

# Exhibit 5

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UPSOLVE, INC., *et al.*,

Plaintiffs,

-v-

Case No. \_\_\_\_\_

LETITIA JAMES, Attorney General of New  
York,

Defendant.

**DECLARATION OF WILLIAM EVERTSEN**

1. My name is William (“Tyler”) Evertsen. I am over the age of twenty-one and competent to testify to the matters set forth in this Declaration. Unless otherwise indicated, the facts stated herein are based on my personal knowledge or upon my review of documents to which I have access.

**BACKGROUND**

2. I am a sixty-year-old gay man living in Brooklyn, New York. I have two grown children.

3. I am a social worker. I earned Bachelor’s and Master’s degrees in social work from New York University.

4. I currently work at the St. Albans Children's Community Residence through an agency called HeartShare St Vincent's Services. My work focuses on supporting children between thirteen and eighteen years old who have mental health diagnoses and are on the fringes of the foster care system.

5. I have spent most of my career working with children who are in foster care or preventive services. I came into social work because helping people, especially children, is in my nature.

6. I started my social work career as an HIV/AIDS case manager at the same agency where I myself received help in the 1990s after I tested positive for HIV. I was diagnosed HIV positive in 1991 and have been living with HIV for 30 years.

#### **FINANCIAL AND HEALTH HARDSHIPS**

7. Even though my job as a social worker is deeply fulfilling, it does not always pay the bills. I have a lot of student loan debt from my education. The social work field is very transient, so I have had periods of unemployment where I have had to put basic living expenses on my credit cards.

8. I have always struggled financially. In the 1990s, around the time I was first diagnosed with AIDS, I began to accumulate debt. At the time, my only form of income was through collecting Social Security Disability payments, which was not enough to make ends meet. Though I ended up getting my life back on track through my training as a social worker, I continue to have trouble making ends meet given the work opportunities available in my field.

#### **DEBT-COLLECTION LAWSUIT**

9. In 2017, I was sued for a debt I did not owe by a third-party debt buyer called Cavalry SPV I, LLC ("Cavalry"). Cavalry told me I owed them for a debt they bought from another creditor that I know I never took out.

10. I started getting tons of phone calls from Cavalry, telling me I owed this debt, and asking “how are you going to pay today?” Every time they called I told them that this was not my debt. But they were very menacing and continued to harass me.

11. I remember asking them to prove that I took out the loan, and they said “No, we don’t have to do that.” They never gave me any financial information showing I received the money or put it in my bank account. They instead demanded that I prove that I did not borrow the money. I just ignored it as long as I could because I figured they would eventually give up and try to find the real borrower or write the debt off.

12. But they did not give up. As I learned much later, Cavalry sued me and got a default judgment against me for this debt that wasn’t mine.

13. As far as I know, I never received any notice or other paperwork from them or from the court indicating that I was being sued.

14. I lived at the same address for at least five years.

15. The judgment made me feel that I was defrauded, because they never proved that I actually owed the debt. I was also powerless to do anything about it.

16. When dealing with this situation, a lawyer would have been helpful but I could not afford one.

17. The default judgment contributed to my financial distress. I filed for bankruptcy in 2020.

18. I believe that I’m not alone in this experience. Living in the neighborhood I do, which is largely immigrants and people of color, and working with the people that I do, who are highly disenfranchised and on the fringes of society, I see firsthand a lot of trepidation around the legal system. It appears to me that the way the legal system is currently organized makes people

like me nervous and afraid because we lack basic knowledge of and access to information about the legal system and what rights we have available.

19. As a social worker, I have more access to and familiarity with government institutions and processes than many other low-income people I know. But my knowledge about how to navigate the legal system is still very limited. Even if I had learned about the lawsuit against me, I would have had no idea how to respond or who to go to for help.

20. This experience has confirmed for me that it would have been important for me, and probably would be important for other low-income people to get free, accurate legal advice on how to respond to debt collection lawsuits, so they can better understand their rights and decide how to respond.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 23 day of December, 2021.

William Evertsen  
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