Weismann, 1201 Connecticut Ave., N.W., Suite 300, Washington, D.C. 20036.

Sincerely,



Anne L. Weismann
Executive Director

General Civil Case Filing Information Form (Non-Domestic)

Court
 Superior
 State

County Fulton

Date Filed 06/19/2015
 MM-DD-YYYY

Docket # 2015CV262 308

COPY

Plaintiff(s)

Consumer Credit Research Foundation
 Last First Middle I. Suffix Prefix Maiden

 Last First Middle I. Suffix Prefix Maiden

 Last First Middle I. Suffix Prefix Maiden

 Last First Middle I. Suffix Prefix Maiden

No. of Plaintiffs 1

Plaintiff/Petitioner's Attorney Pro Se

Baker, Thurbert E.
 Last First Middle I. Suffix

Bar # 033887

Defendant(s)

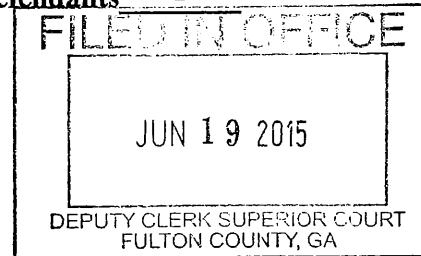
Board of Regents of the University System of Georgia
 Last First Middle I. Suffix Prefix Maiden

 Last First Middle I. Suffix Prefix Maiden

 Last First Middle I. Suffix Prefix Maiden

 Last First Middle I. Suffix Prefix Maiden

No. of Defendants 2



Check Primary Type (Check only ONE)

- Contract/Account
- Wills/Estate
- Real Property
- Dispossessory/Distress
- Personal Property
- Equity
- Habeas Corpus
- Appeals, Reviews
- Post Judgement Garnishment, Attachment, or Other Relief
- Non-Domestic Contempt
- Tort (If tort, fill in right column)
- Other General Civil Specify Declaratory Judgment

If Tort is Case Type:

(Check no more than TWO)

- Auto Accident
- Premises Liability
- Medical Malpractice
- Other Professional Negligence
- Product Liability
- Other Specify _____

Are Punitive Damages Pleaded? Yes No

I hereby certify that the documents in this filing (including attachments and exhibits) satisfy the requirements for redaction of personal or confidential information in O.C.G.A. 9-11-7.1