

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RADLEY J. BRADFORD, individually,
and on behalf of all others similarly
situated,

Plaintiff,

v.

ENOVA INTERNATIONAL, INC., d/b/a
CNU ONLINE HOLDINGS,

Defendant.

Case No. 4:21-cv-00065

CLASS ACTION COMPLAINT

NOW COMES RADLEY J. BRADFORD, individually, and on behalf of all others similarly situated, through his undersigned counsel, complaining of ENOVA INTERNATIONAL, INC. d/b/a CNU ONLINE HOLDINGS, as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action seeking redress for Defendant's violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq.*
2. "Congress made it clear that the FCRA is designed to preserve the consumer's privacy in the information maintained by consumer reporting agencies." *Cole v. U.S. Capital, Inc.*, 389 F.3d 719, 725 (7th Cir. 2004) citing 15 U.S.C. § 1681(a)(4).

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

4. Venue in the Southern District of Texas is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District.

PARTIES

5. RADLEY J. BRADFORD ("Plaintiff") is a natural person who at all times relevant resided in Houston, Texas.

6. Plaintiff is a "consumer" as defined by 15 U.S.C. §§1681a(c) and (b).

7. ENOVA INTERNATIONAL, INC. d/b/a CNU ONLINE HOLDINGS ("Defendant") is a corporation organized under the laws of Delaware.

8. Defendant maintains its principal place of business in Chicago, Illinois.

9. Defendant is a prominent debt collector that collects consumer debt owed to third parties.

10. Defendant is a "person" as defined by 15 U.S.C. §1681a(b).

FACTUAL ALLEGATIONS

11. On or about January 4, 2021, Plaintiff obtained a copy of his ChexSystems credit report.

12. The ChexSystems credit report revealed that Defendant obtained Plaintiff's credit report on or around August 26, 2019.

13. After further review, it was determined that Clarity Services had performed the inquiry on Defendant's behalf.

14. Specifically, the ChexSystems credit reported depicted, in pertinent part, as follows:

Inquirer: CLARITY SERVICES; PO BOX 5717, CLEARWATER, FL 33758
Phone Number: 866.390.3118

On Behalf Of: CNU ONLINE HOLDINGS; 200 W JACKSON, CHICAGO, IL 60606
Phone Number: Telephone Number Not Available 312-568-4200

Inquiry Date: 08/26/2019

SSN/ID Provided:

15. On January 4, 2021, suspicious of Defendant's access to his private credit information, Plaintiff placed a phone call to Defendant to obtain information regarding Defendant's access of his ChexSystems credit report.

16. After initiating the call, Plaintiff was greeted by Defendant's automated system.

17. After providing his phone number, Defendant's automated system notified Plaintiff that it could not locate an account associated with Plaintiff's phone number.

18. Plaintiff was then transferred to a live representative named Jasmine.

19. Jasmine was unable to locate an active account for Plaintiff by searching Plaintiff's first name, last name, and date of birth.

20. Further, Jasmine stated that Plaintiff had never had a payday loan with any of their payday loan companies and was, in fact, rejected for a loan at some point.

21. Plaintiff was concerned because he never applied for a payday loan with Defendant or any of its companies.

22. Jasmine went on to state that Plaintiff did not meet the criteria for a payday loan and would not be approved for one.

23. Concerned with the information that Jasmine had provided, Plaintiff ordered a copy of his Clarity Services credit report.

24. The Clarity Services credit report revealed that Defendant obtained Plaintiff's credit report on August 26, 2019.

25. Specifically, the Clarity Services credit reported depicted, in pertinent part, as follows:

Inquiries seen by others

8/26/2019 8:57:27 am EDT 7nwfv29bs4 Credit Application Online Payday Loan CNU
Online Holdings

26. Concerned, Plaintiff immediately placed a phone call to Clarity Services and spoke with representative, Lydia.

27. During this phone call, Plaintiff initiated a non-permissible pull dispute under reference number GPXUHWN5.

28. Lydia also attached a copy of the ChexSystems report to have that inquiry investigated and disputed as well.

29. At the time that Defendant accessed Plaintiff's credit reports, Plaintiff did not have any form of relationship with Defendant.

30. At the time that Defendant accessed Plaintiff's credit reports, Plaintiff was not in the process of forming any relationship with Defendant.

31. At no point in time did Plaintiff authorize Defendant to access his ChexSystems or Clarity Services credit reports.

32. Upon information and belief, Defendant falsely represented to ChexSystems and Clarity Services that Plaintiff had a business relationship with Defendant or that Defendant was attempting to collect a debt allegedly owed by Plaintiff.

33. Accordingly, Defendant accessed Plaintiff's highly private credit information under false pretenses and without Plaintiff's knowledge or authorization.

DAMAGES

34. Defendant's intrusive conduct resulted in significant harm to Plaintiff.

35. Defendant's "inquiry" will remain on Plaintiff's ChexSystems and Clarity Services credit reports for several years and gives off the false impression that Plaintiff applied for a payday loan.

36. The existence of a credit inquiry from a debt collector on Plaintiff's ChexSystems and Clarity Services credit reports creates a false impression that Plaintiff applied for a payday loan, thus rendering Plaintiff a high-risk consumer and damaging his credit worthiness.

37. Defendant's unauthorized access of Plaintiff's credit information was highly intrusive, invaded Plaintiff's privacy, and led Plaintiff to believe he may be a victim of identity theft.

38. As a result of Defendant's conduct, Plaintiff has suffered various types of damages as set forth herein, including specifically: invasion of privacy, mental and emotional distress, and time wasted monitoring his credit reports for fraudulent activity.

39. Alarmed by Defendant's intrusive conduct, Plaintiff retained counsel to protect his privacy and enforce his rights.

CLASS ALLEGATIONS

40. All paragraphs of this Complaint are expressly adopted and incorporated herein as though fully set forth herein.

41. Upon information and belief, Defendant systematically accesses consumers' credit reports by falsely representing to the credit reporting agencies that the consumers are applying for a payday loan from Defendant.

42. Defendant's systematic practice of accessing consumers' credit reports without a permissible purpose prescribed by the FCRA constitutes a willful and malicious violation(s) of 15 U.S.C. § 1681b(f).

43. Plaintiff brings this action pursuant to Fed. R. Civ. P. 23(b)(2) and 23(b)(3) individually, and on behalf of all others similarly situated ("Putative Class") defined as follows:

All persons within the United States (1) who have had their consumer credit report(s) obtained by Defendant; (2) within the five (5) years preceding the date of the original complaint through the date of class certification; (3) who did not have a business relationship with Defendant and (4) for which Defendant did not have a permissible purpose enumerated in the Fair Credit Reporting Act to access such person's credit report(s).

44. The following individuals are excluded from the Putative Class: (1) any Judge or Magistrate Judge presiding over this action and members of their families; (2) Defendant, Defendant's subsidiaries, parents, successors, predecessors, and any entity in which Defendant or its parents have a controlling interest and their current or former employees, officers and directors; (3) Plaintiff's attorneys; (4) persons who properly execute and file a timely request for exclusion from the Putative Class; (5) the legal representatives, successors or assigns of any such excluded persons; and (6) persons whose claims against Defendant have been fully and finally adjudicated and/or released.

A. Numerosity

45. Upon information and belief, the members of the Putative Class are so numerous that joinder of them is impracticable.

46. The exact number of the members of the Putative Class is unknown to Plaintiff at this time and can only be determined through targeted discovery.

47. The members of the Putative Class are ascertainable because the class is defined by reference to objective criteria.

48. The members of the Putative Class are identifiable in that their names, addresses, and telephone numbers can be identified in business records maintained by Defendant.

B. Commonality and Predominance

49. There are many questions of law and fact common to the claims of Plaintiff and the Putative Class, and those questions predominate over any questions that may affect individual members of the Putative Class.

C. Typicality

50. Plaintiff's claims are typical of members of the Putative Class because Plaintiff and members of the Putative Class are entitled to damages as result of Defendant's conduct.

D. Superiority and Manageability

51. This case is also appropriate for class certification as class proceedings are superior to all other available methods for the efficient and fair adjudication of this controversy.

52. The damages suffered by the individual members of the Putative Class will likely be relatively small, especially given the burden and expense required for individual prosecution.

53. By contrast, a class action provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court.

54. Economies of effort, expense, and time will be fostered and uniformity of decisions ensured.

E. Adequate Representation

55. Plaintiff will adequately and fairly represent and protect the interests of the Putative Class.

56. Plaintiff has no interests antagonistic to those of the Putative Class and Defendant has no defenses unique to Plaintiff.

57. Plaintiff has retained competent and experienced counsel in consumer class action litigation.

CLAIMS FOR RELIEF

COUNT I:

**Defendant's Violations of 15 U.S.C. § 1681b(f)
(on behalf of Plaintiff and the Members of the Putative Class)**

58. All paragraphs of this Complaint are expressly adopted and incorporated herein as though fully set forth herein.

59. Plaintiff is a "consumer" as defined by 15 U.S.C. §§1681a(c) and (b).

60. Defendant is a "person" as defined by 15 U.S.C. §1681a(b).

61. Plaintiff's ChexSystems credit report that Defendant accessed without authorization is a "consumer report" as defined by §1681a(d)(1).

62. Plaintiff's Clarity Services credit report that Defendant accessed without authorization is a "consumer report" as defined by §1681a(d)(1).

63. The FCRA prohibits any person or entity from using or obtaining a consumer credit report unless the person or entity has a permissible purpose enumerated in the FCRA. *See* 15 U.S.C. §1681b(f).

64. Defendant violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's ChexSystems and Clarity Services credit reports without Plaintiff's authorization and without a permissible purpose enumerated in the FCRA.

65. As set forth above, Plaintiff does not currently nor has he ever had a payday loan with Defendant and Plaintiff never authorized Defendant to access his ChexSystems or Clarity Services credit reports.

66. Defendant willfully and maliciously violated §1681b(f) when it accessed Plaintiff's credit reports without a permissible purpose under the FCRA.

67. In the alternative, Defendant negligently violated §1681b(f) by accessing Plaintiff's credit reports without a permissible purpose under the FCRA.

68. As set forth above, Plaintiff was harmed by Defendant's conduct.

69. Upon information and belief, Defendant knowingly and systematically obtains consumer credit reports without a permissible purpose prescribed by the FCRA.

70. Upon information and belief, Defendant does not maintain policies and procedures to protect consumers' privacy interests and prevent the unlawful access of consumer credit reports.

71. Due to Defendant's unlawful conduct, Plaintiff is entitled to actual damages, statutory damages, and punitive damages.

WHEREFORE, Plaintiff, RADLEY J. BRADFORD, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, as follows:

- A. Granting certification of the proposed class, including the designation of Plaintiff as the named representative, and the appointment of the undersigned as Class Counsel.
- B. Declaring that the practices complained of herein are unlawful and violate the Fair Credit Reporting Act.
- C. Enjoining Defendant from accessing consumer credit reports without a permissible purpose.

- D. Awarding Plaintiff and the class members actual damages, in an amount to be determined at trial, for each of the underlying FCRA violations.
- E. Awarding Plaintiff and the class members statutory damages of \$1,000.00 for each violation of the FCRA pursuant to 15 U.S.C. §1681n.
- F. Awarding Plaintiff and the class members punitive damages in an amount to be determined at trial for the underlying FCRA violations pursuant to 15 U.S.C. §1681n and 15 U.S.C. §1681o.
- G. Awarding Plaintiff his costs and reasonable attorney's fees pursuant to 15 U.S.C. §1681n and 15 U.S.C. §1681o.
- H. Awarding any other relief this Honorable Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury.

Date: January 8, 2021

Respectfully Submitted,

RADLEY J. BRADFORD

By: /s/ Victor T. Metroff, Esq.

Mohammed O. Badwan, Esq.
Victor T. Metroff, Esq.
*Counsel for Plaintiff and the Putative
Class Members*
Sulaiman Law Group, Ltd
2500 S. Highland Ave, Suite 200
Lombard, IL 60148
Telephone: (630) 575-8180
mbadwan@sulaimanlaw.com
vmetroff@sulaimanlaw.com

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

RADLEY J. BRADFORD, individually, and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Sulaiman Law Group, Ltd. 2500 South Highland Avenue, Suite 200 Lombard, IL 60148

DEFENDANTS

ENOVA INTERNATIONAL, INC., d/b/a CNU ONLINE HOLDINGS

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, PRISONER PETITIONS, TORTS, 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): Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 et seq. Brief description of cause: Unlawful Debt Collection Practices

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 01/08/2021 SIGNATURE OF ATTORNEY OF RECORD s/ Victor T. Metroff

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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [CNU Online Holdings Pulled Credit Reports 'Under False Pretenses,' Class Action Claims](#)
