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all those similarly situated

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Case No.: '22CV0050 BAS JLB

JESUS ALVARADO, on behalf of
himself and all those similarly
situated,

Plaintiff,

v.

LEXISNEXIS RISK DATA
MANAGEMENT, INC.; and
EXPERIAN INFORMATION
SOLUTIONS, INC.;

Defendants.

**CLASS ACTION COMPLAINT
FOR DAMAGES FOR:**

- 1. WILLFUL FAILURE TO
EMPLOY REASONABLE
PROCEDURES TO ENSURE
MAXIMUM ACCURACY OF
CREDIT REPORT**
- 2. NEGLIGENT FAILURE TO
EMPLOY REASONABLE
PROCEDURES TO ENSURE
MAXIMUM ACCURACY OF
CREDIT REPORT**
- 3. WILLFUL FAILURE TO
REASONABLY
REINVESTIGATE**
- 4. NEGLIGENT FAILURE TO
REASONABLY
REINVESTIGATE**
- 5. FAILURE TO INVESTIGATE**

JURY TRIAL DEMANDED

INTRODUCTION

1. The United States Congress has found the banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence, which is essential to the continued functioning of the banking system. Congress enacted the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), to insure fair and accurate reporting, promote efficiency in the banking system, and protect consumer privacy. The FCRA seeks to ensure consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer’s right to privacy because consumer reporting agencies have assumed such a vital role in assembling and evaluating consumer credit and other information on consumers. The FCRA also imposes duties on the sources that provide credit information to credit reporting agencies, called “furnishers.”
2. Plaintiff brings this action against defendants LEXISNEXIS RISK DATA MANAGEMENT, INC. (“LexisNexis”), and EXPERIAN INFORMATION SOLUTIONS, INC. (“Experian”) (collectively the “Defendants”), as to erroneous furnishing and reporting of inaccurate and derogatory credit information made by Defendants; failure of Defendants to maintain reasonable procedures in accurately reporting credit information; and failure of Defendants to properly investigate credit information. This conduct or omissions by Defendants caused Plaintiff and the proposed Class members damages.
3. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to the named Plaintiff, or to Plaintiff’s counsel, which the named Plaintiff alleges on personal knowledge.
4. While many violations are described below with specificity, this Complaint alleges violations of the statute cited in its entirety.

1 5. Unless otherwise stated, the conduct engaged in by Defendants took place in the
2 County of San Diego, State of California.

3 6. Any violations by Defendants were knowing, willful, and intentional, and
4 Defendants did not maintain procedures reasonably adapted to avoid any such
5 violation.

6 7. Unless otherwise indicated, the use of Defendants' name in this Complaint
7 includes all agents, employees, officers, members, directors, heirs, successors,
8 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of
9 Defendants' named.

10 JURISDICTION AND VENUE

11 8. Plaintiff realleges and incorporates by reference all the foregoing paragraphs of
12 this Complaint as though fully set forth herein.

13 9. This Court has jurisdiction over this action under 28 U.S.C. § 1331 as Plaintiff
14 brings claims for violations of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681
15 *et. seq.*

16 10. This Court further has supplemental jurisdiction over Plaintiff's California causes
17 of action, pursuant to 28 U.S.C. § 1367(a), as Plaintiff's California state law
18 claims are so related to Plaintiff's federal FCRA claims in this action, that they
19 form part of the same case or controversy under Article III of the United States
20 Constitution.

21 11. Venue is proper in this District under 28 U.S.C. §1391(b)(2) and (3) because: (i)
22 a substantial part of the events or omissions giving rise to these claims occurred
23 in this District; (ii) Defendants are all subject to the Court's personal jurisdiction
24 with respect to this action because Defendants all conduct business in this judicial
25 district; and (iii) Mr. Alvarado resides in this judicial district.

26 PARTIES

27 12. Plaintiff realleges and incorporates by reference all the foregoing paragraphs of
28 this Complaint as though fully set forth herein.

1 13.Plaintiff, JESUS ALVARADO is, and all times mentioned herein was, an
2 individual citizen and resident of the County of San Diego, State of California.

3 14.Plaintiff is a natural person residing in the County of San Diego, State of
4 California. In addition, Plaintiff is a “consumer” as that term is defined by 15
5 U.S.C. § 1681a(c).

6 15.Defendant LexisNexis is a Florida Corporation headquartered in Alpharetta,
7 Georgia.

8 16.Defendant LexisNexis regularly and in the ordinary course of business furnishes
9 information to consumer credit reporting agencies. Defendant LexisNexis is
10 therefore a furnisher of information to major Credit Reporting Agencies, as
11 contemplated by 15 U.S.C. § 1681s-2(b),

12 17. Defendant Experian is a national Credit Reporting Agency.

13 18. Defendant Experian is a Delaware Corporation headquartered in Costa Mesa,
14 California.

15 **GENERAL ALLEGATIONS**

16 19. Plaintiff realleges and incorporates by reference all the foregoing paragraphs of
17 this Complaint as though fully set forth herein.

18 20. On or about April 30, 2015, Plaintiff filed for a Chapter 13 Bankruptcy in the
19 United States Bankruptcy Court for the Southern District of California, to obtain
20 a fresh start and rebuild his credit. Plaintiff’s case was assigned Case Number 15-
21 02922-MM13 (“Bankruptcy Case”).

22 21. The initial filing in the Bankruptcy Case was filed on the docket and publicly
23 available via the Public Access to Court Electronic Records (“PACER”) system.

24 22. On information and belief, as part of its routine business operations, Defendant
25 LexisNexis continuously searches PACER and other publicly available court
26 records to track when individuals file for bankruptcy and when they receive a
27 discharge.

28 23. On information and belief, as part of its routine business operations, Defendant

1 LexisNexis compiles publicly available information about bankruptcy filings,
2 and furnishes that information to all major national Credit Reporting Agencies,
3 including Defendant Experian.

4 24. At a specific time, unknown to Plaintiff, but after the filing of the Bankruptcy
5 Case, Defendant LexisNexis furnished information to Experian, stating that
6 Plaintiff filed for bankruptcy on April 30, 2015.

7 25. On June 19, 2020, the Bankruptcy Court issued an Order for Discharge in
8 Plaintiff's Bankruptcy Case.

9 26. Information relating to whether a discharge has been entered in a bankruptcy case
10 is retrievable from PACER through automated, computerized means, just like
11 information establishing the existence of a filed bankruptcy petition. Thus, were
12 Defendants to employ procedures of which they are fully aware exist, Defendants
13 could achieve virtually 100% accuracy in the reporting of the status of bankruptcy
14 cases.

15 27. On information and belief, Defendants have failed to use available services
16 within PACER to determine the accuracy of the reporting of the status of
17 bankruptcy cases.

18 28. At a specific time, unknown to Plaintiff, but after the entry of the Order for
19 Discharge, LexisNexis furnished to Defendant Experian information that
20 Plaintiff had filed a bankruptcy that never received a Discharge.

21 29. Defendant Experian subsequently reported that Plaintiff had filed a bankruptcy,
22 yet never received a discharge.

23 30. On Defendant LexisNexis's website, they state that they are the provider of
24 bankruptcy information to Defendant Experian.

25 31. Defendant LexisNexis should not have furnished that Plaintiff had filed a
26 bankruptcy but had not received an order for Discharge, as Plaintiff had in fact
27 received a discharge.

28 32. On or about mid-August 2021, Plaintiff applied for an auto loan through San

1 Diego County Credit Union and was denied credit.

2 33. In response and denying the extension of credit, an e-mail provided by San Diego
3 County Credit Union specifically cited the Plaintiff's bankruptcy as a reason for
4 the credit denial.

5 34. On or about mid-November 2021, Plaintiff applied for a credit card through
6 Capital One Bank (USA), N.A. and was denied credit. The denial letter provided
7 by Capital One Bank (USA), N.A. specifically stated:

8 Based on your credit report from one or more of the agencies on the
9 back of this letter, the presence of a non-discharged bankruptcy.

10 35. At a specific time, unknown to Plaintiff, but after the entry of the Order for
11 Discharge, Defendant Experian, as well as the credit agencies Equifax and
12 TransUnion, all reported that Plaintiff had filed a bankruptcy that never received
13 a Discharge.

14 36. On or about December 1, 2021, Plaintiff specifically disputed with Defendant
15 Experian that his credit report showed a non-discharged bankruptcy case.

16 37. On or about December 3, 2021, Plaintiff once again specifically disputed with
17 Defendant Experian that his credit report showed a non-discharged bankruptcy
18 case.

19 38. Plaintiff is informed and believes, and thereon alleges, that during the
20 investigation of Plaintiff's dispute, prior to Defendant LexisNexis responding and
21 verifying the incorrect information to Experian, LexisNexis failed to check
22 Plaintiff's bankruptcy filing to verify that he had in fact received a discharge.

23 39. Plaintiff is informed and believes, and here upon alleges, that during the
24 investigation of Plaintiff's dispute, prior to responding and verifying the incorrect
25 information to Plaintiff, Experian failed to check Plaintiff's bankruptcy filing to
26 verify that he had in fact received a discharge.

27 40. Defendants further failed to contact Plaintiff and request additional information
28

1 from Plaintiff that would aid in reporting the correct status of the bankruptcy case.

2 41. On or about December 15, 2021, Defendant Experian sent Plaintiff results of its
3 two (2) investigations into Plaintiff's two separate disputes. In both results,
4 Defendant Experian stated:

5
6 The dispute for the bankruptcy named US BKPT CT CA SAN DIEGO
7 was not changed as a result of our processing of your dispute. The
8 company that reported the information has certified to Experian that the
9 information is accurate.

10 42. After receiving notice of Plaintiff's dispute, Defendants knowingly and willfully
11 republished the inaccurate and derogatory information on the Plaintiff's accounts.

12 43. Subsequent to Plaintiff's dispute, by furnishing and reporting the bankruptcy as
13 not having been discharged, Defendants have intentionally furnishing and
14 republishing inaccurate post-bankruptcy discharge information.

15 44. Plaintiff is informed and believes that his credit score is taking a "double-hit" as
16 a result of such conduct by Defendants. Once for his bankruptcy. And once more
17 for the incorrect status stating that Plaintiff did not receive a bankruptcy
18 discharge, which is inaccurate and therefore caused Plaintiff damages.

19 **CLASS ACTION ALLEGATIONS**

20 45. Plaintiff realleges and incorporates by reference every allegation contained in all
21 foregoing paragraphs, inclusive, as though fully set forth herein.

22 46. Plaintiff and the members of the Class have all suffered injury in fact because of
23 the Defendants' unlawful conduct.

24 47. The "Class Period" means 24 months prior to the filing of the Complaint in this
25 action.

26 48. Plaintiff bring this lawsuit on behalf of himself, and other bankruptcy debtors
27 similarly situated nationwide under Rule 23(b)(2) and/or (b)(3) of the Federal
28 Rules of Civil Procedures. Subject to additional information obtained through

1 further investigation and/or discovery, the proposed “Class” consists of:

2 **49. “National Reasonable Procedures Class”** consisting of:

3 “All persons within the United States who filed a Chapter 13 or
4 Chapter 7 bankruptcy case where one or more of the named
5 Defendants furnished or reported that the bankruptcy case was not
6 discharged when in fact it was discharged, within two years prior to
7 the filing of the Complaint.

8
9 **50. “National Failure to Investigate and Re-investigate Class”** consisting of:

10 “All persons within the United States who filed a Chapter 13 or
11 Chapter 7 bankruptcy case where the individual disputed inaccurate
12 reporting of a bankruptcy discharge, and one or more of the named
13 Defendants concluded after an investigation or re-investigation that the
14 bankruptcy case was not discharged when in fact it was discharged,
15 within two years prior to the filing of the Complaint.

16
17 **51. “California CCRAA Reasonable Procedures Sub-Class”** consisting
18 of:

19 All persons within California who filed a Chapter 13 or Chapter 7
20 bankruptcy case where one or more of the named Defendants furnished
21 or reported that the bankruptcy case was not discharged when in fact it
22 was discharged, within two years prior to the filing of the Complaint.

23
24 **52. “California Failure to Investigate and Re-investigate Sub-Class”** consisting
25 of:

26 “All persons within California who filed a Chapter 13 or Chapter 7
27 bankruptcy case from where the individual disputed inaccurate
28 reporting of a bankruptcy discharge, and one or more of the named

1 Defendants concluded after an investigation or re-investigation that the
2 bankruptcy case was not discharged when in fact it was discharged,
3 within two years prior to the filing of the Complaint.
4

5 53. Excluded from the Class are the named Defendants, and any of their respective
6 officers, directors, employees, or agents. Plaintiffs reserve the right to modify or
7 amend the Class definition before the Court determines whether certification is
8 appropriate.

9 a. ***Ascertainability.*** The members of the Class are readily ascertainable from
10 Defendants' records and/or Defendants' agents' records regarding
11 bankruptcy cases within the Class Period where Defendants have furnished
12 or reported a bankruptcy filing. Alternatively, the members of the Class are
13 readily ascertainable by searching and reviewing publicly-available data
14 from the PACER system during the class period.

15 b. ***Numerosity.*** The members of the Class are so numerous that their
16 individual joinder is impracticable. Plaintiff is informed and believes, and
17 on that basis alleges, that the proposed class consists of hundreds of
18 thousands of members.

19 c. ***Existence and Predominance of Common Questions of Law and Fact.***
20 Common questions of law and fact exist as to all members of the Class
21 predominate over any questions affecting only individual Class members.
22 All members of the Class have been subject to the same conduct and their
23 claims are based on the widespread failure of Defendants to have reasonable
24 procedures in place to furnish or report bankruptcy discharge information.
25 The common legal and factual questions include, but are not limited to, the
26 following:

27 i. Whether Plaintiff and the proposed class members had a bankruptcy
28 case that was discharged;

- 1 ii. Whether Defendants have reasonable procedures in place for
- 2 furnishing publicly-available bankruptcy information;
- 3 iii. Whether Defendants have reasonable procedures in place for reporting
- 4 publicly-available bankruptcy information.;
- 5 iv. Whether Defendants regularly conduct actual investigations into the
- 6 status of bankruptcy cases when a consumer disputes that information;
- 7 v. Whether Plaintiff and the proposed members of the Class are entitled
- 8 to actual damages;
- 9 vi. Whether Plaintiff and the proposed members of the Class are entitled
- 10 to equitable relief; and
- 11 vii. Whether Plaintiff and the proposed members of the Class are entitled
- 12 to injunctive relief sought herein.
- 13 d. **Typicality.** Plaintiff's claims are typical of the claims of the members of the
- 14 Class in that Plaintiff is a member of the Class that Plaintiff seeks to
- 15 represent. Plaintiff, like members of the proposed Class, filed bankruptcy
- 16 cases and although they received a discharge, Defendants failed to
- 17 accurately furnish and/or report that information. Plaintiff is advancing the
- 18 same or substantially the same claims and legal theories on behalf of
- 19 themselves and all absent members of the Class. Defendants have no
- 20 defenses unique to the named Plaintiff.
- 21 e. **Adequacy of Representation.** Plaintiffs will fairly and adequately protect
- 22 the interests of the members of the Class. Plaintiff has retained counsel
- 23 experienced in bankruptcy law and consumer protection law, including class
- 24 actions. Plaintiff has no adverse or antagonistic interests to those of the
- 25 Class and will fairly and adequately protect the interests of the Class.
- 26 Plaintiff's attorneys are aware of no interests adverse or antagonistic to those
- 27 of Plaintiff and proposed Class.
- 28 f. **Superiority.** A class action is superior to all other available means for the

1 fair and efficient adjudication of this controversy. Individualized litigation
2 would create the danger of inconsistent and/or contradictory judgments
3 arising from the same set of facts. Individualized litigation would also
4 increase the delay and expense to all parties and the courts and the issues
5 raised by this action. The damages or other financial detriment suffered by
6 individual Class members may be relatively small compared to the burden
7 and expense that would be entailed by individual litigation of the claims
8 against the Defendants. The injury suffered by each individual member of
9 the proposed class is relatively small in comparison to the burden and
10 expense of individual prosecution of the complex and extensive litigation
11 necessitated by Defendants' conduct. It would be impractical for members
12 of the proposed Class to individually redress effectively the wrongs to them.
13 Even if the members of the proposed Class could afford such litigation, the
14 Court system could not. Individualized litigation increases the delay and
15 expense to all parties, and to the court system, presented by the complex
16 legal and factual issues of the case. By contrast, the class action device
17 presents far fewer management difficulties, and provides the benefits of
18 single adjudication, economy of scale, and comprehensive supervision by a
19 single court. Therefore, a class action is maintainable pursuant to Fed. R.
20 Civ. P. 23(b)(3).

- 21 54. Unless the Class is certified, Defendants will continue to harm Plaintiff and the
22 members of the proposed Class by failing to ensure accurate procedures in
23 furnishing and reporting of bankruptcy information. Unless a class-wide
24 injunction is issued, Defendants will also likely continue to fail to accurately
25 furnish and report information about bankruptcy cases, in violation of the law.
- 26 55. Further, Defendants have acted or refused to act on grounds that are generally
27 applicable to the Class so that declaratory and injunctive relief is appropriate to
28 the Class as a whole, making class certification appropriate pursuant to Fed R.

Civ. P. 23(b)(2).

FIRST CAUSE OF ACTION
WILLFUL FAILURE TO EMPLOY REASONABLE PROCEDURES TO
ENSURE MAXIMUM ACCURACY OF CREDIT REPORT

15 U.S.C. § 1681, et. seq. and Cal. Civ. Code § 1785.1, et. seq.

(15 U.S.C. § 1681, et. seq. claims as to Defendant Experian only;

Cal. Civ. Code § 1785.1, et. seq. as to all Defendants)

56. Plaintiff realleges and incorporates by reference all of the foregoing paragraphs of this Complaint as though fully stated herein.

57. Plaintiff and the proposed members of the Class are “consumers” as that term is defined by Cal. Civ. Code § 1785.3(b).

58. Defendants are also each a “person” as that term is defined by Cal. Civ. Code § 1785.3(j).

59. Experian is regularly engaged in practice of assembling and evaluating consumer credit information for the purpose of preparing consumer reports, as that term is defined in 15 U.S.C. § 1681a(d) and Cal. Civ. Code § 1785.3(c), commonly referred to as Credit Reports, and Furnishing these Credit Reports to third parties.

60. Experian uses means and facilities of interstate commerce for the purpose of preparing and furnishing Credit Reports and, hence, is a “consumer reporting agency” within the meaning of 15 U.S.C. § 1681a(f). Experian is likewise a “consumer reporting agency” within the meaning of Cal. Civ. Code § 1785.3(d).

61. In preparing Credit Reports, Experian has failed to use reasonable procedures to, as required by law, “assure maximum possible accuracy” of information relating to the status of bankruptcy cases of Plaintiff and the Class, in violation of 15 U.S.C. § 1681e(b) and Cal. Civ. Code § 1785.14(b).

62. In the regular course of its business operations, LexisNexis routinely furnishes information to credit reporting agencies (including Experian) regarding publicly

1 available information about bankruptcy filings, which in turn has bearing on
2 credit worthiness, credit standing and credit capacity, as this information was then
3 reported to the “consumer credit reports” of Plaintiff and the Classes. *See* Cal.
4 Civ. Code § 1785.3(c).

5 63. In furnishing this information about bankruptcy filings, LexisNexis has failed to
6 maintain reasonable procedures, as required by law, to ensure the “completeness
7 or accuracy of [the] information” relating to the status of bankruptcy cases of
8 Plaintiff and the Classes, in violation of Cal. Civ. Code § 1785.25(g).

9 64. Reasonable means were readily available to Defendants to be able to confirm the
10 fact that the bankruptcy case for Plaintiff and the proposed Class members were
11 in fact discharged, yet upon information and belief, Defendants knowingly and
12 intentionally chose as a business decision not to incur the time and cost of
13 checking public information on PACER to confirm whether or not the bankruptcy
14 cases were discharged.

15 65. As a result of LexisNexis’ failure to use reasonable procedures in accordance
16 with the requirements of Cal. Civ. Code § 1785.25(g), LexisNexis has
17 erroneously furnished information concerning bankruptcy cases as not being
18 discharged when in fact they were, for Plaintiff and all members of the Classes.

19 66. LexisNexis’ failure to comply with the requirements of Cal. Civ. Code § 1785.25
20 is willful within the meaning of Cal. Civ. Code § 1785.31(a)(2).

21 67. As a result of LexisNexis’ willful noncompliance with the requirements of Cal.
22 Civ. Code § 1785.25, Plaintiff and class and sub-class members are entitled to
23 punitive damages under Cal. Civ. Code § 1785.31(a)(2).

24 68. As a further result of LexisNexis’ willful noncompliance with the requirements
25 of Cal. Civ. Code § 1785.25, Plaintiffs and the Classes have suffered damage to
26 their credit rating and other actual damages, including, but no limited to, denial
27 of credit, denial of access to consumer services, losses from difficulty in
28 obtaining credit, losses resulting from imposition of higher interest rates when

1 they have been able to obtain credit, lost opportunities to obtain mortgages, rental
2 properties, automobiles and other goods or services.

3 69. As a result of Experian's failure to use reasonable procedures in accordance with
4 the requirements of 15 U.S.C § 1681e(b) and Cal. Civ. Code § 1785.14(b),
5 Experian has erroneously reported bankruptcy cases as not being discharged
6 when in fact they were, for Plaintiff and all members of the Class.

7 70. Experian's failure to comply with the requirements of 15 U.S.C. § 1681e(b) and
8 Cal. Civ. Code § 1785.14(b) is willful within the meaning of 15 U.S.C. §
9 1681n(a) and Cal. Civ. Code § 1785.31(a)(2), respectively.

10 71. As a result of Experian's willful noncompliance with the requirements of 15
11 U.S.C. § 1681e(b) and Cal. Civ. Code. § 1785.14(b), Plaintiff and class and sub-
12 class members are entitled to statutory and punitive damages under 15 U.S.C. §
13 1681n(a)(1) and (a)(2) and punitive damages under Cal. Civ. Code §
14 1785.31(a)(1) and (a)(2), respectively.

15 72. As a further result of Experian's willful noncompliance with the requirements of
16 15 U.S.C. § 1681e(b) and Cal. Civ. Code. § 1785.14(b), Plaintiffs and the Class
17 have suffered damage to their credit rating and other actual damages, including,
18 but no limited to, denial of credit, denial of access to consumer services, losses
19 from difficulty in obtaining credit, losses resulting from imposition of higher
20 interest rates when they have been able to obtain credit, lost opportunities to
21 obtain mortgages, rental properties, automobiles and other goods or services.

22 73. The foregoing acts and omissions of Experian constitutes numerous and multiple
23 willful, reckless or negligent violations of the FCRA, including but not limited to
24 each and every one of the above-cited provisions of the FCRA, 15 U.S.C § 1681.

25 74. As a result of each and every willful violation of the FCRA, Plaintiff is entitled
26 to actual damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(1);
27 statutory damages pursuant to 15 U.S.C. § 1681n(a)(1); punitive damages as the
28 Court may allow pursuant to 15 U.S.C. § 1681n(a)(2); and reasonable attorney's

1 fees and costs pursuant to 15 U.S.C. § 1681n(a)(3) from Experian.

2 75. As a result of each and every negligent noncompliance of the FCRA, Plaintiff is
3 entitled to actual damages as the Court may allow pursuant to 15 U.S.C. §
4 1681o(a)(1); and reasonable attorney's fees and costs pursuant to 15 U.S.C. §
5 1681o(a)(2) from Experian.

6
7 **SECOND CAUSE OF ACTION**

8 **NEGLIGENT FAILURE TO EMPLOY REASONABLE PROCEDURES TO**
9 **ENSURE MAXIMUM ACCURACY OF CREDIT REPORTS**

10 15 U.S.C. § 1681, et. seq. and Cal. Civ. Code § 1785.1, et. seq.

11 (15 U.S.C. § 1681, et. seq. claims as to Defendant Experian only;

12 Cal. Civ. Code § 1785.1, et. seq. as to all Defendants)

13 76. Plaintiff realleges and incorporates by reference all of the foregoing paragraphs
14 of this Complaint as though fully stated herein.

15 77. In preparing credit reports relating to Plaintiff and the class and sub-class
16 members, Experian has failed to follow reasonable procedures to assure
17 maximum accuracy of information it puts in Credit Reports of 15 U.S.C §
18 1681e(b) and Cal. Civ. Code § 1785.14(b).

19 78. Similarly, LexisNexis has failed to use reasonable procedures, in accordance with
20 the requirements of Cal. Civ. Code § 1785.25(g), by erroneously furnishing
21 information concerning bankruptcy cases as not being discharged when in fact
22 they were, for Plaintiff and the proposed Class members.

23 79. Reasonable means were readily available to Defendants to be able to confirm the
24 fact that the bankruptcy case for Plaintiff and the proposed Class members were
25 in fact discharged by searching public records on PACER, yet upon information
26 and belief, Defendants were negligent in not adopting procedures to check public
27 information on PACER to confirm whether the bankruptcy cases were discharged
28 or not.

- 1 80. As a result of LexisNexis' failure to use reasonable procedures in accordance
2 with the requirements of Cal. Civ. Code § 1785.25(g), LexisNexis has
3 erroneously furnished information concerning bankruptcy cases as not being
4 discharged when in fact they were, for Plaintiff and all members of the Classes.
- 5 81. LexisNexis' failure to comply with the requirements of Cal. Civ. Code § 1785.25
6 is negligent within the meaning of Cal. Civ. Code § 1785.31(a)(1).
- 7 82. As a result of LexisNexis' negligent violation with the requirements of Cal. Civ.
8 Code § 1785.25, Plaintiff and the class and sub-class members have suffered
9 damage to their credit ratings and other actual damages, including, but not limited
10 to, denial of credit, denial of access to consumer services, losses from difficulty
11 in obtaining credit, losses resulting from imposition of higher interest rates when
12 they have been able to obtain credit, lost opportunities to obtain mortgages, rental
13 properties, automobiles and other goods or services.
- 14 83. As a result of Experian's failure to follow reasonable procedures in accordance
15 with the requirements of 15 U.S.C. § 1681e(b) and Cal. Civ. Code § 1785.14(b),
16 Experian has erroneously reported the status of Plaintiff and the class and sub-
17 class members' bankruptcy cases as not being discharged, when in fact they were.
- 18 84. Experian's failure to comply with the requirements of 15 U.S.C. § 1681e(b) and
19 Cal. Civ. Code § 1785.14(b) is negligent within the meaning of 15 U.S.C. §
20 1681o(a) and Cal. Civ. Code § 1785.31 (a)(1), respectively.
- 21 85. As a result of Experian's negligent violation with the requirements of 15 U.S.C.
22 § 1681e(b) and Cal. Civ. Code § 1785.14(b), Plaintiff and the class and sub-class
23 members have suffered damage to their credit ratings and other actual damages,
24 including, but not limited to, denial of credit, denial of access to consumer
25 services, losses from difficulty in obtaining credit, losses resulting from
26 imposition of higher interest rates when they have been able to obtain credit, lost
27 opportunities to obtain mortgages, rental properties, automobiles and other goods
28 or services.

THIRD CAUSE OF ACTION

WILLFUL FAILURE TO REASONABLY REINVESTIGATE

15 U.S.C. § 1681, et. seq. and Cal. Civ. Code § 1785.1, et. seq.

(As to Defendant Experian Only)

86. Plaintiff realleges and incorporates by reference all of the foregoing paragraphs of this Complaint as though fully stated herein.

87. Experian has knowingly and intentionally failed to follow reasonable reinvestigation procedures for ascertaining the accuracy of information relating to the bankruptcy cases of Plaintiff and the class and sub-class members that Experian has erroneously reported bankruptcy cases as not discharged when in fact they were discharged.

88. Reasonable means were readily available to Experian to be able to confirm the fact that the bankruptcy case for Plaintiff and the proposed Class members were in fact discharged, yet upon information and belief, Experian knowingly and intentionally chose as a business decision not to incur the time and cost of checking public information on PACER to confirm whether the bankruptcy cases were discharged or not.

89. As a result of Experian's intentional failure to conduct reasonable reinvestigations in accordance with the requirements of 15 U.S.C. § 1681i(a)(1) and Cal. Civ. Code § 1785.16, Experian has continued to erroneously report the bankruptcy case status of Plaintiff and the class and sub-class members as not being discharged, when in fact they were, in its credit reports for Plaintiff and the class and sub-class members, after having been notified that they were disputing that information.

90. Experian's failure to comply with the requirements of 15 U.S.C. § 1681i(a)(1) and Cal. Civ. Code § 1785.16 is willful within the meaning of 15 U.S.C. § 1681n(a) and Cal. Civ. Code § 1785.31(a)(2), respectively.

1 91. As a result of Experian's willful noncompliance with the requirements of 15
2 U.S.C. § 1681i(a)(1) and Cal. Civ. Code § 1785.16, Plaintiff and the class and
3 sub-class members are entitled to statutory and punitive damages under 15 U.S.C.
4 § 1681n(a)(1) and (a)(2) and punitive damages under Cal. Civ. Code §§
5 1785.31(a)(1) and (a)(2), respectively.

6 92. As a further result of Experian's willful noncompliance with the requirements of
7 15 U.S.C. § 1681i(a)(1) and Cal. Civ. Code § 1785.16, Plaintiff and the class and
8 sub-class members have suffered damage to their credit ratings and other actual
9 damages, including, but not limited to, denial of credit, denial of access to
10 consumer services, losses from difficulty in obtaining credit, losses resulting
11 from imposition of higher interest rates when they have been able to obtain credit,
12 lost opportunities to obtain mortgages, rental properties, automobiles and other
13 goods or services.

14
15
16 **FOURTH CAUSE OF ACTION**

17 **NEGLIGENT FAILURE TO REASONABLY REINVESTIGATE**

18 15 U.S.C. § 1681, et. seq. and Cal. Civ. Code § 1785.1, et. seq.

19 (As to Defendant Experian Only)

20 93. Plaintiff realleges and incorporates by reference all of the foregoing paragraphs
21 of this Complaint as though fully stated herein.

22 94. Experian has failed to follow reasonable reinvestigation procedures for
23 ascertaining the accuracy of information relating to relating to the bankruptcy
24 cases of Plaintiff and class and sub-class members that Experian has erroneously
25 reported bankruptcy cases as not discharged when in fact they were discharged.

26 95. Reasonable means were readily available to Experian to be able to confirm the
27 fact that the bankruptcy case for Plaintiff and the proposed Class members were
28 in fact discharged by searching public records on PACER, yet upon information

1 and belief, Experian was negligent in not checking public information on PACER
2 to confirm whether the bankruptcy cases were discharged or not.

3 96. As a result of Experian's failure to conduct reasonable reinvestigations in
4 accordance with the requirements of 15 U.S.C. § 1681i(a)(1) and Cal. Civ. Code
5 § 1785.16, Experian has continued to report the bankruptcy case status of Plaintiff
6 and the class and sub-class members as not being discharged when in fact they
7 were in the credit reports for Plaintiff and the class and sub-class members, after
8 having been notified that they were disputing that information.

9 97. Experian's failure to comply with the requirements of 15 U.S.C. § 1681i(a)(1)
10 and Cal. Civ. Code § 1785.16 is negligent within the meaning of 15 U.S.C. §
11 1681o(a) and Cal. Civ. Code § 1785.31(a)(1), respectively.

12 98. As a result of Experian's negligent noncompliance with the requirements of 15
13 U.S.C. § 1681i(a)(1) and Cal. Civ. Code § 1785.16, Plaintiff and the class and
14 sub-class members have suffered damage to their credit ratings and other actual
15 damages, including, but not limited to, denial of credit, denial of access to
16 consumer services, losses from difficulty in obtaining credit, losses resulting
17 from imposition of higher interest rates when they have been able to obtain credit,
18 lost opportunities to obtain mortgages, rental properties, automobiles and other
19 goods or services.

20
21
22 **FIFTH CAUSE OF ACTION**

23 **FAILURE TO INVESTIGATE**

24 Cal Civ. Code § 1785.1, et. seq.

25 (As to Defendant LexisNexis Only)

26 99. Plaintiff realleges and incorporates by reference all of the foregoing paragraphs
27 of this Complaint as though fully stated herein.

28 100. Cal. Civ. Code §1785.25(f) provides:

1 Upon receiving notice of a dispute noticed pursuant to
2 subdivision (a) of Section 1785.16 with regard to the
3 completeness or accuracy of any information provided to a
4 consumer credit reporting agency, the person that provided
5 the information shall (1) complete an investigation with
6 respect to the disputed information and report to the
7 consumer credit reporting agency the results of that
8 investigation before the end of the 30-business-day period
9 beginning on the date the consumer credit reporting agency
10 receives the notice of dispute from the consumer in
11 accordance with subdivision (a) of Section 1785.16 and (2)
12 review relevant information submitted to it.

13 101. When Plaintiff made his Consumer Dispute Verification request, Defendant
14 LexisNexis was required to do an investigation and review the information
15 provided by Plaintiff.

16 102. In his disputes, Plaintiff specifically explained that his bankruptcy case had in
17 fact been discharged, but was being furnished as having been filed but with no
18 discharge obtained.

19 103. Defendant Experian notified Defendant LexisNexis via an Automated Credit
20 Dispute Verification ("ACDV") form used by the credit reporting agencies to
21 communicate consumer disputes to lenders and collection agencies, because
22 Defendant LexisNexis was the entity who furnished the information to Defendant
23 Experian regarding Plaintiff and the class members' bankruptcy case related
24 information to said CRA's.

25 104. ACDVs are transmitted to furnishers via an electronic system known as the
26 "E-OSCAR" system, which is an automated system that enables furnishers and
27 credit reporting agencies (CRA's) to create and respond to consumer credit
28 history disputes by sending the disputes directly to the furnisher through said
29 system. The ACDV process tracks and manages an ACDV initiated by a credit
30 reporting agency on behalf of a consumer and routes it to the appropriate
31 furnisher. The furnisher is supposed to then return the ACDV to the initiating
32 CRA with the updated information (if any) relating to the consumer's credit

1 history.

2 105. Despite being notified of Plaintiff's dispute via an ACDV, Defendant
3 LexisNexis failed to exercise reasonable care in failing to take the remedial
4 measures required by statute. After reviewing the dispute, whereby Plaintiff
5 explained that his bankruptcy case had in fact been discharged, Defendant
6 LexisNexis responded to Defendant Experian by "verifying" that the bankruptcy
7 case status was correct, thereby confirming to Experian that Plaintiff had not in
8 fact received a discharge order in his bankruptcy case, when in fact he had.

9 106. The conduct of Defendant LexisNexis is particularly flagrant given that
10 Plaintiff and the class and sub-class members' bankruptcy information can be
11 readily and easily verified as they are publicly available through PACER.

12 107. By failing to properly update the bankruptcy case status for Plaintiff and the
13 class and sub-class members that was readily verifiable and publicly available,
14 Defendant LexisNexis violated Cal. Civ. Code § 1785.25(f)

15 108. By violating Cal. Civ. Code § 1785.25(f), Defendant Lexis Nexis is liable to
16 Plaintiff and the class and sub-class members for damages pursuant to Cal. Civ.
17 Code § 1785.31.

18 109. As a result of Defendant LexisNexis's noncompliance with the requirements
19 of Cal. Civ. C. § 1785.25(f), Plaintiff and the class and sub-class members have
20 suffered damages to their credit ratings and other actual damages, including, but
21 not limited to, denial of credit, denial of access to consumer services, losses from
22 difficulty in obtaining credit, losses resulting from imposition of higher interest
23 rates when they have been able to obtain credit, lost opportunities to obtain
24 mortgages, rental properties, automobiles and other goods or services.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff having set forth his claims for relief against
3 Defendants, and each of them herein, respectfully requests this Court enter a
4 Judgment against Defendants as follows:

- 5 a. That this action be certified as a Class Action, Plaintiff be appointed as the
6 representatives of the Class and California Sub-Class, and Plaintiff's
7 attorneys be appointed Class Counsel;
- 8 b. That the conduct of Defendants complained of herein be determined and
9 adjudged to be in violation of the rights of Plaintiff under the FCRA, and the
10 CCCRAA;
- 11 c. An injunctive order mandating removal of all incorrect information and
12 modifications of Plaintiff and the class and sub-class members' credit reports
13 to reflect the correct status of their bankruptcy cases as being discharged;
- 14 d. An award of actual damages subject to proof at trial against Defendants, each
15 of them, jointly and severally, pursuant to 15 U.S.C §§1681n(a)(1)(A) and
16 1681o(a)(1) and Cal. Civ. Code §§1785.31(a)(1) and 1785.31(a)(2);
- 17 e. An award of punitive damages subject to proof at trial against Defendants,
18 pursuant to 15 U.S.C. §1681n(a)(2) and Cal. Civ. Code §1785.31(a)(2)(B);
- 19 f. An award of attorney's fees and costs of suit against Defendants, pursuant to,
20 *inter alia*, 15 U.S.C. §§1681n(a)(3) and 1681o(b) and Cal. Civ. Code
21 §§1785.31(a)(1) and 1785.31(a)(2); and
- 22 g. For all such other and further relief as this Court may deem just and proper.

23
24 **DEMAND FOR TRIAL BY JURY**

25 Pursuant to the Seventh Amendment to the Constitution of the United States
26 of America, Plaintiff is entitled to, and demand, a trial by jury on all issues triable
27 by a jury.

28

1 Dated: January 13, 2022

Respectfully submitted,

2 **KAZEROUNI LAW GROUP, APC**

3
4 By: /s/ Abbas Kazerounian
5 Abbas Kazerounian, Esq.
6 *Attorney for Plaintiff*

7 **Additional Counsel for Plaintiff**

8 Jason A. Ibey, Esq. (284607)
9 Kazerouni Law Group, APC
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11 St. George, Utah 84790
12 Telephone: (800) 400-6808
13 Facsimile: (800) 520-5523
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JESUS ALVARADO, on behalf of himself and all those similarly situated,

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

KAZEROUNI LAW GROUP, APC; Abbas Kazerounian, Esq.
245 Fischer Avenue Suite D1, Costa Mesa, CA 92626
Telephone: 800-400-6808

DEFENDANTS

LEXISNEXIS RISK DATA MANAGEMENT, INC.; and
EXPERIAN INFORMATION SOLUTIONS, INC.;

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'22CV0050 BAS JLB

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	PERSONAL PROPERTY	LABOR	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 710 Fair Labor Standards Act	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	IMMIGRATION	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
	PRISONER PETITIONS			
	Habeas Corpus:			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	Other:			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681 et. seq.

Brief description of cause:

Illegal credit reporting in violation of FCRA and Cal. Civ. Code § 1785.1

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Jan 13, 2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Abbas Kazerounian

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [LexisNexis, Experian Included Inaccurate Bankruptcy Info in Consumer Reports, Class Action Says](#)
