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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

DEBBIE ANN BERG, on behalf of herself and  
all others similarly situated,

Plaintiff,

vs.

EQUIFAX INFORMATION SERVICES, LLC

Defendant.

NO.

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMAND**

On behalf of herself and all others similarly situated, Plaintiff Debbie Ann Berg (“Plaintiff” or “Ms. Berg”), through her attorneys, respectfully alleges as follows:

**I. NATURE OF THE ACTION**

1. This is a consumer class action based upon the widespread violations by Defendant Equifax Information Services, LLC (“Equifax” or “Defendant”) of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.* (“FCRA”). Equifax is regulated as a consumer reporting agency (“CRA”) under the FCRA. Equifax deprives consumers of their rights by willfully failing to comply with the FCRA requirements to block the reporting of fraudulent information in credit reports whenever it is presented with an identity theft report, in violation of 15 U.S.C. § 1681c-2. Further, Equifax deprives consumers of their rights by willfully failing to comply with the FCRA requirement to provide the notice required by 15 U.S.C. § 1681c-2(c)(2) after declining requests to block information.

1           2.       Every year, individuals who were the victims of identity theft and requested  
2 Equifax block inaccurate and fraudulent information related to the identity theft have been  
3 similarly aggrieved by the same violations of 15 U.S.C. § 1681c-2.

4           3.       Pursuant to 15 U.S.C. §§ 1681n and 1681o, Plaintiff seeks monetary relief for  
5 herself and a class of similarly situated consumers affected by Equifax's failure to comply with  
6 FCRA section 1681c-2's blocking requirements.

## 7   **II.       PARTIES**

8           4.       Plaintiff Debbie Ann Berg is a "consumer" as defined by the FCRA, 15 U.S.C. §  
9 1681a(c), and resides in Puyallup, Washington.

10          5.       Equifax is a "person," and a "consumer reporting agency," as defined by the  
11 FCRA, 15 U.S.C. §§ 1681a(b) and 1681a(f), respectively. Equifax prepares and sells  
12 "consumer reports" within the meaning of 15 U.S.C. § 1681a(d). Equifax regularly conducts  
13 business in the Western District of Washington and has a principal place of business located at  
14 1550 Peachtree Street, N.W., Atlanta, Georgia 30309.

## 15   **III.       JURISDICTION AND VENUE**

16          6.       Jurisdiction of this Court arises under 28 U.S.C. § 1331 and 15 U.S.C. § 1681p  
17 in that all claims are brought under the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.*

18          7.       Venue lies proper in this District pursuant to 28 U.S.C. § 1391(b).

19          8.       Equifax is one of the "big three" credit reporting agencies in the United States.

20          9.       Equifax sells consumer reports (commonly called "credit reports") about  
21 millions of consumers annually.

22          10.      Equifax is regulated by the FCRA.  
23

1 **IV. STATUTORY FRAMEWORK**

2 11. The FCRA is intended “to protect consumers from the transmission of  
3 inaccurate information about them, and to establish credit reporting practices that utilize  
4 accurate, relevant, and current information in a confidential and responsible manner.” *Cortez*  
5 *v. Trans Union, LLC*, 617 F.3d 688, 706 (3d Cir. 2010).

6 12. The FCRA was amended by Congress in 2003 by the Fair and Accurate  
7 Credit Transaction Act (“FACTA”), Pub L. No. 108-159 (2003), in order to, among other  
8 things, “prevent identity theft, improve resolution of consumer disputes, [and] improve the  
9 accuracy of consumer records.”

10 13. Prior to the 2003 amendments, victims of identity theft were afforded no  
11 special protections under the FCRA. As such, consumer reporting agencies, such as  
12 Equifax, were under no obligation to treat an identity theft claim any different than a regular  
13 dispute.

14 14. The 2003 amendments made it easier for identity theft victims to get  
15 information resulting from identity theft removed from their credit reports. By enacting 15  
16 U.S.C. § 1681c-2(a), Congress required CRAs to block the reporting of any information in the  
17 file of a consumer that the consumer identifies as resulting from identity theft, not later than  
18 four business days after receiving (1) appropriate proof of identity, (2) a copy of an identity  
19 theft report, (3) the identification of such information by the consumer, and (4) a statement by  
20 the consumer that the information is not information relating to any transaction by the  
21 consumer.

22 15. The ability to obtain a “block” of information is especially important to  
23 consumers because once a block is in place, the account is permanently removed from the

1 consumer's credit report and creditors are prohibited from sending the blocked account to  
2 collections. *See* 15 U.S.C. § 1681m(f).

3 16. A regular consumer dispute (where no claim of identity theft is made), on  
4 the other hand, can at best result only in the "deletion" of an account, which removes the  
5 account from the consumer's credit report but allows the creditor to continue with collections  
6 unabated. *See* 15 U.S.C. § 1681i.

7 17. A CRA may decline to "block" information only if the CRA reasonably  
8 determines that the consumer's request is made in error, was based on a material  
9 misrepresentation or the consumer obtained goods, services or money as a result of the blocked  
10 transaction. *See* 15 U.S.C. § 1681c-2(c)(1).

11 18. If a block is declined, the CRA must then notify the consumer in writing of  
12 the business name and address of any furnisher of information that it contacted upon receiving  
13 the identity theft report and that the consumer has a right to add a statement to the file disputing  
14 the accuracy or completeness of the disputed information. *See* 15 U.S.C. §§ 1681c-2(c)(2)  
15 and 1681i(a)(5)(B).

16 19. In the absence of such a determination of material misrepresentation or error,  
17 a CRA cannot decline a request to block without first requesting additional information from  
18 the consumer for the purpose of determining the validity of the alleged identity theft. *See* 12  
19 C.F.R. § 1022.3(i)(1)(iii)(A).

20 20. "[I]f a CRA receives a police report containing detailed information as well as  
21 the signature, badge number, or other identifying information for the officer taking the report, it  
22 is not reasonable for the CRA to request additional information without 'an identifiable  
23 concern,' such as an indication that the report was fraudulent." *Osada v. Experian Info.*

1 *Solutions, Inc.*, No. 11-C-2856, 2012 WL 1050067, at \*3 (N.D. Ill. Mar. 28, 2012) (citing 16  
2 C.F.R. § 603.3(c)(1) (renumbered at 12 C.F.R. § 1022.3(i)(3)(i)).

3 **V. FACTUAL ALLEGATIONS**

4 **A. Factual Allegations Regarding Defendant's Practices**

5 21. Despite the FCRA's requirements, Equifax regularly declines to block the  
6 reporting of fraudulent information by wrongfully rejecting valid identity theft reports outright  
7 and relying instead on the same verification procedures it uses for common disputes.

8 22. In violation of the FCRA, Equifax willfully and negligently fails to provide the  
9 notice required by section 1681c-2(c)(2) after declining to block information that, pursuant to  
10 section 1681c-2(c)(1), a consumer has alleged is the result of identity theft.

11 23. In further violation of the FCRA, Equifax willfully and negligently declines to  
12 block the reporting of information alleged by consumers to result from identity theft in  
13 violation of section 1681c-2(a) despite its receipt of all required documentation from the  
14 consumers.

15 24. The plain language of section 1681c-2 is clear and Equifax is on notice of its  
16 requirements, both from guidance from the Federal Trade Commission and the prior decision in  
17 *Osada, supra*.

18 25. According to standardized policies and procedures, Equifax willfully treats valid  
19 identity theft claims as regular credit disputes.

20 26. For any identity theft claims Equifax deems to be lacking in information,  
21 Equifax willfully, and according to standardized policies and procedures, declines to block the  
22 reporting of the fraudulent information outright rather than requesting additional information or  
23 documentation directly from the consumer as required by 12 C.F.R. § 1022.3(i).

1 **B. Factual Allegations Regarding Plaintiff's Experience**

2 27. Ms. Berg is a victim of identity theft. Ms. Berg reported the identity theft to the  
3 Sheriff of Pierce County, Washington on or about December 15, 2014.

4 28. In or around December 2014, a person used Ms. Berg's personal information  
5 without her knowledge to open an account with BMW Financial Services.

6 29. Defendant has been reporting derogatory and inaccurate statements and  
7 information relating to Plaintiff and her credit history to third parties from at least November  
8 2015.

9 30. Ms. Berg disputed the information on her Equifax consumer report. She  
10 identified herself, advised Equifax that the BMW account was not hers and that it was  
11 fraudulent, furnished Equifax with a copy of the police report she filed concerning the identity  
12 theft and requested that Equifax block the fraudulent information.

13 31. In response to her dispute, Equifax sent Ms. Berg a form letter dated June 16,  
14 2016. In the letter, Equifax stated:

15 Dear Debbie Ann Berg:

16 Enclosed is a copy of your Equifax credit file. Please review it for  
17 any unauthorized accounts or inquiries. If unauthorized  
18 information is reporting on your Equifax credit file, you may start  
19 an investigation immediately on-line at  
20 www.investigate.equifax.com. Using the Internet to initiate an on-  
21 line investigation request will expedite the resolution of your  
22 concerns. You may also start an investigation by completing and  
23 returning the enclosed Research Request Form or by calling the  
toll free telephone number on the credit file. Please advise us of  
any documents that may help us in the reinvestigation, such as an  
identity theft report or letters from credit grantors.

Please note, when you provide documents, including a letter, to  
Equifax as part of your dispute, the documents may be submitted  
to one or more companies whose information are the subject of  
your dispute.

1 You should contact the credit grantors that are reporting  
2 information you believe is fraudulent. Ask them to explain their  
3 fraud investigation process, what steps would be taken and how  
4 long the process normally takes. Additionally request that they  
send you a letter or documentation stating the results of the  
investigation. Upon receipt, forward a copy of that letter to us.

5 If your ID information, such as driver's license or social security  
6 card, was lost or stolen, contact the appropriate issuing agency.

7 *Results Of Your Investigation* (For your security, the last 4 digits of  
your credit account number(s) have been replaced by \*)

8 >>>**We have reviewed your concerns and our conclusions are:**

9 Please be advised that Equifax, at this time, will not block the  
10 information subject to the submitted identity Theft and/or police  
11 report you provided as part of your dispute. We are contacting each  
12 creditor directly to verify The account/s on your behalf. We will  
13 also forward a copy of the documents you have provided to each  
14 creditor for their Review.

15 32. Equifax enclosed a copy of Ms. Berg's credit file with the June 16, 2016 letter  
16 declining to block the fraudulent information outright.

17 33. The June 16, 2016 letter did not explain why Equifax believed the identity theft  
18 report to be invalid nor did it request any specific additional information from Plaintiff.

19 34. The June 16, 2016 letter did not contain any notice of the business name and  
20 address of any furnisher of information that Equifax contacted upon receiving Plaintiff's  
21 identity theft report nor did Equifax provide such notice to Ms. Berg within five (5) business  
22 days thereafter.

23 35. The June 16, 2016 letter did not contain a notice that Ms. Berg had a right to add  
a statement to her file disputing the accuracy or completeness of the disputed information nor  
did Equifax provide such notice to Plaintiff within five (5) business days thereafter.

1 36. Equifax’s failure to provide the required notice harmed Ms. Berg by depriving  
2 her of valuable and consequential information related to the theft of her identity, and her efforts  
3 to repair the resulting harm to her credit.

4 37. Rather than block the fraudulent information or request specific additional  
5 information from Plaintiff, Equifax negligently and willfully disregarded its obligations under  
6 the FCRA by merely seeking verification of the disputed accounts from the furnishers of that  
7 credit information and refusing to follow the FCRA requirements to block the reporting of  
8 fraudulent information in credit reports after it was presented with an identity theft report, in  
9 violation of section 1681c-2.

10 38. Equifax further negligently and willfully disregarded its obligations under the  
11 FCRA by failing to notify Ms. Berg in writing, within five (5) business days, both the business  
12 name and address of any furnisher of information that Equifax contacted upon receiving Ms.  
13 Berg’s identity theft report and a notice that Ms. Berg had the right to add a statement to her  
14 consumer file disputing the accuracy or completeness of the information relating to the  
15 fraudulent BMW account, in violation of section 1681c-2(c)(2).

16 **VI. CLASS ACTION ALLEGATIONS**

17 39. The Plaintiff brings this action individually and as a class action, pursuant to  
18 Rule 23 of the Federal Rules of Civil Procedure, on behalf of the following Classes:

19 **The Section 1681c-2(a) Class:** All persons for whom Equifax  
20 failed to block disputed information despite receiving the  
21 documentation required by Section 1681c-2(a) for the time period  
beginning five years from the date this action was commenced up  
to the date of final judgment.

22 **The Section 1681c-2(c)(2) Class:** All persons to whom Equifax  
23 sent a letter in the form of the June 16, 2016 letter that Equifax  
sent to Plaintiff, during the time period beginning five years from  
the date this action was commenced up to the date of final



1 judgment to whom Equifax did not also send a letter within five  
2 business days containing both the business name and address of  
3 any furnisher of information that Equifax contacted upon receiving  
4 the consumer's identity theft report and a notice that the consumer  
5 has the right to add a statement to the consumer's file disputing the  
6 accuracy or completeness of the disputed information.

7 Excluded from the Classes are Defendant and its officers, directors, agents, employees, counsel  
8 and its subsidiaries and affiliates; the presiding Judge and Magistrate Judge and their  
9 immediate family members; and, all persons who make a timely election to be excluded from  
10 the Classes.

11 40. **Numerosity. FED. R. CIV. P. 23(a)(1).** The Class members are so numerous  
12 that joinder of all is impractical. Upon information and belief, Equifax receives and processes  
13 thousands of requests to block fraudulent information along with identity theft reports each  
14 year, and Equifax maintains the names and addresses of the persons making those requests.

15 41. **Existence and Predominance of Common Questions of Law and Fact. FED.**  
16 **R. CIV. P. 23(a)(2).** Common questions of law and fact exist as to all members of the Class,  
17 and predominate over the questions affecting only individual members. The common legal and  
18 factual questions include, among others:

19 a. Whether Equifax's failure to block information alleged to result from  
20 identity theft was lawful;

21 b. Whether Equifax provided the notice required by 15 U.S.C. § 1681c-  
22 2(c)(2) after refusing to block the reporting of information;

23 c. Whether, in the absence of a determination of fraud or mistake, Equifax  
must request additional information it believes to be lacking from a person making a claim of  
identity theft before refusing to block; and

1 d. Whether Equifax must specify the particular information it believes to be  
2 lacking when it requests additional information from a person making a claim of identity theft.

3 42. **Typicality. FED. R. CIV. P. 23(a)(3).** Plaintiff's claims are typical of the  
4 claims of each Class member. Plaintiff has the same claims for statutory and punitive damages  
5 that she seeks for absent class members.

6 43. **Adequacy. FED. R. CIV. P. 23(a)(4).** Plaintiff is an adequate representative  
7 of the Classes. Her interests are aligned with, and are not antagonistic to, the interests of the  
8 members of the Classes she seeks to represent, she has retained counsel competent and  
9 experienced in such litigation, and she intends to prosecute this action vigorously. Plaintiff and  
10 her counsel will fairly and adequately protect the interests of members of the Classes.

11 44. **Predominance and Superiority. FED. R. CIV. P. 23(b)(3).** Questions of law  
12 and fact common to the Class members predominate over questions affecting only individual  
13 members, and a class action is superior to other available methods for fair and efficient  
14 adjudication of the controversy. The statutory and punitive damages sought by each member  
15 are such that individual prosecution would prove burdensome and expensive given the complex  
16 and extensive litigation necessitated by Equifax's conduct. It would be virtually impossible for  
17 the Class members individually to redress effectively the wrongs done to them. Even if the  
18 Class members themselves could afford such individual litigation, it would be an unnecessary  
19 burden on the courts. Furthermore, individualized litigation presents a potential for  
20 inconsistent or contradictory judgments and increases the delay and expense to all parties and  
21 to the court system presented by the complex legal and factual issues raised by Equifax's  
22 conduct. By contrast, the class action device will result in substantial benefits to the litigants  
23

1 and the Court by allowing the Court to resolve numerous individual claims based upon a single  
2 set of proof in a unified proceeding.

3 **VII. CAUSES OF ACTION**

4 **COUNT I**

5 **Failure to Block Fraudulent Information**  
6 **Violation of Fair Credit Reporting Act, 15 U.S.C. § 1681c-2(a)**

7 45. Plaintiff realleges and incorporates by reference all preceding paragraphs as  
8 alleged above.

9 46. Equifax willfully and negligently failed to comply with section 1681c-2(a) of  
10 the FCRA by failing to block information alleged by consumers to result from identity theft  
11 despite receiving all information required by Section 1681c-2(a).

12 47. Plaintiff and Class Members seek actual damages, statutory damages, punitive  
13 damages, attorney fees and costs pursuant to 15 U.S.C. §§ 1681n and o.

14 **COUNT II**

15 **Failure to Provide Required Notice**  
16 **Violation of Fair Credit Reporting Act, 15 U.S.C. § 1681c-2(c)(2)**

17 48. Plaintiff realleges and incorporates by reference all preceding paragraphs as  
18 alleged above.

19 49. Equifax willfully and negligently failed to comply with section 1681c-2(c)(2) of  
20 the FCRA by failing to provide consumers with notice of the business name and address of any  
21 furnisher of information that Equifax contacted upon receiving the consumer's identity theft  
22 report and notice that the consumer has the right to add a statement to the consumer's file  
23 disputing the accuracy or completeness of the disputed information.

1 50. Plaintiff and Class Members seek actual damages, statutory damages, punitive  
2 damages, attorney fees and costs pursuant to 15 U.S.C. §§ 1681n and o.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff and the Classes pray for relief as follows:

5 A. An order certifying the case as a class action on behalf of the proposed Classes  
6 under Federal Rule of Civil Procedure 23 and appointing Plaintiff and the undersigned counsel  
7 of record to represent same;

8 B. An award of actual, statutory and punitive damages for Plaintiff and the Classes;

9 C. An award of pre-judgment and post-judgment interest as provided by law;

10 D. An award of attorneys' fees and costs; and

11 E. Such other relief as the Court deems just and proper.

12 **JURY DEMAND**

13 Plaintiff hereby demands a trial by jury.

14 RESPECTFULLY SUBMITTED AND DATED this 30th day of April, 2018.

15 TERRELL MARSHALL LAW GROUP PLLC

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18 By: /s/ Erika L. Nusser, WSBA #40854  
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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

DEBBIE ANN BERG

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

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

Erika L. Nusser, WSBA #40854 Terrell Marshall Law Group PLLC 936 N. 34th Street, Suite 300, Seattle, WA 98103; 206-816-6603

DEFENDANTS

EQUIFAX INFORMATION SERVICES LLC

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)

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

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation).

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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): 15 U.S.C. § 1681 Brief description of cause: Fair Credit Reporting Act Violations

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 04/30/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Erika L. Nusser, WSBA #40854

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. When the petition for removal is granted, check this box.  
 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.



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Washington

DEBBIE ANN BERG, on behalf of herself and all others similarly situated,

Plaintiff(s)

v.

EQUIFAX INFORMATION SERVICES, LLC

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

EQUIFAX INFORMATION SERVICES, LLC
c/o Registered Agent
Corporation Service Company
300 Deschutes Way SW, Suite 304
Tumwater, Washington 98501

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Erika L. Nusser, WSBA #40854
Terrell Marshall Law Group PLLC
936 N. 34th Street, Suite 300
Seattle, Washington 98103
Telephone: 206-816-6603

David A. Searles
Francis & Mailman, P.C.
Land Title Building, Suite 1902
100 South Broad Street
Philadelphia, Pennsylvania 19110
Telephone: (215) 735-8600

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action: Equifax Allows Reporting of Fraudulent Info in Credit Reports](#)

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