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

13 **RADLEY J. BRADFORD,**
individually and on behalf of all others
14 **similarly situated,**
15 **Plaintiff,**
16 **v.**
17 **MONEVO, INC.,**
18 **Defendant.**

Case No. '22CV259 JO JLB

**CLASS ACTION COMPLAINT FOR
VIOLATION OF THE FAIR CREDIT
REPORTING ACT**

DEMAND FOR JURY TRIAL

20 **INTRODUCTION**

21 1. This is an action for damages and other relief brought by Radley J. Bradford
22 (“Bradford”), individually and on behalf of all others similarly situated, pursuant to the Fair Credit
23 Reporting Act (“FCRA”), 15 U.S.C. §§ 1681 *et seq.*

24 2. The FCRA restricts access to consumer reports except for specific, statutorily
enumerated purposes under 15 U.S.C § 1681.

25 3. Defendant, Monevo, Inc. (“Monevo”), without notice or permission invaded the
26 privacy of Plaintiff and class members when it accessed their credit reports without permissible
27 purposes.

JURISDICTION AND VENUE

1 4. Jurisdiction of this court arises under 15 U.S.C. § 1681p and 28 U.S.C. § 1337.

2 5. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b)(1) and (2).

3 **PARTIES**

4 6. Plaintiff Bradford is an adult individual residing in Houston, Texas.

5 7. Defendant Monevo is a Delaware corporation that is located and regularly conducts
6 business in the state of California, and which has its headquarters and a principal place of business
7 located at 8910 University Center Lane, Suite 400, San Diego, California, 92122.

8 **FACTUAL ALLEGATIONS**

9 8. On November 2, 2021, Bradford obtained a copy of his Transunion credit report.

10 9. Upon review of his credit report, Bradford noticed that on March 1, 2020, Monevo
11 had obtained a copy of his credit report, misrepresenting it had a “Permissible Purpose/Written
12 Authorization” to pull, receive and review his credit report.

13 10. Bradford did not have an existing business relationship with Monevo, never applied
14 for a loan through Monevo, and did not authorize Monevo to run his credit report at any time.

15 11. Prior to obtaining his credit report, Bradford had never heard of Monevo.

16 12. Bradford immediately contacted Monevo on or about November 12, 2021, and they
17 responded indicating his information had been submitted through their platform on March 1, 2020

18 13. Monevo was never able to provide a copy of an application or an authorization to
19 obtain Bradford’s credit report.

20 14. The credit report obtained by Monevo would have included a trove of sensitive
21 personal and private information about Plaintiff, such as his birth date, credit history profile, pay
22 histories, employer information and the like.

23 15. Pursuant to 15 U.S.C. § 1681b, a consumer report can be obtained only for the
24 specific purposes stated thereunder, including for use in connection with a credit transaction that
25 the consumer initiated, a firm credit offer, employment purposes, or a business transaction in which
26 an individual has accepted personal liability for business credit.

27 16. Monevo never had a permissible purpose to obtain Bradford’s consumer report.

28 17. Monevo obtained Bradford’s credit report under false pretenses to the credit bureau
because he never provided permission to Monevo.

18. Monevo had actual knowledge that Bradford did not authorize any inquiry into his
credit information at any time.

1 19. As a result of Monevo’s willful, wanton, reckless, and/or negligent action, Bradford
2 has been damaged.

3 20. Upon information and belief, Monevo as a pattern and practice regularly obtains
4 consumer reports on consumers without a permissible purpose.

5 21. Bradford’s privacy has been invaded because of the willful, wanton, reckless, and/or
6 negligent conduct of Monevo.

7 22. Bradford has suffered mental and emotional distress, worry, and aggravation
8 because of Monevo’s actions.

9 23. Bradford’s credit profile and history was adversely affected because of Monevo’s
10 actions.

11 **CLASS ALLEGATIONS**

12 24. Monevo’s conduct is consistent with its practice of obtaining consumer reports on
13 consumers without a permissible purpose.

14 25. Plaintiff is seeking to certify a class pursuant to Fed. R. Civ. Proc. 23(a) and
15 24(b)(3).

16 26. ***Class Definition:*** The Class consists of: All persons in Texas whose consumer
17 reports were obtained by Defendant without a permissible purpose between February 25, 2020, and
18 February 25, 2022.

19 27. The identities of the Class members are readily ascertainable from the business
20 records of Monevo.

21 28. ***Class Claims.*** The Class claims include all claims each Class member may have
22 for a violation of the FCRA arising from Monevo obtaining the consumer report of a Class Member
23 without a permissible purpose.

24 29. This action has been brought, and may properly be maintained, as a class action
25 pursuant to the provisions of Rule 23 of the Federal Rules of Civil Procedure because there is a
26 well-defined community in the litigation:

27 a. ***Numerosity.*** On information and belief, the Class are so numerous that joinder
28 of all members would be impractical and includes at least 40 members.

b. ***Common Questions Predominate.*** Common questions of law and fact exist as
to all members of the Class and those questions predominate over any questions
or issues involving only individual class members because such questions and
issues concern the same conduct by Monevo with respect to each Class member.

1 c. *Typicality*. Plaintiff’s claims are typical of the Class members because those
2 claims arise from a common course of conduct engaged in by Monevo.

3 d. *Adequacy*. Plaintiff will fairly and adequately protect the interests of the Class
4 members insofar as she has no interests that are adverse to those of the Class
5 members. Moreover, Plaintiff is committed to vigorously litigating this matter
6 and retained counsel experienced in handling consumer lawsuits, complex legal
7 issues, and class actions. Neither Plaintiff nor his counsel have any interests
8 which might cause them not to vigorously pursue the instant class action.

9 30. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure
10 is appropriate in that the questions of law and fact common to the Class members predominate over
11 any questions affecting individual members, and a class action is superior to other available
12 methods for the fair and efficient adjudication of the controversy.

13 31. Based on discovery and further investigation (including, but not limited to,
14 disclosure by Monevo of class size and net worth), Plaintiff may, in addition to moving for class
15 certification using modified Class claims, Class definitions, or Class periods, seek class
16 certification only as to particular issues as permitted under Fed. R. Civ. P. 23(c)(4).

17 **COUNT ONE**
18 **VIOLATIONS OF THE FCRA**

19 32. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at
20 length herein.

21 33. At all times pertinent hereto, Defendant Monevo is a “person” and a “consumer
22 reporting agency” as those terms are defined by 15 U.S.C. § 1681a(b) and (f).

23 34. At all times pertinent hereto, Plaintiff was a “consumer” as that term is defined by
24 15 U.S.C. § 1681a(c).

25 35. At all times pertinent hereto, the above-mentioned credit reports were “consumer
26 reports” as that term is defined by 15 U.S.C. § 1681a(d).

27 36. Defendant has violated the Fair Credit Reporting Act by willfully and/or negligently
28 obtaining Plaintiff’s consumer credit report without a statutorily permissible purpose. 15 U.S.C. §
1681b; §1681n; and §1681o.

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

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

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

Thomasson PLLC 402 W. Broadway #950, San Diego CA 92101 (973)312-0774

DEFENDANTS

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)

'22CV259 JO JLB

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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 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)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

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, 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: Violation of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681 et seq.

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 Feb 25, 2022 SIGNATURE OF ATTORNEY OF RECORD s/ Amy L. B. Ginsburg

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.
- I. **(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.)
- I. **(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: [Monevo Obtains Consumer Credit Reports Without Necessary Authorization, Class Action Alleges](#)
