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ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
AUG 14 2025
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Lucy H. Carrillo, Clerk

cv. UK
w/ IFP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

PLAINTIFFS:
Jimmy Tate,
Jaleceya Tate et al.

VS.

DEFENDANTS:
Capital Plus Financial, LLC
Prestamos CDFI, LLC
Benworth Capital
Harvest Small Business Finance, LLC
McCoy Federal Credit Union (McCoy FCU)
Fountainhead SBF LLC
Central Pacific Bank
JPMorgan Chase Bank, National Association
Navy Federal Credit Union (Navy FCU)
DOES 1-50
(Financial institutions to be identified in discovery)

Case No. CV25 00349 LEK KJM

COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES

I. PRELIMINARY STATEMENT

Plaintiffs, acting pro se, bring this action against the above-named banks and financial institutions for their roles in enabling and facilitating a massive, multi-state fraud scheme. These Defendants, through willful blindness, gross negligence, and/or knowing participation, allowed Calvin McCoy Jr. and his co-conspirators to obtain millions of dollars in fraudulent Paycheck Protection Program (PPP) loans using Plaintiffs' names, likenesses, and personal information, without Plaintiffs' knowledge or consent. The banks' failure to implement adequate due diligence, fraud detection, and identity verification measures directly enabled the theft of Plaintiffs' identities and the destruction of their financial and personal lives.

II. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question), including claims under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1962, and supplemental jurisdiction over related state law claims under 28 U.S.C. § 1367.
2. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) and (b)(3) because a substantial part of the events or omissions giving rise to the claims occurred in Honolulu County, Hawaii, and Defendants purposefully directed their conduct at this forum.

III. PARTIES

A. Plaintiffs

Jimmy Tate and Jaleceya Tate, along with their four minor children.

B. Defendants

1. Capital Plus Financial, LLC
2. Prestamos CDFI, LLC
3. Benworth Capital
4. Harvest Small Business Finance, LLC
5. McCoy Federal Credit Union (McCoy FCU)
6. Fountainhead SBF LLC
7. Central Pacific Bank
8. JPMorgan Chase Bank, National Association
9. Navy Federal Credit Union (Navy FCU)
10. DOES 1-50: Other banks, lenders, and financial institutions whose identities are presently unknown but who participated in, enabled, or facilitated the fraudulent PPP loan scheme described herein.

IV. FACTUAL ALLEGATIONS

1. Plaintiffs are victims of a sophisticated identity theft and fraud scheme orchestrated by Calvin McCoy Jr. and his associates, who, without Plaintiffs' knowledge or consent, used Plaintiffs' names, likenesses, Social Security numbers, and other personal information to apply for and obtain millions of dollars in PPP loans.
2. The above-named banks and financial institutions, acting as PPP lenders and/or facilitators, processed, approved, and disbursed these fraudulent loans, despite numerous red flags and clear indicia of identity theft and fraud.
3. Defendants failed to implement or enforce adequate "Know Your Customer" (KYC), anti-money laundering (AML), and fraud detection protocols, and in some cases, ignored or deliberately bypassed warning signs that should have triggered enhanced due diligence or rejection of the loan applications.
4. As a direct result of Defendants' conduct, Plaintiffs' credit, reputations, and financial standing have been irreparably damaged. Plaintiffs have been subjected to IRS investigations, legal liabilities, and public humiliation, and have suffered severe emotional distress and economic loss.
5. Defendants' actions were not isolated incidents, but part of a widespread pattern of reckless or willful disregard for the rights and identities of innocent individuals, including Plaintiffs, in their rush to profit from the PPP program.
6. Upon information and belief, Defendants received substantial fees and financial incentives for processing PPP loans, creating a conflict of interest and a motive to ignore or downplay fraud risks.
7. Plaintiffs did not authorize, consent to, or benefit from any of the fraudulent loans obtained in their names, and have repeatedly notified relevant authorities of the fraud, to no avail.
8. The full extent of Defendants' participation and the identities of all responsible parties will be revealed through discovery.

V. CAUSES OF ACTION

COUNT 1: NEGLIGENCE & GROSS NEGLIGENCE

- **Federal Tort Principle:** Negligence (failure to exercise reasonable care)
- **Key Federal Case:** *Barnes v. United States*, 137 F. App'x 184, 185 (9th Cir. 2005) (federal common law negligence elements: duty, breach, causation, damages)
- **Summary:** Defendants owed a duty to exercise reasonable care in verifying PPP loan applicants' identities and preventing fraud. They breached this duty by failing to implement adequate KYC/AML protocols, directly causing Plaintiffs' injuries.

COUNT 2: AIDING AND ABETTING FRAUD

- **Federal Tort Principle:** Aiding and abetting fraud (recognized under federal common law)
- **Key Federal Case:** *Monsanto Co. v. Spray-Rite Serv. Corp.*, 465 U.S. 752, 761 n.7 (1984) (federal courts recognize aiding and abetting liability); *Halberstam v. Welch*, 705 F.2d 472, 477 (D.C. Cir. 1983) (seminal case on aiding and abetting elements)
- **Summary:** Defendants knowingly or recklessly enabled the fraudulent scheme by processing and disbursing PPP loans in Plaintiffs' names despite clear evidence of fraud.

COUNT 3: RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO)

- **Statute:** 18 U.S.C. § 1962(c) (RICO)
- **Key Federal Case:** *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 (1985) (elements of civil RICO: conduct, enterprise, pattern, racketeering activity, injury)
- **Summary:** Defendants participated in a pattern of racketeering activity (including wire fraud and bank fraud) by knowingly or recklessly facilitating fraudulent PPP loans, in violation of RICO.

COUNT 4: INVASION OF PRIVACY & IDENTITY THEFT

- **Federal Statute:** 18 U.S.C. § 1028 (Identity Theft and Assumption Deterrence Act)
- **Federal Tort Principle:** Invasion of privacy (federal courts recognize privacy torts under Restatement (Second) of Torts § 652)
- **Key Federal Case:** *Remsburg v. Docusearch, Inc.*, 416 F.3d 418, 423 (1st Cir. 2005) (federal recognition of privacy torts)
- **Summary:** Defendants enabled unauthorized use and exploitation of Plaintiffs' personal information, constituting identity theft and invasion of privacy.

COUNT 5: UNJUST ENRICHMENT

- **Federal Common Law Principle:** Unjust enrichment (recognized in federal courts as an equitable remedy)
- **Key Federal Case:** *Astoria Fed. Sav. & Loan Ass'n v. Solimino*, 501 U.S. 104, 111 (1991) (federal courts may grant equitable relief including unjust enrichment)
- **Summary:** Defendants were unjustly enriched by fees and incentives received for processing fraudulent PPP loans in Plaintiffs' names.

COUNT 6: CONSUMER PROTECTION VIOLATIONS

- **Federal Statute:** 15 U.S.C. § 45(a) (Federal Trade Commission Act, prohibiting unfair or deceptive acts or practices); 15 U.S.C. § 6801 et seq. (Gramm-Leach-Bliley Act, requiring financial institutions to protect consumer information)
- **Key Federal Case:** *FTC v. Wyndham Worldwide Corp.*, 799 F.3d 236, 244 (3d Cir. 2015) (FTC Act applies to data security failures)
- **Summary:** Defendants violated federal consumer protection laws by failing to safeguard Plaintiffs' personal information and enabling fraudulent transactions.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:
A. Award compensatory damages in an amount to be determined at trial;
B. Award treble damages pursuant to the RICO statute;
C. Award punitive and exemplary damages sufficient to punish and deter Defendants;
D. Issue a permanent injunction enjoining Defendants and all persons acting in concert with them from further misuse of Plaintiffs' personal data, and from processing or facilitating fraudulent loans in Plaintiffs' names;
E. Order Defendants to correct all records, notify all relevant agencies, and assist in restoring Plaintiffs' credit and reputations;
F. Award Plaintiffs their reasonable costs and expenses incurred in pursuing this action;
G. Award prejudgment and post-judgment interest as permitted by law;
H. Grant such further relief as the Court deems just and proper.

VII. DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all issues so triable.

VIII. VERIFICATION

We, the undersigned, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of our knowledge and belief.

Jimmy Tate, Plaintiff
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439 Elliott Rd, McDonough, GA 30252

_______________ Date: 8-14-25

Jaleceya Tate, Plaintiff

_______________ Date: 8-14-25