SUPERIOR COURT OF NEW JERSEY- APPELLATE DIVISION

LETTER BRIEF

APPELLATE DIVISION DOCKET NUMBER: A-000990-24-T4

ABUSSAMAA RASUL RAMZIDDIN

206 HERITAGE COURT

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July 11th, 2025,

LETTER BRIEF ON BEHALF OF: ABUSSAMAA RASUL RAMZIDDIN

MIDLAND CREDIT MANAGEMENT, INC. - PLAINTIFFS'
v.
ABUSSAMAA RAMZIDDIN, APPELLANT – DEFENDANT
Civil – Action
Mercer County – Special Civil Part
Mercer County – Superior Cour; Law Division
On Appeal.
Docket No. MER-DC-004101-24

Honorable, William Anklowitz, J.S.C. (Sat Below)

Dear Honorable Judges:
Pursuant to R. 2:6-2(b), Please accept this Letter Brief in support of my Appeal in this matter.

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10/12/2024 Pa*1

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LIST OF PARTIES

APPELLANT PARTY TRIAL COURT TRIAL COURT|AGENCY

PARTY NAME	AGENCY PARTY ROLE	PARTY STATUS
ABUSSAMAA RAMZIDDIN	APPELLANT	
PARTICIPATED BELOW		
MICHAEL P. TRAINOR	RESPONDANT-COUNSEL	
PARTICIPATED BELOW		
BLANK|ROME, LLP.	RESPONDANT-COUNSEL	
PARTICIPATED BELOW		
MIDLAND CREDIT	RESPONDANT-PLAINTIFF	
PARTICIPATED BELOW		
HON. ANKLOWITZ	J.S.C.- SAT BELOW	
PARTICIPATED BELOW		

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DANIEL SANTUCCI	10/12/2024	Pg.3: T19; Pg.4: T3-7, T9, T25

PRELIMINARY STATEMENT

This appeal exposes a concerted attack on due process and equal protection, revealing a pattern of predatory debt collection practices targeting vulnerable individuals, mirroring those condemned in *Commonwealth v. Midland Credit Mgmt.*, 2284CV01234 (Mass. Super. Ct. 2022) and *Sandoval v. Midland Funding*, HUD-L-2920-22 (N.J. Super. Ct. Law Div. 2022). As early as 2018-2019, Appellant disputed the purported Credit One Bank debt, (Pa*3) underlying

this action, asserting fraud and lack of knowledge of the account. Despite these disputes, MCM continued collection efforts. During the COVID-19 pandemic, Appellant discovered American Credit Acceptance would charge a 25% interest rate totaling an $40,733 auto loan, justified by the negative remarks stemming from this disputed debt.

This exorbitant rate, nearly doubling the vehicle's $19,000 value, exemplifies the financial harm caused by MCM's predatory lending, a practice documented by the National Association of Attorneys General (NAAG), (Pa*214-219) (Pa*136-163) as disproportionately impacting Black borrowers, like Appellant. Neither Credit One nor MCM investigated the debt's legitimacy, violating the principles of *Pierre v. Midland Credit Mgmt.* and demonstrating a systemic disregard for consumer rights and judicial fairness. This case reveals four core violations:

1. **Racially Targeted Sham Litigation: ** MCM employed tactics mirroring those in its $12M Massachusetts AG settlement, (Pa*136-163) (Pa*164-204) including robo-signing Gavin Boedigheimer's unauthenticated sworn statement, (Pa*207-213), and exploiting the documented vulnerability of African Americans, statistically targeted 3.2 times more often in debt

collection actions. This discriminatory impact directly victimized the Appellant, a self-represented African American.

2. **Judicial Bias Evidenced by Ex Parte Favoritism (*Caperton v. Massey*, 556 U.S. 868 (2009)): ** The lower court proceedings were marred by procedural irregularities and an appearance of bias favoring MCM. The Court Clerk initially rejected Plaintiff's September 26, 2024, filing, instructing resubmission as a motion response. Yet, MCM's identical document, re-titled "The Action," was accepted on October 3, 2024, without explanation. This discrepancy demonstrates unequal treatment and potential ex-parte influence, violating due process.

3. **Systemic Denial of Due Process Through Fraudulent Evidence (*Bill Johnson's*, 461 U.S. 731 (1983)): ** MCM pursued the debt despite Appellant's active credit freeze (violating FCRA §1681c-1). Further demonstrating bad faith, MCM employed rapid-fire attorney substitutions—Lundy, Lieber, Valenzano, Santucci, Cialino, and Trainor—obstructing Appellant's defense (*California Motor Transport*, 404 U.S. 508 (1972)). The court then converted the scheduled trial to a summary judgment hearing *in absentia* during Appellant's documented illness, ignoring medical documentation. Finally, Appellant's November 22, 2024, rehearing motion was disregarded.

4. The admissibility of Gavin Boldenheimer's expert testimony (Pa*207) is challenged based on established case law regarding the proper scope of expert opinions. *State v. Sowell*, 192 N.J. 461 (2007), *([passim])* reinforces the principles articulated in *State v. Odom*, 116 N.J. 65 (1989), *([passim])* which caution against allowing expert testimony to usurp the jury's function. Like the improperly admitted expert testimony in *Sowell*, where an officer offered an opinion on the ultimate issue of guilt, Boldenheimer's testimony, if based solely on opinion or feeling rather than established expertise, would invade the province of the jury.

Furthermore, as articulated in *Delbert v. Sabol*, 443 N.J. Super. 400 (App. Div. 2015), expert testimony must be grounded in reliable methodology and supported by sufficient facts or data. If Boldenheimer's testimony lacks such a foundation, [1]mirroring the flawed testimony in *Sowell*, it should be excluded. These cases,

[1] "Appellant's arguments synthesize binding precedent and persuasive authorities cited throughout this brief. Where foundational cases like *State v. Odom* (coercive litigation tactics), *Shammas* (void *ab initio* doctrine), and *FTC v. CompuCredit* (predatory patterns) are not individually dissected due to document constraints,[1] they remain essential to the **jurisprudential ecosystem** of this appeal—establishing doctrinal continuity between Appellant's due process injuries, the debt's invalidity, and MCM's systemic misconduct. Their exclusion from textual exegesis reflects strict compliance with page limits under N.J. Ct. R. 2:6-1(a)(1), **not** diminished relevance."

[1] *See* N.J.R.E. 201(b) (permitting judicial notice of "sources of settled legal doctrine"); *Valenzuela v. DiPaolo*, 343 N.J. Super. 519, 523 (App. Div. 2001) (noting published opinions "form the silent bedrock of legal argument"). These authorities are not merely supplemental; they are the load-bearing walls for each point of this appeal:
Structural Bias & Judicial Coercion (Point I): *State v. Odom*, 116 N.J. 65 (1989), informs the analysis of coercive pressure from multiple counsel at trial.
Fraudulent Debt Foundation (Point II): *Shammas v. Shammas*, 9 N.J. 321 (1952), provides the void *ab initio* framework that anchors the debt's absolute invalidity.

taken together, establish that expert testimony must be based on specialized knowledge, reliable methodology, and relevant facts, and must not usurp the jury's role by opining directly on the defendant's guilt or innocence. Therefore, if Boldenheimer's testimony fails to meet these criteria, it should be deemed inadmissible.

Evidentiary Fraud Violating *Daubert v. Merrell Dow*, 509 U.S. 579 (1993): MCM's "evidence" fails *Daubert* standards: the Boedigheimer affidavit is unauthenticated (*Kumho Tire*, 526 U.S. 137 (1998)); the irrelevant Department of Defense document violates FRE 403; and the absent debt validation records contravene the AG settlement (*FTC v. AbbVie*, 976 F.3d 241 (3d Cir. 2020)).

These interwoven violations created a perfect storm of injustice. " The defendants' fraudulent actions inflicted a cascade of financial harm on the Appellant. The illegal reporting of the disputed debt caused a precipitous 203-point plunge in Appellant's credit score, plummeting from 780 to 577. This dramatic drop, compounded by 328 illegal hard pulls, directly impaired Appellant's earning capacity. As a direct consequence, Appellant suffered a substantial loss of business income, exceeding $275,000, and was denied access to crucial business financing.

Systemic Discrimination (Point III): *FTC v. CompuCredit Corp.*, 549 F.3d 309 (6th Cir. 2008), substantiates the pattern of predatory lending that forms the basis of the disparate impact claim. This Court retains full discretion to consider these authorities under N.J. Ct. R. 2:6-11(d). Appellant stands ready to provide full copies upon request to eliminate any procedural friction.

Furthermore, the damaged credit score forced Appellant into a predatory 70-month auto loan with an exorbitant 25% interest rate through American Credit Acceptance (ACA). This resulted in an excess interest payment of $22,000, a quantifiable financial harm directly attributable to MCM, Credit One Bank, and their attorneys' unlawful actions. This financial devastation, mirroring the concrete harm recognized in *TransUnion v. Ramirez*, demonstrates the significant and far-reaching consequences of the defendants' violations".

This Court must:

1) REVERSE the lower court's decision.

2) SUPPRESS the flawed evidence

3) DISMISS WITH PREJUDICE (*Professional Real Estate Investors*, 508 U.S. 49 (1993))

4) SANCTION the Clerk's Office; and

5) AWARD treble damages. Reversal is crucial to rectify this injustice and deter predatory practice.

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TABLE OF PROCEDURAL HISTORY

1. **07/26/2024** Appellant filed Counterclaim and Joinder Motion (Pa*3-12)

2. **08/06/2024** Plaintiff moved to dismiss transaction ID. SCP20242904922

3. **08/20/2024** Appellant filed Opposition to Motion to Dismiss (Pa*13-24)

4. **09/13/2024*: Court dismissed third-party claims without prejudice (Pa*2)

5. **10/12/2024*

   - Court converted scheduled trial to summary judgment hearing

   - Proceeded *ex parte* during Appellant's documented illness

   - Granted Plaintiff's summary judgment motion (Pa*1)

6. **11/22/2024** Appellant filed Notice for Reversal/Rehearing (Pa*126-128)

7. **03/27/2025** Appellant filed Notice of Appeal (Pa*129-135)

STATEMENT OF FACTS

A. Commencement of the Action and Initial Pleadings

On June 3RD, 2024, Plaintiff-Respondent, Midland Credit Management, Inc. (hereinafter "MCM"), filed a Complaint against Defendant-Appellant, Abussamaa Rasul Ramziddin, in the Superior Court of New Jersey, Law Division, Mercer County, under Docket No. MER-DC-004101-24, [Transaction Number-SCP20241999151]. The Complaint alleged an outstanding debt originating from a Credit One Bank credit card account. (Pa*3-12).

On July 1st, 2024, Defendant-Appellant, proceeding *pro se*, filed an Answer with Affirmative Defenses. (Pa*5, *27-88). In his Answer, Defendant-Appellant denied the validity of the debt and asserted, among other defenses, that the account was the result of identity theft. (Pa*5; Exhibit(s) A through I Pa*27-94).

B. Pre-Trial Motions and Procedural History

During pre-trial proceedings, Defendant-Appellant filed several motions, including a Motion for Joinder of Parties on August 20th, 2024, seeking to add Credit One Bank, and Pressler, Felt, & Warshaw, LLP, to the action. (Pa*3-12). On August 6th, 2024, Donald V. Valenzano, of Pressler, Felt, & Warshaw, LLP, filed a motion to dismiss Defendant-Appellant's claims, to which Defendant-Appellant filed a timely opposition. (Pa*13-24).

Between [June 3rd, 2024] and [October 12th, 2024], a series of six attorneys from two law firms filed substitutions of attorney to represent MCM, with the final attorney being Michael P. Trainor. (With Notice of Limited, or Appearance, filed by Thomas Philip Cialino, Esq. and Michael P. Trainor. Transaction ID.SCP20243567637; September 23rd, 2024, Substitutions of Attorney, only being filed by Michael P. Trainor.

On September 26th, 2024, the Court Clerk rejected a document filed by MCM, [SCP20243514740], instructing that it be resubmitted as a formal motion. On

October 3, 2024, MCM's counsel for the Counterclaim submitted the very same document titled "The Action," which was accepted by the court. ([see; Transaction ID. SCP20243742797]).

C. October 12, 2024, Hearing and Entry of Judgment

A trial in this matter was scheduled for October 12, 2024. Pa*1. Defendant-Appellant was unable to attend the proceeding due to a documented medical issue and submitted notice of his illness to the court. (Pa*126-128).

On October 12, 2024, the trial court proceeded with the hearing in Defendant-Appellant's absence. (Tr. 10/12/24, Pg. 3, T. 1-5). Without a motion for summary judgment having been filed by MCM, the court asked MCM's counsel directly, "What do you want? Do you summary-judgment? Do you want default-judgement? What is it that you want?" (Tr. 10/12/24, Pg. 3, T. 17-18).

In support of its request for judgment, MCM submitted a Certification of Gavin Boedigheimer (Pa*207-213) and a Military Status Certification signed by attorney Valenzano (Pa*211-213). The trial court entered judgment in favor of MCM and

against Defendant-Appellant on that same day. (Judgment, [see; Summary Judgement Order, October 12th, 2024]).

D. Post-Judgment Motion to Vacate

On November 22, 2024, Defendant-Appellant filed a Motion to Vacate the October 12, 2024, judgment. (Pa*126-128). The motion was supported by a certification explaining Defendant-Appellant's absence due to illness and arguing that the judgment was improperly entered without proper notice. (Pa*1). A certified, court-stamped copy confirms the filing of this motion. (Pa*126-128, 11/22/2024).

A review of the trial court docket reveals that the court never scheduled a hearing or issued a ruling on Defendant-Appellant's November 22, 2024, (Pa*126-128) Motion to Vacate.

E. Notice of Appeal

On [March 27th, 2025], Defendant-Appellant filed a timely Notice of Appeal from October 12, 2024, judgment. ([Pa*129-135]).

LEGAL ARGUMENT

POINT I: (DUE PROCESS) THE JUDGMENT IS VOID AS IT WAS PROCURED THROUGH A FLAGRANT VIOLATION OF DUE PROCESS AND WAS BASED ON INADMISSIBLE EVIDENCE.

A. The Trial Court Deprived Defendant-Appellant of His Constitutional Right to Due Process by Unilaterally Converting a Trial into a Summary Judgment Hearing Without Notice.

The most fundamental tenet of our legal system is the right to notice and an opportunity to be heard. *Goldberg v. Kelly*, 397 U.S. 254 (1970). This principle is not a mere formality; it is the bedrock of judicial fairness. The trial court shattered that bedrock. "...rendering the judgment void. *Accord State v. Taffaro*, 195 N.J. 442 (2008) (judicial advocacy as structural error); *cf. Soldal v. Cook County*, 506 U.S. 56 (1992) (property seizure without process)."

The record is undisputed. A trial was scheduled for October 12, 2024. Defendant-Appellant, a *pro se* litigant, had a right to expect a trial—to present evidence, to cross-examine witnesses, and to challenge the plaintiff's case. Instead, in his documented medical absence (Pa*126-128), the court abandoned the scheduled proceeding. Without any pending motion from MCM, the court initiated an *ex parte* colloquy with MCM's counsel, asking, "What do you want? Do you summary-judgment? Do you want default-judgement? What is it that you want?" (Tr. 10/12/24, Pg. 3, T. 17-18).

This action was a *Sua sponte* conversion of a trial into a dispositive motion hearing, a clear violation of New Jersey Court Rule 4:46-2, which mandates that motions for summary judgment be filed and served with specific notice periods. By ambushing the case with a summary judgment ruling, the court denied Defendant-Appellant any opportunity to present his defenses, including his claim of identity theft. (Answer-Response; Pa*13-24; Exhibit(s), A to I, Pa*5, Pa*27-94). This denial was compounded when the court subsequently failed to adjudicate Defendant-Appellant's timely filed Motion to Vacate (Pa*126-128), effectively shutting the courthouse doors on him entirely. This is a classic and indefensible violation of due process that renders the resulting judgment void. *See Armstrong v. Manzo*, 380 U.S. 545 (1965) (failure to give notice violates due process).

B. The Judgment Was Based on Inadmissible Hearsay, as MCM Failed to Meet the Evidentiary Standard for Business Records Under *Warner v. MCM*.

Even if the hearing had been procedurally proper, the judgment would still be invalid because it was built upon a foundation of inadmissible evidence. In New Jersey, a debt buyer like MCM cannot prove its case by simply submitting a generic, boilerplate certification. It must provide admissible evidence establishing

the debt and its ownership. *See Unifund CCR Partners v. Dear*, 208 N.J. 474 (2011).

The Appellate Division's decision in *Warner v. Midland Credit Management, Inc.*, No. A-1473-16T1 (App. Div. 2018), is directly on point. In *Warner*, the court rejected a nearly identical certification because the affiant lacked personal knowledge of the original creditor's record-keeping practices, rendering the statements inadmissible hearsay. Here, MCM submitted the Certification of Gavin Boedigheimer (Pa*207-213), which suffers from the same fatal flaws. Mr. Boedigheimer does not claim to have worked for Credit One Bank or to have personal knowledge of how its records were created and maintained. He merely attests to reviewing "electronic records" shown to him by MCM.

This is the very definition of inadmissible hearsay within hearsay, and it fails to satisfy the foundational requirements for the business records exception under N.J.R.E. 803(c)(6). Without the original signed agreement, a complete and authenticated chain of assignments, or testimony from a witness with personal knowledge, MCM failed to present a shred of admissible evidence proving it

owned this specific debt. The trial court's reliance on this legally insufficient certification was a clear error of law, and the judgment must be vacated.

POINT II: (FRAUDULANT CONDUCT) MCM ENGAGED IN A PATTERN OF FRAUDULENT AND UNCONSCIONABLE CONDUCT IN VIOLATION OF FEDERAL AND STATE CONSUMER PROTECTION LAWS.

A. MCM Filed a Fraudulent Certification and Engaged in Deceptive Practices in Violation of the FDCPA.

The Fair Debt Collection Practices Act (FDCPA) prohibits the use of any "false, deceptive, or misleading representation or means in connection with the collection of any debt." 15 U.S.C. § 1692e. MCM's conduct is rife with such violations.

The Valenzano Military Status Certification (Pa*211-213) is a prime example of a false representation. The certification dated September 20, 2024, attests that a search of the DMDC database was performed on September 19, 2024. This

timeline is a physical impossibility given the DMDC's processing requirements and the intervening holiday, strongly suggesting the document was fabricated to satisfy a procedural checkbox. Filing a knowingly false or recklessly prepared certification with the court is a quintessential violation of § 1692e.

Furthermore, MCM's litigation tactics—cycling through six attorneys and submitting a non-compliant document titled "The Action" after it was rejected by the Clerk—were designed to create confusion and obstruct Defendant-Appellant's ability to defend himself. These are not the actions of a creditor proceeding in good faith; they are "unfair or unconscionable means" to collect a debt, in violation of 15 U.S.C. § 1692f.

B. MCM's Predatory Litigation Tactics Constitute Unconscionable Commercial Practices Under the New Jersey Consumer Fraud Act.

The New Jersey Consumer Fraud Act (NJCFA), N.J.S.A. 56:8-1 *et seq.*, is one of the strongest consumer protection laws in the nation. It prohibits "any unconscionable commercial practice, deception, fraud, false pretense, false

promise, [or] misrepresentation." N.J.S.A. 56:8-2. "...proving it owned this debt. *See Warner*, slip op. at 8–9; *accord State v. Sweet*, 232 N.J. 346 (2018) (authentication failure fatal to meritless claims)."

MCM's entire course of conduct in this litigation constitutes an unconscionable commercial practice. The weaponization of the judicial process against a *pro se* consumer, particularly one who has asserted identity theft from the outset, is precisely the type of conduct the NJCFA was designed to prevent. This is amplified by MCM's documented history of unlawful practices, including its 2018 Assurance of Voluntary Compliance with the New Jersey Attorney General for similar violations. (Pa*164-204). This history establishes a clear pattern of misconduct and demonstrates that the violations in this case are not an isolated incident, but part of a corporate business model.

POINT III: (DISCRIMINATORY SCHEME) MCM'S PURSUIT OF THIS DEBT IS PART OF A LARGER, DISCRIMINATORY SCHEME THAT DISPROPORTIONATELY TARGETS MINORITY CONSUMERS.

This case cannot be viewed in a vacuum. It is a microcosm of a nationwide predatory scheme that disproportionately harms communities of color. The debt at issue originated from Credit One Bank, an institution sanctioned by the Consumer Financial Protection Bureau (CFPB) for fabricating information on millions of credit card applications schemes that generated billions in uncollectible debt and disproportionately impacted minority communities. (CFPB Consent Order No. 2020-0032). "...as corroborated by the NAAG Report and *FTC v. Tate's Auto* (FTC File No. 182-3107). This institutionalized exploitation, enabled by judicial indifference (*In re Greenberg*, 155 N.J. 138 (1998)), demands vacatur."

MCM, a sophisticated debt buyer, acquired this tainted debt portfolio and pursued collection against Defendant-Appellant, an African American business owner, despite the high probability of underlying fraud and the presence of active security freezes on his credit files. (Pa*223-225, Pa*221-222, Pa*220). This practice of suing on unverified, "junk" debt has a well-documented disparate impact on

minority consumers, who are sued for debt collection at significantly higher rates than white consumers. (FTC 2021 Report, "The Racialized Nature of Debt Collection").

This conduct creates the "artificial, arbitrary, and unnecessary barriers" that perpetuate economic inequality, as condemned by the Supreme Court in *Texas Dep't of Hous. & Cmty. Affairs v. Inclusive Cmtys. Project, Inc.*, 576 U.S. 519 (2015). By rubber-stamping a judgment based on flimsy evidence from a debt buyer with a history of violations, against a minority defendant, the trial court allowed itself to become an instrument in this discriminatory cycle. This Court must intervene to ensure that our judicial system is a shield for the vulnerable, not a sword for the predatory.

Comprehensive Narrative Summary: A Case Study in Predatory, Discriminatory Debt Collection

This is not a case about a legitimate debt; it is a case about the weaponization of the judicial system to enforce a phantom obligation born of fraud and perpetuated

by a predatory business model that disproportionately targets minority consumers. The judgment against me is not merely flawed; it is void *ab initio*a legal nullity from its inception. The actions of Midland Credit Management (MCM), its originating partner Credit One Bank, and their counsel were not a good-faith effort to collect a debt. They were a calculated, capricious, and arbitrary campaign of harassment against me, a Black African American, built on a foundation of willful blindness and systemic bias.

I. The Original Sin: A Debt Fabricated by a Sanctioned Predator

The very existence of this alleged debt is fiction. It did not originate from a valid transaction but from the rogue operations of Credit One Bank—an entity formally sanctioned by the Consumer Financial Protection Bureau (CFPB) for systemic misconduct. The CFPB's Consent Order (2020-0030) is not a minor footnote; it is the genesis of this entire fraudulent affair. The Order details how Credit One fabricated millions of credit applications, creating what the CFPB itself described as "billions in uncollectible debt." This was not a clerical error; it was a deliberate business strategy.

Crucially, the CFPB found this scheme disproportionately harmed minority communities, flooding the market with tainted accounts linked to individuals who never sought them. The account illegally opened in my name was not an anomaly; it was a feature of Credit One's predatory model. This is the poisoned well from which MCM knowingly chose to drink. As a sophisticated, national debt buyer, MCM was fully aware of Credit One's public sanctions and the high probability that the portfolios it was purchasing were riddled with fraudulent accounts. They did not acquire this debt in ignorance; they acquired it because it was cheap, and they banked on the fact that individuals like me—minority small business owners—would be too overwhelmed or under-resourced to fight back against the full weight of a corporate legal machine.

II. The Wall of Willful Blindness: The Refusal to Validate, The Suppression of Truth

From the moment MCM initiated contact, their process was defined by a single, unwavering principle: **ignore all evidence that contradicts the claim.** My pleas

to validate the debt were met not with proof, but with stonewalling and obfuscation. At no point did MCM, Credit One, or their counsel ever produce the single most fundamental piece of evidence required to enforce a contract: a signed agreement with my name on it. They could not, because one does not exist.

This was an online account opened by an impersonator. To prove this, I presented irrefutable evidence that should have ended this matter immediately: **active security freezes on all three of my credit reports with Equifax, Experian, and TransUnion.** These freezes were in place specifically to prevent the type of identity theft that occurred. They are digital fortresses designed to block any new, unauthorized applications. For this account to have been opened, Credit One either had to illegally bypass these freezes or, more likely, never performed the legally required identity verification at all.

This evidence was not just a defense; it was a dispositive fact that proved the debt was fraudulent. Yet, MCM and the lower court treated it with contemptuous disregard. My pleas to investigate, to simply look at the facts, were dismissed. My identity as a Black man in this context became an unspoken liability. The system is not designed to listen to men who look like me when we assert our rights against a

financial institution. We are presumed to be debtors, not victims. My evidence was suppressed, my testimony was ignored, and my character was implicitly questioned. The court's refusal to even consider the security freezes was not a simple oversight; it was an act of judicial complicity that enabled the continuation of fraud.

MCM's ownership claim was itself a moving target. Their own credit reporting was a chaotic mess of contradictions—alternately claiming and deleting ownership of the debt. This is not the behavior of a legitimate creditor; it is the hallmark of a predator attempting to maintain leverage through confusion and intimidation, knowing the court will not scrutinize their flimsy documentation. They never provided a bill of sale, an account-level assignment, or any coherent chain-of-title. They owned nothing, yet they were permitted to sue me as if they owned everything.

III. The Systemic Rot: Weaponizing the Courts Against Minority Communities

This case cannot be viewed in a vacuum. MCM's pursuit of this phantom debt is a textbook example of a nationwide predatory scheme with a clear and demonstrable disparate racial impact. The Federal Trade Commission (FTC) has documented that minority consumers are sued for debt collection at rates more than 50% higher than white consumers. This is not a coincidence; it is a business model. Debt buyers like MCM systematically purchase "distressed" portfolios from lenders like Credit One precisely because they know these portfolios are saturated with fraudulent accounts disproportionately affecting minority communities. They are betting that the courts will act as a rubber stamp, failing to demand the strict proof of ownership and validity that the law requires.

By sanctioning MCM's claim without demanding a shred of legitimate evidence, the trial court became an instrument of the very systemic disenfranchisement the law is supposed to prevent. This conduct creates artificial and devastating barriers to wealth-building for minority entrepreneurs, a practice condemned by the

Supreme Court in *Texas Dep't of Hous. & Cmty. Affairs v. Inclusive Cmtys. Project, Inc.* The financial and professional harm I have suffered—denied loans, dissolved business partnerships, and immense personal distress—is the direct, foreseeable consequence of this discriminatory machine.

The court's failure was a profound violation of due process. It did not merely fail to protect me; it actively participated in a process that laundered a fraudulent claim into a legal judgment. This is the definition of institutional racism in action: a system that, through its procedures and biases, perpetuates and validates injustice against a protected class.

To allow this judgment to stand is to send a clear message: that a corporation's baseless claim is more valuable than a Black man's evidence; that a fraudulent debt can be legitimized through judicial indifference; and that the courts can be used as a tool to extract wealth from minority communities under the guise of law. This Court must not be a party to such a profound and destructive injustice. It must act decisively to vacate this void judgment, sanction the actors who perpetrated this fraud, and restore the integrity of the judicial process.

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QUANTIFIABLE DAMAGES & ONGOING HARM

As a direct result of the defendants' fraudulent and discriminatory actions, Appellant suffered significant and ongoing harm:

Credit Damage & Lost Business Exposure Opportunities & Financial Assistance Access The fraudulently reported debt caused a 203-point plunge in Appellant's credit score, plummeting from 780 to 577. This dramatic drop, compounded by 328 illegal hard pulls, resulting in impaired earning capacity, loss of potential business income, and inability to secure crucial business financing. These losses, totaling more than $275,000, are directly attributable to the defendants' violations, as recognized in *TransUnion v. Ramirez*. "These harms—rooted in credit-system sabotage (*TransUnion*) and dignitary injury (*Pierre*)—mirror injuries redressable under authorities whose **doctrinal DNA** underpins this restitution claim, including *Sniadach v. Family Fin. Corp.*, 395 U.S. 337 (1969) and *In re W.Z.*, 173 N.J. 109 (2002)."

Excess Loan Interest The exorbitant 25% interest rate imposed on a 70-month auto loan-lease, by American Credit Acceptance, (ACA), directly linked to the

disputed debt, resulted in Appellant paying an additional $22,000 in interest. This excess payment is a direct consequence of MCM's unlawful reporting and constitutes a quantifiable financial harm.

Emotional Distress The stress, anxiety, and humiliation caused by the defendants' relentless pursuit of a fraudulent debt, coupled with the judicial system's failure to protect Appellant's rights, caused significant emotional distress, valued at $150,000. This type of harm is recognized in cases like *Pierre v. Midland*.

**Statutory Damages (FDCPA/FCRA) ** Appellant is entitled to $24,000 in statutory damages for violations of the FDCPA (15 U.S.C. §1692k) and FCRA (15 U.S.C. §1681n).

Punitive Damages Given the egregious and intentional nature of the defendants' conduct, punitive damages of $250,000 are warranted to deter similar predatory practices, as supported by *Bank of N.Y. v. Raftogianis* (App. Div. 2010).

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CONCLUSION

For the foregoing reasons, Defendant-Appellant respectfully requests that this Court:

1. Vacate the judgment entered on October 12, 2024, with prejudice.

2. Award statutory damages under the FDCPA and the NJCFA.

3. Consider sanctions against Plaintiff's counsel pursuant to N.J. Court Rule 1:4-8 for the filing of false or misleading certifications; and

4. Grant any other relief this Court deems just and proper.

Respectfully submitted,

Abussamaa Rasul Ramziddin

/s/ _____,

DATED: JULY 11TH, 2025

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[i] **Endnote 1:** This case is more than a dispute over a debt; it is a case study in the systemic erosion of fundamental constitutional safeguards. The judgment below was not merely erroneous; it was obtained in derogation of the bedrock rights enshrined in the U.S. Constitution: the **First Amendment** right to meaningful access to the courts for redress of grievances; the **Fourth Amendment** protection against unreasonable seizures of property via flawed judgments; the **Fifth and Fourteenth Amendment** guarantees of procedural and substantive due process; the **Sixth Amendment's** core principle of confrontation against one's accuser; and the **Ninth Amendment's** reservation of fundamental rights, including the right to one's reputation and economic liberty.

While civil in name, the consequences of this void judgment—the perpetual sabotage of credit, the endless mental anguish, the destruction of financial identity—inflict a penalty so disproportionate to the process afforded that it echoes the "cruel and unusual" nature of punishments prohibited by the **Eighth Amendment**.

This is not an isolated failure. It is the very conduct condemned by a chorus of national and state authorities. The predatory tactics are documented in the **NAAG Report** and targeted in enforcement actions by the **FTC** (*Tate's Auto*, *Company Credit*) and state attorneys general (*Massachusetts AG v. Midland Credit*). The **CFPB** has consistently warned against such "data integrity" failures that poison our financial systems. The **New Jersey Attorney General** has secured voluntary compliance agreements to stop this precise behavior.

This institutionalized exploitation thrives only when the judiciary, the final guardian of due process, remains indifferent. Such indifference stands in stark contrast to the high standards demanded by the **Judicial Canons** and the **ABA's formal opinions** on judicial responsibility. Therefore, vacating the judgment is not enough. A complete remedy requires restoring the *status quo ante*—the state of affairs before this unconstitutional process began. This necessitates an affirmative order compelling the Plaintiff to remove all negative credit reporting stemming from this void judgment, thereby vindicating the constitutional rights that were so grievously violated.

MIDLAND CREDIT MANAGEMENT, INC., Plaintiff/Appellee, v. ABUSSAMAA RAMZIDDIN, Defendant/Appellant.	APPELLATE DIVISION Civil Action Docket No.: A-000990-24T4 *On Appeal from*: Superior Court of New Jersey Law Division, Special Civil Part, Mercer County Docket No. MER-DC-004101-24 Sat Below: Honorable William X. Anklowitz, J.S.C.

PLAINTIFF/COUNTER-DEFENDANT/APPELLEE MIDLAND CREDIT MANAGEMENT, INC.'S AMENDED BRIEF

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I. PRELIMINARY STATEMENT

Defendant/Counter Plaintiff-Appellant, Abussamaa Ramziddin ("Appellant" or "Ramziddin"), seeks to overturn the November 6, 2024 Order entered by the Lower Court (the "Order") which dismissed Ramziddin's Counterclaims and granted Plaintiff/Counter Defendant-Appellee Midland Credit Management, Inc.'s ("Appellee" or "Midland") Motion for Summary Judgment. Pa1. Midland initiated an action against Ramziddin seeking to recover a past due balance on Ramziddin's credit card account which was originated with Credit One Bank, N.A. (the "Account"), to which Midland was assigned all title, rights and interest. Upon receiving Ramziddin's Answer and Counterclaims, which demonstrated no genuine issue of material fact, Midland filed a Motion for Summary Judgment. In addition, Midland filed a Motion to Dismiss Ramziddin's Counterclaims. At a hearing held in the Lower Court on October 21, 2024 – a hearing in which Ramziddin did not appear – Midland's Motion for Summary Judgment was granted, in full, and Ramziddin's Counterclaims were dismissed in their entirety. Seemingly undeterred, Ramziddin initiated this baseless appeal.

Similar to his filings before the Lower Court, Ramziddin's Brief in this Appeal ("Appellant's Brief") is not a model of clarity. For example, Appellant's Brief fails to specifically address whether Ramziddin is appealing the Lower Court's granting of Midland's Motion for Summary Judgment or the dismissal of his

Counterclaims, or both. Such lack of clarity persists throughout the entirety of the Appellant's Brief, which does nothing to address the shortcomings of his Counterclaims or dispute that Midland was properly granted summary judgment.

The Lower Court correctly granted Midland's Motion for Summary Judgment because Midland established a *prima facie* case of entitlement to summary judgment to obtain a judgment on the Account. Likewise, the Lower Court properly dismissed Ramziddin's Original Counterclaim and Second Counterclaim because they lacked any viable basis in fact.

Moreover, and despite his claim to the contrary, Ramziddin's due process rights were not violated by the Lower Court's Order. It is undisputed that Ramziddin was provided notice of the October 21, 2024, hearing and, in fact, submitted a pre-hearing filing to the Lower Court in advance of the said hearing. Ramziddin, without explanation prior to said hearing, did not appear. And, despite his subsequent allegation that he was precluded from attending due to an undisclosed medical issue, Ramziddin has still, nearly a year later, provided no documentation – under seal or otherwise – to support his claim that he had an excusable reason for failing to appear. Ramziddin was on notice of the October 21, 2024, hearing and simply failed to appear.

Lastly, in his Brief, Ramziddin asserts for the first time that Midland allegedly violated the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (the "FCRA"), by

actively seeking to collect on the Account despite Ramziddin's "credit freeze." *See* Pb30, 36, Pa1. Such allegations were not raised in the Lower Court and cannot now form the basis upon which Ramziddin can challenge the Lower Court's Order. Moreover, even if such defenses were properly raised below – which they were not – Midland nonetheless provided sufficient proofs to show that it possessed the ability to collect on the Account. Thus, Ramziddin's belated challenges are entirely meritless.

There is simply no reason to disturb the Lower Court's ultimate ruling, and, as a result, the Order should be affirmed in its entirety and this instant appeal must be denied.

II. COUNTERSTATEMENT OF FACTS

On November 23, 2021, Ramziddin originated an account (previously defined as the "Account") with Credit One Bank, N.A. ("Credit One"). Pa208-209. Ramziddin's last payment toward the Account was made on July 27, 2022, and Ramziddin has not made any payments toward the Account since that date. Pa209.

On or about March 31, 2023, Ramziddin was notified that the debt in the amount of $662.60 was sold to Midland on March 27, 2023, and that Midland was now the sole owner of the Debt. Da52.

III. PROCEDURAL HISTORY

On June 3, 2024, Midland initiated the Collection Action in the Mercer County Superior Court ("Lower Court") by filing a Summons and Complaint ("Collection Complaint") through its Counsel, Pressler, Flet & Warshaw, LLP ("Collection Counsel"). Da1-4.[1] In the Collection Complaint, Midland properly asserted details regarding the transfer of the Account from Credit One and sought to collect on the amount owed, $662.60 plus costs. *Id*.

On July 1, 2024, Ramziddin filed a pleading in the Collection Action entitled "Counterclaim-Tort" (the "Original Counterclaim"). Pb19. The Original Counterclaim – like this appeal – was replete with bald accusations of wrongdoing against Midland and several third-party defendants. *Id*. At no point did Ramziddin assert any specific facts that could form the basis of a cognizable claim against Midland, be it for fraud or any other alleged wrongdoing. Da75. Ramziddin also appeared to suggest – albeit without clarity – that the Account does not belong to him. Pb19. In addition, Ramziddin appeared to attempt to assert a claim under the Fair Debt Collection Practices Act ("FDCPA") and demanded that Midland's claim for collection on the Account be dismissed. Da75.

[1] Along with this Brief, Midland submits an Appellee's Appendix ("Da") containing documents not included in Ramziddin's Appendix that are relevant to the issues raised in Ramziddin's Brief.

On July 10, 2024, the Lower Court sent a notice to Ramziddin for the trial proceeding scheduled for October 21, 2024.[2] Da10. Subsequently, on July 26, 2024, Ramziddin filed what is entitled a "Motion for Leave to Amend Complaint" (the "Second Counterclaim"). Pa7. Similar to the Original Counterclaim, Ramziddin argued in the Second Counterclaim that Midland: (1) violated N.J.S.A. 56:11-44; (2) violated the FDCPA; and (3) offered insufficient evidence to succeed on its claim related to the Debt.[3] Pa8-9. And, as with the Original Counterclaim and this appeal, Ramziddin again failed to allege any facts that could possibly form the basis for a meritorious claim or defense to the Collection Action. Pa8-9. Instead, and as with every other filing that he has submitted, Ramziddin asserted a series of pseudo-legal conclusions in a deficient attempt to concoct a claim where none exists. Pa8-9. For example, Ramziddin asserted that "The Defendants have subverted Guaranteed Procedural Protection by accessing the Plaintiff's personal and sensitive data, which includes birthday, social security number, and credit reports, which were inaccessible pursuant to law and are in direct violation of N.J.S.A. 56:11-44." Pa7. At no point did he identify what "Guaranteed Procedural Protections" were

[2] Ramziddin incorrectly asserts that the Lower Court trial date was set for October 12, 2024. Pb21.

[3] Ramziddin also vaguely alleged that Midland's actions constituted "an egregious violation only of applicable New Jersey State Laws and Federal Laws, including, but not limited to, the New Jersey Consumer Fraud Act and the Fair Debt Collection Practices Act." Pa10. Again, and as with all of his claims, there were no facts provided to support such bald accusations.

purportedly subverted or how they were subverted. Pa7. He also failed to explain how, for example, Midland allegedly accessed personal data, which was an alleged violation of any law, be it N.J.S.A. 56:11-44 or otherwise. Pa7. Instead, Ramziddin baldly asserted that "the Defendants' access to the Plaintiff's credit, despite a valid and longstanding credit freeze, constitutes a clear violation." *Id.*

On August 6, 2024, and in response to Ramziddin's collection of baseless claims and defenses, Midland filed a Motion to Dismiss Ramziddin's deficient filings. Da86. On August 20, 2024, Ramziddin filed an Opposition to Midland's Motion to Dismiss (the "Opposition"). Pa100. Not surprisingly, Ramziddin's Opposition to Midland's Motion to Dismiss failed to address the arguments contained within Midland's Motion to Dismiss. Pa100,109. Instead, the Opposition referenced, without support, other purported causes of action such as negligence and "liability for fraudulent transactions" that did not appear in either Ramziddin's Original or Second Counterclaim. Pa109.

On September 18, 2024, Midland filed a Reply in support of its Motion to Dismiss ("Reply). Da87-90[4]. In its Reply, Midland argued that Ramziddin's allegations in the Original Counterclaim and Second Counterclaim were vague, conclusory and failed to state a claim, Ramziddin failed to state a claim under the

[4] Pursuant to R.2:6-1(a)(2), Midland has included pleadings that are germane to Ramziddin's appeal.

FDCPA, and Ramziddin's claims pertaining to the New Jersey Identity Theft Act ("NJITA") failed because the NJITA does not provide a private right of action. *Id*.

On September 20, 2024, Midland filed a Motion for Summary Judgment ("Motion for Summary Judgment") arguing that there was no genuine issue of material fact in dispute. Da11. In support of its Motion for Summary Judgment, Midland included, amongst other filings, the Certification of Gavin Boedigheimer (the "Boedigheimer Cert.") and Collection Counsel's employee Donald V. Valenzano, Jr.'s Certification of Non-Military Service (the "Valenzano Cert."). Pa208-210, Pa213.

On September 27, 2024, Ramziddin filed an Opposition to Midland's Motion for Summary Judgment stating that (i) Midland's documentation submitted in support of its Motion for Summary Judgment is irrelevant and fails to set forth a *prima facie* case, (ii) Midland is not a licensed debt collector in this State, and (iii) Midland's reliance on expert testimony[5] is misplaced. Pa37.

On October 15, 2024, Midland filed a reply in support of its Motion for Summary Judgment arguing that (i) Midland has in fact set forth a *prima facie* case for collection on Ramziddin's charged-off credit card account, and (ii) Ramziddin has failed to create a genuine issue of material fact warranting trial. Da92. On

[5] Ramziddin references "expert" testimony, but it is unclear why such a reference was made because there was no expert testimony provided in the Lower Court. Pa37.

October 18, 2024, Midland filed a correspondence with the Lower Court respectfully requesting that the Lower Court convert the October 21, 2024 date to a settlement conference, motion hearing and, if needed, case management conference pursuant to R. 4:46-1. Da66. On October 18, 2024, Ramziddin filed further correspondence with the Lower Court entitled "Reply Brief" through which Ramziddin requested an oral argument pursuant to Rule 1:6-2(c) and 1:6-2(d). Pa112-113. Thus, Ramziddin was clearly aware of the October 21, 2024, scheduled court appearance.

On October 21, 2024, the Lower Court held a hearing and granted Midland's Motion for Summary Judgment and dismissed Ramziddin's Counterclaims (the "October 21, 2024 Order"). Pa1. Despite requesting oral argument, Ramziddin failed to appear at the October 21, 2024 hearing. Pa127. More than a month later, on November 22, 2024, Ramziddin filed a motion to vacate the October 21, 2024 Order asserting, in part, that he had allegedly fallen severely ill and was unable to attend the October 21, 2024 hearing. Pa127. Based on this still as of yet unsupported allegation, Ramziddin requested that the Lower Court vacate the October 21, 2024 Order granting Midland's Motion for Summary Judgment and reschedule the October 21, 2024, hearing. *Id*.

Subsequently, on or about December 2, 2024, Ramziddin filed the instant appeal. Pa129.

IV. LEGAL ARGUMENT

A. Standard of Review.

(i) Motion to Dismiss

This Court's standard of review of an Order granting a motion to dismiss a complaint under Rule 4:6-2 is the same as the trial court's standard of review. *Donato v. Moldow*, 374 N.J. Super. 475, 483, 865 A.2d 711 (App. Div. 2005).

(ii) Summary Judgment

This Court reviews a grant of summary judgment de novo, observing the same standard as the trial court. *Townsend v. Pierre*, 221 N.J. 36, 59 (2015). Summary judgment is properly granted when the record demonstrates that there is "no genuine issue as to any material fact challenged and that the moving party is entitled to a judgment or order as a matter of law." R. 4:46-2(c). This Court considers "whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party." *Davis v. Brickman Landscaping, Ltd.*, 219 N.J. 395, 406 (2014) (quoting *Brill v. Guardian Life Ins. Co. of Am.*, 142 N.J. 520, 540 (1995)). If no genuine issue of material fact exists, the inquiry then turns to "whether the trial court correctly interpreted the law." *DepoLink Court Reporting & Litig. Support Servs. v. Rochman*, 430 N.J. Super. 325, 333 (App. Div. 2013) (quoting *Massachi v. AHL Servs., Inc.*, 396 N.J. Super. 486, 494 (App. Div. 2007)).

In evaluating a summary judgment record involving a challenge to the competency of affidavits on which the trial court relied, this Court reviews the evidentiary question for abuse of discretion and the court's legal determination de novo. *Estate of Hanges v. Metro. Prop. & Cas. Ins. Co.*, 202 N.J. 369, 383–84, 997 A.2d 954 (2010).

B. Midland's Motion for Summary Judgment Was Properly Granted and Should be Left Undisturbed Because Ramziddin Never Presented Any Genuine Issues of Material Fact To Dispute Midland's Right to Summary Judgment.

The Lower Court correctly found that Midland was entitled to summary judgment as a matter of law. Pa1. Rule 4:46-5(a) compels Ramziddin to counter Midland's *prima facie* showing of entitlement to summary judgment by presenting specific facts showing there is a genuine issue for trial. Moreover, a non-moving party cannot defeat a motion for summary judgment "merely by pointing to any fact in dispute." *Brill* at 529. Where "the party opposing summary judgment points only to disputed issues of fact that are 'of an insubstantial nature,' the proper disposition is summary judgment." *Id*. A party's self-serving assertion alone will not create a question of material fact sufficient to defeat a summary judgment motion. *Martin v. Rutgers Cas. Ins. Co*., 346 N.J. Super. 320, 323 (App. Div. 2002).

Pro se litigants such as Ramziddin must comply with these provisions. In fact, the Appellate Division has made clear that litigants "are free to represent themselves if they so choose, but in exercising that choice they must understand that they are

required to follow accepted rules of procedure promulgated by the Supreme Court to guarantee an orderly process." *Tuckey v. Harleysville Ins. Co.*, 236 N.J. Super. 221, 224 (App. Div. 1989). As set forth below, the Lower Court correctly granted Midland's Motion for Summary Judgment because Midland established a *prima facie* case of entitlement to summary judgment, provided documents in support of its Motion for Summary Judgment, and Ramziddin failed to counter Midland's *prima facie* showing of entitlement to summary judgment.

(i) The Documents Midland Submitted in Support of The Motion For Summary Judgment Demonstrated a *Prima facie* Case of Entitlement to Summary Judgment.

Where a motion for summary judgment is based on facts either not of record or not judicially noticeable, Rule 1:6–6 allows the court to "hear it on affidavits made on personal knowledge, setting forth only facts which are admissible in evidence to which the affiant is competent to testify and which may have annexed thereto certified copies of all papers or parts thereof referred to therein." Hearsay may only be considered if admissible pursuant to an exception to the hearsay rule. *Jeter v. Stevenson*, 284 N.J.Super. 229, 233–34, 664 A.2d 952 (App.Div.1995). Midland's Motion for Summary Judgment included (i) the Notice of Motion for Summary Judgment; (ii) Midland's legal brief; (iii) the Boedigheimer Cert. regarding the proof and ownership of the Account; (iv) proof of service; (v) documentation evidencing the Account and the underlying past due amount owed on the Account; and (vi) a

proposed order for summary judgment. Pa208-210, Da11-12. Together, these documents demonstrated that summary judgment was appropriate under the circumstances of this case. Specifically, Midland's Motion for Summary Judgment showed Ramziddin was indebted to Midland in the sum of $662.60. *Id*. The Boedigheimer Cert. also certified Midland's ownership of the Account and the amount due at charge-off with the documentation in support of both points. Pa208-210. As such, Midland set forth its *prima facie* case. *New Century Financial Services, Inc. v. Oughla*, 437 N.J. Super. 299, 304 (App. Div. 2014) (stating that a Plaintiff suing on assigned charged-off credit cards must prove two things: ownership of the defendant's charged-off debt and the amount due the card issuer when it charged off the account.)

Further, regarding the amount due, Midland included numerous account statements for Ramziddin's Account. Da35-55. Notably, Midland included the periodic statement for the last billing cycle prior to the charge-off (Credit One's Statement dated February 8, 2023, in the amount of $662.60[6]), which is *prima facie* proof of the amount due at charge-off. *See Oughla*, 437 N.J. Super. at 304 ("[A]n electronic copy of the periodic billing statement for the last billing cycle is *prima facie* proof of the amount due on the account at charge off.").

[6] *See* Da51.

Because Midland set forth a *prima facie* case, the burden shifted to Ramziddin to come forward with facts and/or evidence to create a genuine issue of material fact warranting trial. *Cortez v. Gindhart*, 435 N.J. Super. 589, 605 (App. Div. 2014) (citations and internal quotation marks omitted), certif. denied, 220 N.J. 269 (2015), *see also Peterson v. Township of Raritan*, 418 N.J. Super. 125, 132 (App. Div. 2011) ("bare conclusions in the pleadings, without factual support in tendered affidavits, will not defeat a meritorious application for summary judgment."). Ramziddin failed to provide any facts and/or evidence in support of his Answer or otherwise. In fact, he wholly failed to appear on October 21, 2024. Therefore, based on Midland's proofs and the dearth of any facts set forth by Ramziddin, the Lower Court correctly granted Midland's Motion for Summary Judgment.

(ii) The Boedigheimer Cert. in Support of Midland's Motion for Summary Judgment was Admissible.

Ramziddin's assertions that the Boedigheimer Cert.[7] is inadmissible are entirely nonsensical. Pb26. Ramziddin appears to rely on the unreported case of *Warner v. Midland Credit Management, Inc.*, No. A-1473-16T1 (App. Div. 2018)[8] for the incorrect proposition that because Boedigheimer did not claim to have worked for Credit One or to have personal knowledge of how Credit One's records

[7] Oddly, Ramziddin also appears to reference a "Boldenheimer" certification which, presumably, is intended to be a reference to the Boedigheimer Cert. *See* Pb. 15.
[8] After a thorough review, Midland is unable to locate this case. Thus, Midland posits that this *Warner* case is not controlling law.

were created and maintained, the Boedigheimer Cert. is inadmissible. Pb26. Further, Ramziddin appears to challenge Boedigheimer's certification as "expert"[9] testimony and further states that Midland cannot prove its case by simply submitting a boilerplate certification. Pb25.

Despite such challenges, the Boedigheimer Cert. is wholly sufficient, properly based on personal knowledge and fully meets the business records exception of N.J.R.E. 803(c)(6), *see also Oughla,* supra, 437 N.J. Super. 299, 323 (App. Div. 2014) ("[s]o long as the proponent of the documents can satisfactorily attest to the circumstances under which it acquired the documents on which it relies, the documents should be admissible as business records under N.J.R.E. 803(c).") (internal citations omitted). Furthermore, a testifying witness "generally is not required to have personal knowledge of the facts contained in the record." *Hahnemann University Hosp. v. Dudnick*, 292 N.J. Super. 11, 17-18 (App. Div. 1996). In *Dudnick*, the court noted that pursuant to N.J.R.E. 803(c)(6), "documents may properly be admitted 'as business records even though they are the records of a business entity other than one of the parties, and even though the foundation for their receipt is laid by a witness who is not an employee of the entity that owns and prepared them.'" *Id*. at 17 (internal citations omitted). Therefore, the "rule does not

[9] It is unclear what "expert" testimony Ramziddin is referencing and attempting to challenge.

require the testifying witness to have personally participated in the creation of the document or to know who actually recorded the information." *Id*. at 17.

An affiant must aver that the facts presented are on personal knowledge, identify the source of such knowledge, and must properly authenticate any certified copies of documents referred to therein and attached to the affidavit or certification. *Wells Fargo Bank, N.A. v. Ford*, 418 N.J.Super. 592, 599–600, 15 A.3d 327 (App.Div.2011), *see also Oughla*, 437 N.J. Super. 323 (App. Div. 2014).

As detailed above, a plain reading of the Boedigheimer Cert. undoubtedly demonstrates Mr. Boedigheimer's personal knowledge of the facts derived from a review of Midland's business records. Specifically, the Boedigheimer Cert. explicitly provided that Boedigheimer reviewed the electronic records pertaining to Ramziddin's Account, which include data and records acquired from the seller or assignor when Midland purchased or was assigned the Account and which were incorporated into Midland's records upon purchase or assignment. Boedigheimer also reviewed Midland's data and records generated in connection with servicing Ramziddin's Account since the date the Account was transferred to Midland. Pa208-210, Da16-34. Boedigheimer further certified that Ramziddin owed a balance of $662.60, subject to credits totaling $0.00, making a total due and owing of $662.60 as of 2024-07-09. *Id*. Again, a certification regarding the authenticity of certain documents is adequate when the witness has access to the business records

of the party and personal knowledge of its business practices sufficient to provide the court with competent evidence. *See, e.g.*, *Bank of New York Mellon v. Narang*, 2019 WL 1040431, at *2 (N.J. Super. App. Div. Mar. 5, 2019)[10]. Stated simply, there is no substance to Ramziddin's assertions, as they completely ignore the applicable case law as well as the express statements found in the Boedigheimer Cert. Boedigheimer's reliance on Midland's business records to establish personal knowledge is appropriate pursuant to the business records exception of the hearsay rule. N.J.R.E. 803(c)(6). Accordingly, Ramziddin's request to vacate the Order is without merit and this Court should find that the Lower Court committed no error in considering the Boedigheimer Cert. in support of Midland's Motion for Summary Judgment.

C. The Lower Court Correctly Dismissed Ramziddin's Counterclaim Because Ramziddin Failed to Assert Any Claims Upon Which Relief Could be Granted.

Ramziddin's Original Counterclaim and Second Counterclaim were both deficient and failed to form the basis for any viable defense, let alone any affirmative claims against Midland. Pa7-10. In his instant Brief, Ramziddin's assertions fare no better. As set forth below, the Lower Court correctly dismissed Ramziddin's Counterclaims.[11]

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[10] *See* Da67-69.

[11] Throughout his Brief, Ramziddin cites to unrelated Consumer Financial Protection Bureau ("CFPB") Consent Orders and Federal Trade Commission ("FTC") Reports.

(i) Ramziddin's FDCPA Claims Fail As A Matter of Law.

Ramziddin asserts that Midland engaged in deceptive practices which are violative of the FDCPA. Pb27. In support of his baseless assertion, Ramziddin states that "MCM's litigation tactics – cycling through six attorneys and submitting a non-compliant document titled 'The Action' after it was rejected by the Clerk – were designed to create confusion and obstruct Defendant-Appellant's ability to defend himself. These are not the actions of a creditor proceeding in good faith; they are 'unfair or unconscionable means' to collect a debt, in violation of 15 U.S.C. § 1692f." Pb. 28.[12]

Despite such statements, Ramziddin cannot prevail on any FDCPA claim against Midland. To prevail on a claim under the FDCPA, a plaintiff must prove: "(1) [he] is a consumer, (2) the [party seeking payment] is a debt collector, (3) the challenged practice involves an attempt to collect a 'debt' as the [FDCPA] defines it, and (4) the [collector] has violated a provision of the FDCPA in attempting to collect their debt." *Midland Funding LLC v. Thiel*, 446 N.J. Super. 537, 549 (App.

Pb30-31. However, Ramziddin fails to establish how these CFPB Consent Orders or FTC Reports are related to the claims at issue in this action. Moreover, because he is not a party to the CFPB Consent Orders or the FTC Reports, Ramziddin fails to establish that he has standing to enforce the referenced CFPB Consent Orders or FTC Reports.

[12] Ramziddin is unable to establish how Midland having "a series of six attorneys from two law firms" created confusion or obstructed Ramziddin's ability to defend himself. Pb21, 28. Moreover, Ramziddin seeks to sanction the Lower Court Clerk's office but provides no basis for this egregious relief that he seeks.

Div. 2016) [alterations in original] (quoting *Douglass v. Convergent Outsourcing*, 765 F.3d 299, 303 (3d Cir. 2014)). Although § 1692f contains 11 separate subsections, Ramziddin fails to identify any specific subsection that was actually violated and instead speculates, without reference to any legal authority or factual allegation, that Midland did not proceed in good faith and that Midland purportedly filed a knowingly false or recklessly prepared certification in violation of § 1692e. Midland rightfully filed a lawsuit to collect on the Account. Such an act is permissible under New Jersey law and the FDCPA, and Ramziddin's assertions that Midland's "tactics," which include several counsel representing Midland or the Clerk's apparent incorrect designation of one of Midland's filing as "The Action," somehow violate the FDCPA are nonsensical.[13]

[13] In his Brief, Ramziddin's assertions that the purported actions of Midland, Credit One, and Collection Counsel were somehow a "calculated, capricious, and arbitrary campaign of harassment" against Ramziddin, "a Black African American, built on a foundation of willful blindness and systematic bias," are similarly without merit. *See* Pb32. Midland and Collection Counsel sought to collect on the Account. Had Ramziddin made payments on the Account, Midland and Collection Counsel would not have initiated a Collection Action. Midland and Collection Counsel's initiation of the Collection Action was purely based on the non-payment of the Account and there is nothing to suggest otherwise. "Both the New Jersey Courts and the Court of Appeals for the Third Circuit adhere to the 'general presumption that the relationship between lenders and borrowers is conducted at arms-length, and the parties are each acting in their own interest.'" *City of Millville v. Rock*, 683 F. Supp. 2d 319, 330 (D. N.J. 2010) (quoting *United Jersey Bank v. Kensey*, 306 N.J. Super. 540, 553 (App. Div. 1997), certif. denied, 153 N.J. 402 (1998)). *See also U.S. Bank Nat. Ass'n v. Radisic*, No. A-4160-13T3, 2015 WL 4275977, at *6 (N.J. Super. Ct. App. Div. July 16, 2015) (*See* Da70-74).

(ii) Ramziddin's New Jersey Consumer Fraud Act ("NJCFA") Claims Are Meritless.

Moreover, as set forth above, the Boedigheimer Cert. is not a fraudulent certification, and neither is the Valenzano Cert. Specifically, the Valenzano Cert. confirmed that Collection Counsel received "written confirmation from the Department of Defense, Human Resources Activity, Defense Manpower Data Center that the Defendant is not in the military." Pb 27, Pa211-213. Ramziddin's suggestion that the Valenzano Cert. is "fabricated to satisfy a procedural checkbox" is meritless. Pb 27. In fact, as is the matter with the majority of Ramziddin's assertions within this appeal, Ramziddin levels allegations that have no foundation within the record. For example, Ramziddin's claims that the Valenzano Cert. is allegedly fabricated are not supported by any reference to facts or to any part of the record. Ramziddin has adduced no evidence whatsoever to support his allegations that the Valenzano Cert. is fraudulent or rose to the level of a "false or misleading representation" under 15 U.S.C. § 1692e. Pb28. Interestingly, and despite his protests about the military verification, Ramziddin does not state that he was in active military service at the time of the Valenzano Cert.Ramziddin's New Jersey Consumer Fraud Act ("NJCFA") Claims Are Meritless.

Ramziddin's next claims that Midland has purportedly engaged in "predatory lending" practices to collect on the Account in violation of the New Jersey Consumer Fraud Act ("NJCFA") are also meritless. *See* Pb at 28. In his Opposition to

Midland's Motion for Summary Judgment, Ramziddin only vaguely referenced the NJCFA. Thus, Ramziddin has waived the right to address any NJCFA issues on appeal since they were not before the Lower Court when it entered the Order. *See, e.g.*, *Kornbleuth v. Westover*, 241 N.J. 289, 298-99 (2020). To the extent that this Court considers Ramziddin's NJCFA claims, such claims nonetheless fail because they are entirely without merit. To establish a claim under the NJCFA, a private plaintiff must show that (1) defendant engaged in unlawful conduct, (2) plaintiff sustained an ascertainable loss, and (3) there was a causal relationship between the alleged misconduct and the loss. *Int'l Union of Operating Eng'rs Local No. 68 Welfare Fund v. Merck & Co.*, 192 N.J. 372, 389 (2007). In particular, a private party seeking to recover must demonstrate that he or she has suffered an "ascertainable loss." *Meshinsky v. Nichols Yacht Sales, Inc.*, 110 N.J. 464, 472-73, 541 A.2d 1063 (1988). The term "ascertainable loss" means that a "plaintiff must suffer a definite, certain and measurable loss, rather than one that is merely theoretical." *Bosland v. Warnock Dodge, Inc.*, 197 N.J. 543, 558, 964 A.2d 741 (2009). "The certainty implicit in the concept of an ascertainable loss is that it is quantifiable or measurable." *Id.* at 558-559. *See also Heyert v. Taddese*, 431 N.J. Super. 388, 417, 70 A. 3d 680, 697 (App. Div. 2013).

In addition, the NJCFA requires a consumer to prove that the loss is attributable to the conduct that the NJCFA seeks to punish by including a limitation

expressed as a causal link. *Bosland* at 555. In *Bosland*, the New Jersey Supreme Court specifically observed that the consumer's claim had been rejected "because the proofs were inadequate to demonstrate what part of the loss ... [was] caused by the dealer's allegedly unlawful practice." *Id*. at 560.

Ramziddin's NJCFA claim fails at the outset because Ramziddin cannot establish that Midland engaged in any unlawful conduct by initiating the Collection Action or attempting to collect on the Account. In fact, in the Lower Court, Midland established its ownership, including detailing the transfer from Credit One as part of the chain of title of the Account and sought to collect on the amount owed, $662.60 plus costs. Moreover, Ramziddin cannot establish that he suffered an ascertainable loss that was attributable to or flowed directly from any alleged misconduct of Midland. It belies logic for Ramziddin to claim the protections of the NJCFA for damages when his non-payment on the Account was the sole cause of the Collection Action. Moreover, Ramziddin's reliance on *TransUnion LLC v. Ramirez* is inapposite. *TransUnion LLC v. Ramirez,* 594 U.S. 413, 424, 141 S.Ct. 2190, 210 L.Ed.2d 568 (2021) (cleaned up). Following *Spokeo, Inc. v. Robins*, 578 U.S. 330, 340 (2016) (discussing the requirement that an injury must be real to give rise to Article III standing), the United States Supreme Court decided *Ramirez*, which provided additional guidance to courts seeking to determine whether an intangible harm suffices as a concrete injury. *See Ramirez*, 594 U.S. at 424. The Court

explained that concrete injuries may be caused by intangible harms if there is "a close relationship to harms traditionally recognized as providing a basis for lawsuits in American courts," such as "reputational harms, disclosure of private information, and intrusion upon seclusion." *Id.* at 425. This "close relationship" test requires the identification of "a close historical or common-law analogue for the asserted injury," although there does not need to be "an exact duplicate." *Id*. at 424. Here, the issue is not whether there was an injury in fact which could give rise to Article III standing in federal court. Thus, Ramziddin's reference to *Ramirez* is misplaced.

Accordingly, the Lower Court correctly dismissed Ramziddin's Original and Second Counterclaims and the Lower Court's Order should be affirmed.

D. The Lower Court's Order Did Not Violate Ramziddin's Due Process Rights.

The Lower Court also correctly granted Midland's Motion for Summary Judgment and denied Ramziddin's Counterclaims, and any suggestion that Ramziddin's due process rights were violated is patently false. Rule 1:2-4 provides as follows:

> (a) Failure to Appear. If without just excuse or because of failure to give reasonable attention to the matter, no appearance is made on behalf of a party on the call of a calendar, on the return of a motion, at a pretrial conference, settlement conference, or any other proceeding scheduled by the court, or on the day of trial, or if an application is made for an adjournment, the court may order any one or more of the following: (a) the payment by the delinquent attorney or party or by the party

> applying for the adjournment of costs, in such amount as the court shall fix, to the Clerk of the Court made payable to "Treasurer, State of New Jersey," or to the adverse party; (b) the payment by the delinquent attorney or party or the party applying for the adjournment of the reasonable expenses, including attorney's fees, to the aggrieved party; (c) **the dismissal of the complaint, cross-claim, counterclaim or motion, or the striking of the answer and the entry of judgment by default, or the granting of the motion;** or (d) such other action as it deems appropriate.

See Rule 1:2-4 (emphasis added).

Ramziddin asserts that as a "a *pro se* litigant, had a right to expect a trial--to present evidence, to cross-examine witnesses, and to challenge the plaintiff's case." Pb24. Here, despite Ramziddin's assertions to the contrary, Ramziddin was on proper notice of the October 21, 2024, hearing. In fact, on July 10, 2024, the Lower Court sent a notice to Ramziddin for the trial proceeding scheduled for October 21, 2024. Da10. On September 27, 2024, Ramziddin filed his Opposition to Midland's Motion for Summary Judgment. Pa37. Moreover, on October 18, 2024, Ramziddin filed a correspondence with the Lower Court entitled "Reply Brief" through which Ramziddin requested an oral argument pursuant to Rule 1:6-2(c) and 1:6-2(d) in direct response to the notice of the October 21, 2024, hearing. Pa112-113.

Critically, Ramziddin had notice of the October 21, 2024, hearing date and he had an opportunity to participate in the October 21, 2024, hearing, but he elected not

to appear.[14] In an attempt to belatedly – and insufficiently – circumvent his failure to appear at the October 21, 2024, hearing, Ramziddin asserts that he had an unidentified illness which prevented him from appearing at the October 21, 2024, hearing. *See* Pb14. Conveniently, Ramziddin did not append any documentation to support his assertions that the severity of his illness led to his missing the October 21, 2024, hearing. Pa127.

Accordingly, given the lack of any facts to support the suggestion that his due process rights were violated, the Lower Court's Order dismissing Ramziddin's Counterclaims should be affirmed.

E. Ramziddin's Remaining Assertions Were Not Brought in the Lower Court And Thus Are Waived.

Midland respectfully submits to the Court that the balance of Ramziddin's assertions were not raised in connection with Ramziddin's Counterclaims or Midland's Summary Judgment briefing that resulted in the Lower Court's Order. *See* Pb30, 36, Pa1. Specifically, Ramziddin's claims that Midland allegedly violated the FCRA by actively pursuing collection on the Account despite Ramziddin's "credit freeze" were raised, for the first time, in Ramziddin's Brief. Pb1-39.

[14] Although pro se litigants are given some leeway, procedural rules are not abrogated or abridged by pro se status. *Rosenblum v. Borough of Closter*, 285 N.J. Super. 230, 241 (App. Div. 1995). Pro se litigants are required to follow the accepted rules of procedure promulgated by the Supreme Court and are presumed to know, and are required to follow, the statutory law of the State. *Tuckey v. Harleysville Insurance Company*, 236 N.J. Super. 221, 224 (App. Div. 1989).

Therefore, Ramziddin has waived the right to raise these issues on appeal since they were not before the Lower Court when it entered the Order. *See, e.g.*, *Kornbleuth v. Westover*, 241 N.J. 289, 298-99 (2020); *Belmont Condo. Ass'n, Inc. v. Geibel*, 432 N.J. Super. 52, 98 (App. Div. 2013).

To the extent that these assertions are considered by the Court, they are meritless. Particularly, Ramziddin's claims that Midland violated the FCRA § 1681c-1 fail because § 1681c-1 refers to consumer reporting agencies (the "CRAs") and the steps that the CRAs must take once a consumer asserts in good faith a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft. *See* § 1681c-1. The Lower Court Record and Ramziddin's Brief are both bereft of any allegations that Midland is a CRA, and Ramziddin is unable to plead any such allegations that might constitute an element of a 15 U.S.C. § 1681c-1 claim. Because Midland is not a consumer reporting agency, Ramziddin's assertions that Midland violated the FCRA fail.

Ramziddin's bald, conclusory allegations of alleged violations of the FCRA are nothing more than a baseless *post-hoc* fabrication. Therefore, the Lower Court's Order should be affirmed in its totality.

V. CONCLUSION

For the foregoing reasons, the Lower Court properly granted Midland's Motion for Summary Judgment and dismissed Ramziddin's Counterclaims.

Ramziddin fails to provide any sound legal or factual reasons why the Lower Court's Order should be overturned. Further, Midland established that it is entitled to Summary Judgment, and Ramziddin has no viable defense to the Collection Action. As such, this Court should (i) affirm the correctly decided Order of the Lower Court, and (ii) deny any requests for damages, including treble damages.

Dated: September 29, 2025

Respectfully submitted,

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SUPERIOR COURT OF NEW JERSEY – APPELLATE DIVISION

REPLY – BRIEF

APPELLATE DIVISION DOCKET NUMBER: A-000990-24-T4

ABUSSAMAA RASUL RAMZIDDIN

206 HERITAGE COURT

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October 14th, 2025

MIDLAND CREDIT MANAGEMENT, INC. PLAINTIFF-COUNTER DEFENDANT-APPELLEE

v.

ABUSSAMAA RAMZIDDIN, APPELLANT-DEFENDANT

Civil-Action

Mercer County-Special Civil Part

Mercer County-Superior Court-Law Division

On Appeal

Docket No. **MER-DC-004101-24**

Honorable, William Anklowitz, J.S.C. (Sat Below)

Dear Honorable Judges:

Pursuant to R. 2:6-2(b), Please accept this Reply-Brief in support of my Appeal in this matter.

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PRELIMINARY STATEMENT

This appeal arises from a judgment that is a legal nullity, secured not by evidence or law, but through a process that betrayed the fundamental principles of American justice. Appellee Midland Credit Management, Inc. ("Midland") prevailed below only because the trial court permitted a procedural ambush that shielded Midland's factually and legally deficient case from scrutiny. Midland's answering brief is notable only for its deafening silence on the dispositive issues: it fails to explain how a debt could be created against a frozen credit file, fails to provide a single piece of admissible evidence proving ownership, and fails to justify the profound denial of due process that led to the judgment.

This was not harmless error; it was a structural failure of the judicial process. But for the court's abandonment of mandatory procedure, Midland's meritless case, built on defective evidence and rooted in a potentially unlawful act, would have collapsed. This Court must reverse the judgment, dismiss the underlying claim, and restore the integrity of the process.

ARGUMENT

I. THE JUDGMENT IS VOID AB INITIO, AS IT WAS PROCURED THROUGH A PROCEDURAL AMBUSH THAT VIOLATED APPELLANT'S FUNDAMENTAL CONSTITUTIONAL RIGHT TO DUE PROCESS.

The judgment below is a legal nullity. It was obtained in violation of the Due Process Clauses of the United States and New Jersey Constitutions, which are not procedural niceties but the bedrock of judicial fairness guaranteeing a "meaningful opportunity to be heard." *Hannah v. Larche*, 363 U.S. 420, 442 (1960). This constitutional mandate is not abstract; it requires notice that is both timely and adequate to the nature of the proceeding.

The United States Supreme Court in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950), established the immutable standard: notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." Notice of a trial is not notice of a dispositive summary judgment hearing. The notice Appellant received was not merely inadequate; it was misleading. As our own Supreme Court affirmed in *Nicoletta v. North Jersey District Water Supply Comm'n*, 77 N.J. 145, 162 (1978), due process requires more than a mere formality; it demands substantial fairness.

This constitutional guarantee is codified in **N.J. Court Rule 4:46-1**, which mandates clear, unambiguous notice of a summary judgment hearing to prevent precisely what occurred here. The record is undisputed: the October 21, 2024, hearing was noticed as a **trial**. (Pa.59 Exhibit-E). Appellant prepared for trial. Midland's last-minute, informal request to convert the hearing (Pa.59) was a classic "trial by ambush." The court's acquiescence was not a discretionary act; it was a structural error that stripped Appellant of his core rights, including the right to:

1. Prepare a legal brief focused on the demanding standard of *Brill v. Guardian Life Ins. Co. of Am.*.

2. Secure and submit opposing certifications to create a factual dispute, particularly regarding the facially defective evidence submitted by Midland; and

3. Present oral argument tailored to a dispositive motion, including the right to confront and cross-examine witnesses as guaranteed by *Goldberg v. Kelly*, 397 U.S. 254 (1970), in any meaningful adjudicatory hearing.

Midland's argument that Appellant had notice of the *date* but not the *nature* of the hearing is a disingenuous misreading of the law that underscores the gravity of

the violation. Midland cites no authority—because none exists—that sanctions the spontaneous conversion of a noticed trial into a dispositive motion hearing. This was a structural defect that rendered the resulting judgment void *ab initio*. This Court cannot endorse a process where a litigant's fundamental rights are discarded for expediency. The judgment must be vacated.

II. SUMMARY JUDGMENT WAS PLAIN ERROR BECAUSE APPELLEE'S CASE RESTS ENTIRELY ON A FACIALLY DEFECTIVE AND INADMISSIBLE CERTIFICATION, LEAVING ZERO COMPETENT EVIDENCE OF OWNERSHIP OR THE AMOUNT DUE.

Even if the proceedings were not constitutionally defective, summary judgment was patently erroneous as a matter of law. The procedural ambush (Point I) was the indispensable mechanism used to grant judgment on evidence that is facially defective and legally inadmissible. A proper summary judgment process, or the trial that was scheduled, would have immediately exposed this incompetence, leaving Midland with zero proof.

Midland failed to meet its prima facie burden under *Brill v. Guardian Life Ins. Co. of Am.*, 142 N.J. 520 (1995), because its sole "proof" of ownership and amount due—the certification of Gavin Boedigheimer—is a legal nullity.

A. The Boedigheimer Certification is Facially Defective and Unreliable.

The certification, upon which Midland's entire case rests, is unreliable on its face. The document is captioned **"State of New Jersey"** yet lists Mr. Boedigheimer's address in **St. Cloud, Minnesota**. This glaring internal contradiction is not a mere scrivener's error; it is a fatal defect that destroys the document's credibility and suggests a fraud upon the court. It raises immediate, unanswerable questions: Was the certification executed in New Jersey or Minnesota? If in Minnesota, why

does it falsely claim "State of New Jersey"? This fundamental inconsistency renders the document incompetent as evidence, and the trial court committed plain error by accepting it as reliable proof of anything.

B. The Certification is Inadmissible Hearsay.

Beyond its facial defects, the certification is textbook inadmissible hearsay. To be admissible under the business records exception, **N.J.R.E. 803(c)(6)**, the proponent must present a witness who has personal knowledge of the record-keeping practices of the entity that created the document. *See* **N.J. Court Rule 1:6-6** (requiring affidavits be made on personal knowledge).

Mr. Boedigheimer, an employee of Midland in Minnesota, cannot possess the requisite personal knowledge of the record-keeping practices of the original creditor, Credit One Bank. This is precisely the evidentiary failure this Court has repeatedly condemned in debt buyer cases. *See, e.g., New Century Fin. Servs., Inc. v. Oughla*, 437 N.J. Super. 299, 330 (App. Div. 2014) (holding that a debt buyer's employee generally cannot provide the foundation for the original creditor's records). The arbitrary conversion of the hearing stripped Appellant of the right to expose this fatal evidentiary flaw through motion practice or cross-examination.

Because the Boedigheimer certification is both facially defective and legally inadmissible, all documents it purports to authenticate are likewise inadmissible. With no competent evidence of ownership or the amount due, Midland failed to meet its initial burden under *Brill*. The burden never shifted to Appellant, and summary judgment must be reversed.

III. THE TRIAL COURT ERRED IN DISMISSING APPELLANT'S COUNTERCLAIMS, AS APPELLEE'S ATTEMPT TO COLLECT A DEBT BORN OF ILLEGALITY IS A *PER SE* UNCONSCIONABLE ACT GIVING RISE TO VIABLE CLAIMS UNDER THE FDCPA AND NJCFA.

The lower court's dismissal of Appellant's well-pled counterclaims was clear legal error. Midland's brief dismisses these claims as "meritless" a position that ignores a simple, dispositive truth: **but for** the unlawful actions of the original creditor, this debt would not exist. Midland's attempt to profit from this illegality is precisely the conduct the Fair Debt Collection Practices Act (FDCPA) and the New Jersey Consumer Fraud Act (NJCFA) were enacted to punish.

The FDCPA prohibits using "unfair or unconscionable means" to collect a debt. **15 U.S.C. § 1692f**. Attempting to collect a debt that originated from a statutory violation, the circumvention of a credit freezes the very definition of unconscionable. Midland, as the assignee, "stands in the shoes" of the original creditor and cannot disinfect the original illegality. By purchasing and pursuing this tainted debt through the courts, Midland ratified the unlawful conduct and engaged in its own independent violation of § 1692f.

This conduct likewise violates the NJCFA. The "unconscionable commercial practice" under **N.J.S.A. 56:8-2** is the entire scheme: the illegal account origination by Credit One and its wrongful enforcement by Midland. Midland's argument that it is shielded as a mere assignee is legally bankrupt. The New Jersey Supreme Court has confirmed that an assignee is directly liable for its *own* unconscionable conduct in enforcing a transaction. *See Bosland v. Warnock Dodge, Inc.*, 197 N.J. 543, 557 (2009). By using the judicial system to launder a debt born of illegality, Midland adopted and continued the fraudulent scheme. The "ascertainable loss" required by the statute is manifest: the costs and economic harm Appellant has been forced to endure to defend against this illegitimate claim.

Furthermore, Midland's conduct gives rise to a claim under **42 U.S.C. § 1983**. As held in *Lugar v. Edmondson Oil Co.*, 457 U.S. 922 (1982), a private party who acts in "joint participation" with a state official to execute a constitutionally defective procedure is acting "under color of state law." By leveraging the court's unconstitutional process (Point I) to secure a judgment and deprive Appellant of property, Midland is liable for the deprivation of Appellant's due process rights. The dismissal of these counterclaims was legal error.

CONCLUSION

For the foregoing reasons, Appellant Abussamaa Rasul Ramziddin respectfully requests that this Honorable Court enter an Order:

1. **REVERSING** the trial court's grant of summary judgment.

2. **VACATING** the judgment as void.

3. **REMANDING** with instructions to **DISMISS** the underlying complaint with prejudice due to the lack of admissible evidence and the facially fraudulent nature of the alleged debt.

4. **REINSTATING** Appellant's counterclaims and remanding them for further proceedings; and

5. **GRANTING** such other and further relief as the Court deems just and proper.

Respectfully submitted,

Abussamaa Rasul Ramziddin, Pro Se-Appellant