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*Attorneys for Plaintiff*  
Taneesha Crooks

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

**TANEESHA CROOKS,  
INDIVIDUALLY AND ON  
BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,**

**Plaintiff,**

**v.**

**WELLS FARGO BANK, N.A.  
f/k/a WACHOVIA BANK, N.A.,**

**Defendant.**

**LAW OFFICE OF DANIEL G. SHAY**

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**Case No.: '18CV0219 DMS JLB**

**CLASS ACTION**

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF FOR  
VIOLATION OF THE FAIR  
CREDIT REPORTING ACT, 15  
U.S.C. § 1681, ET SEQ.**

**JURY TRIAL DEMANDED**

*Crooks et al. v. Wells Fargo*

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## INTRODUCTION

- 1  
2 1. The United States Congress has also found the banking system is dependent  
3 upon fair and accurate credit reporting. Inaccurate credit reports directly  
4 impair the efficiency of the banking system, and unfair credit reporting  
5 methods undermine the public confidence, which is essential to the  
6 continued functioning of the banking system. Congress enacted the Fair  
7 Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), to insure fair and  
8 accurate reporting, promote efficiency in the banking system, and protect  
9 consumer privacy. The FCRA seeks that consumer reporting agencies  
10 exercise their grave responsibilities with fairness, impartiality, and a respect  
11 for the consumer’s right to privacy because consumer reporting agencies  
12 have assumed such a vital role in assembling and evaluating consumer credit  
13 and other information on consumers. The FCRA also imposes duties on the  
14 sources that provide credit information to credit reporting agencies, called  
15 “furnishers.”
- 16 2. TANEESHA CROOKS (“Plaintiff”), by Plaintiff’s attorneys, brings this  
17 class action complaint to challenge the actions of WELLS FARGO BANK,  
18 N.A., f/k/a WACHOVIA BANK, N.A. (“Defendant”) with regard to  
19 Defendant’s unauthorized and unlawful credit inquiry.
- 20 3. Plaintiff makes these allegations on information and belief, with the  
21 exception of those allegations that pertain to a plaintiff, or to a Plaintiff’s  
22 counsel, which Plaintiff alleges on personal knowledge.
- 23 4. While many violations are described below with specificity, this Complaint  
24 alleges violations of the statute cited in its entirety.
- 25 5. Unless otherwise stated, all the conduct engaged in by Defendant took place  
26 in the State of California.
- 27  
28

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- 1 6. Any violations by Defendant were knowing, willful, and intentional, and
- 2 Defendant did not maintain procedures reasonably adapted to avoid any such
- 3 violation.
- 4 7. Unless otherwise indicated, the use of Defendant’s name in this Complaint
- 5 includes all agents, employees, officers, members, directors, heirs,
- 6 successors, assigns, principals, trustees, sureties, subrogees, representatives,
- 7 and insurers of Defendant’s named.
- 8 8. Plaintiff is informed and believes, and thereon alleges, that Defendant
- 9 acquired Plaintiff’s credit information through an unauthorized inquiry of
- 10 Plaintiff’s “consumer report[s]” as that term is defined by 15 U.S.C.
- 11 1681a(d)(1).

**JURISDICTION AND VENUE**

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- 13
- 14 9. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331..
- 15 10. This action arises out of Defendant’s violations of the Fair Credit Reporting
- 16 Act, 15 U.S.C. §§ 1681 *et seq.* (“FCRA”).
- 17 11. Because Defendant is a corporation headquartered in the State of California
- 18 and conducting business in California, personal jurisdiction is established.
- 19 12. Venue is proper pursuant to 28 U.S.C. §§ 1391(b) because Defendant, at all
- 20 times herein mentioned, was doing business in the County of San Diego,
- 21 State of California. Further, venue is proper in this district because Plaintiff
- 22 resides and resided in this district at all times herein mentioned such that a
- 23 substantial part of the events giving rise to the claim occurred in this district.

**PARTIES**

- 24
- 25 13. Plaintiff is a natural person who resides in the County of San Diego, State of
- 26 California, whose credit report(s) were affected by at least one unauthorized
- 27 inquiry by Defendant. In addition, Plaintiff is a “consumer[s]” as that term
- 28 is defined by 15 U.S.C. § 1681a(c).

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1 14.Plaintiff is informed and believes, and thereon alleges, that Defendant is, and  
2 at all times mentioned herein was, a national bank with its principal place of  
3 business in California and State of Incorporation in the State of Delaware.

4 15.Plaintiff is informed and believes, and thereon allege, that Defendant is a  
5 “person” as the term is defined by 15 U.S.C. § 1681a(b).

6  
7 **STATUTORY BACKGROUND**

8 16.The FCRA is a consumer protection statute which regulates the activities of  
9 credit reporting agencies and users of credit reports, and which provides  
10 certain rights to consumers affected by use of the collected information  
11 about them.

12 17.Congress designed the FCRA to preserve the consumer’s right to privacy by  
13 safeguarding the confidentiality of the information maintained by the  
14 consumer reporting agencies. Congress stated in the opening section of the  
15 FCRA that “[t]here is a need to insure that consumer reporting agencies  
16 exercise their grave responsibilities with fairness, impartiality, and a respect  
17 for the consumer’s right to privacy.” 15 U.S.C. § 1681(a)(4).

18 18.Under the FCRA, the term “consumer report” means any written, oral, or  
19 other communication of any information by a consumer reporting agency  
20 bearing on a consumer’s creditworthiness, credit standing, credit capacity,  
21 character, general reputation, personal characteristics, or mode of living  
22 which is used or expected to be used or collected in whole or in part for the  
23 purpose of serving as a factor in the underwriting of credit transactions  
24 involving the consumer.

25 19.Congress has chosen to protect the consumer’s right to privacy by  
26 prohibiting any release of consumer reports unless the release is for one of  
27 the permissible purposes listed in 15 U.S.C. § 1681b.  
28

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1 20.15 U.S.C. § 1681b(f) in turn provides “[a] person shall not use or obtain a  
2 consumer report for any purpose unless – (1) the consumer report is obtained  
3 for a purpose for which the consumer report is authorized to be furnished  
4 under this section.”

5 21. The permissible purposes listed in 1681b usually arise only in connection  
6 with transactions initiated by the consumer. *See* 15 U.S.C. § 1681b(a)(3)(A)-  
7 (F).

8 **FACTUAL ALLEGATIONS**

9 22. In or around 2006, Plaintiff purchased a Nissan Armada, receiving financing  
10 for said purchase through Defendant (“the Debt”).

11 23. Subsequently, Plaintiff filed for bankruptcy on October 20, 2016.

12 24. Plaintiff’s debt to Defendant was included in said bankruptcy petition.

13 25. Plaintiff received a discharge order pursuant to 11 U.S.C. § 727 on January  
14 18, 2017.

15 26. As such, the Debt was officially discharged through Plaintiff’s Bankruptcy.

16 27. Notice by electronic servicing was sent to Defendant on January 20, 2017.

17 28. Defendant did not file any proceedings to declare its Debt “non  
18 dischargeable” pursuant to 11 U.S.C. § 523 *et seq.*

19 29. Defendant also did not request relief from the “automatic stay” codified at  
20 11 U.S.C. § 362 *et seq.* while Plaintiff’s Bankruptcy was pending to pursue  
21 the Plaintiff on any personal liability for any of the underlying Debt.

22 30. Accordingly, Plaintiff’s Debt to Defendant was discharged through  
23 Bankruptcy.

24 31. Plaintiff did not conduct any business nor incur any additional financial  
25 obligations with Defendant since the date of the discharge of this  
26 bankruptcy.

27 32. Upon review of Plaintiff’s Equifax credit report dated March 22, 2017,  
28 Plaintiff discovered that on or about March, 7, 2017, two months after the

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1 discharge, Defendant submitted an unauthorized account review credit report  
2 inquiry to Equifax.

3 33.Plaintiff did not request or apply for credit with Defendant after her  
4 bankruptcy.

5 34.Defendant’s inquiry on March 7, 2017 was unauthorized and illegal. After  
6 Plaintiff received the above referenced discharged order, Plaintiff no longer  
7 held an account with Defendant.

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8 AR-Wachovia Bank

03/07/2017

9 301 S. Tyron St. Charlotte, NC 28288-0001 Phone: (800) 922-4684

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10  
11 35.Further, Defendant was on notice of Plaintiff’s discharge and thus, had no  
12 reason to pull Plaintiff’s credit report.

13 36.15 U.S.C. § 1681b delineates the only permissible uses of, or access to,  
14 consumer reports.

15 37.Defendant’s inquiry for Plaintiff’s consumer report information, without  
16 Plaintiff’s consent, falls outside the scope of any permissible use or access  
17 included in 15 U.S.C. § 1681b.

18 38.Through this conduct of making an unauthorized consumer report inquiry  
19 regarding Plaintiff, Defendant violated 15 U.S.C. § 1681b by using  
20 Plaintiff’s consumer report for an impermissible use that falls outside the  
21 scope of 15 U.S.C. § 1681b.

22 **CLASS ACTION ALLEGATIONS**

23 39.Plaintiff brings this action on behalf of herself and on behalf of all others  
24 similarly situated (the “Class”).

25 40.Plaintiff represents, and is a member of the Class, consisting of:

26  
27 All persons with an address within the United States  
28 whose consumer credit report was obtained by  
Defendant within the past five (5) years from any of

1 the three major credit reporting agencies  
2 (Transunion, Equifax, and Experian), where: (i) the  
3 debt of the account had been discharged in  
4 bankruptcy; (ii) the account was closed with a zero  
5 balance; or (iii) the account had been sold or  
6 transferred to a third party.

7 41. Defendant and its employees or agents are excluded from the Class. Plaintiff  
8 does not know the number of members in the Class, but believe the Class  
9 members number in the hundreds, if not more. This matter should therefore  
10 be certified as a Class action to assist in the expeditious litigation of this  
11 matter.

12 42. Plaintiff reserves the right to redefine the Class and to add subclasses as  
13 appropriate based on discovery and specific theories of liability.

14 43. Plaintiff and members of the Class were harmed by the acts of Defendant in  
15 at least the following ways: Defendant, either directly or through its agents,  
16 engaged in illegal and deceptive practices, when it submitted an  
17 unauthorized consumer report inquiry under 15 U.S.C. § 1681 *et seq.*  
18 Plaintiff and the Class members were damaged thereby.

19 44. This suit seeks only recovery of actual and statutory damages on behalf of  
20 the Class, and it expressly is not intended to request any recovery for  
21 personal injury and claims related thereto. Plaintiff reserves the right to  
22 expand the Class definition to seek recovery on behalf of additional persons  
23 as warranted as facts are learned in further investigation and discovery.

24 45. The joinder of the Class members is impractical and the disposition of their  
25 claims in the Class action will provide substantial benefits both to the parties  
26 and to the court. The Class can be identified through Defendant's records or  
27 Defendant's agents' records.

28 46. There is a well-defined community of interest in the questions of law and  
fact involved affecting the parties to be represented. The questions of law

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1 and fact to the Class predominate over questions which may affect  
2 individual Class members, including the following:

- 3 a. Whether, within the five years prior to the filing of this Complaint,  
4 Defendant or its agents submitted any consumer credit report inquiries  
5 without the consent of members of the Class;
- 6 b. Whether Plaintiff and the Class members were damaged thereby, and  
7 the extent of damages for such violations;
- 8 c. Whether Plaintiff and the Class members are entitled to statutory  
9 damages as a result of Defendant's conduct;
- 10 d. Whether Plaintiff and the Class members are entitled to injunctive  
11 relief;
- 12 e. Whether Plaintiff and the Class members are entitled to an award of  
13 reasonable attorneys' fees and costs;
- 14 f. Whether Plaintiff will fairly and adequately protect the interest of the  
15 Class; and,
- 16 g. Whether Plaintiff's counsel will fairly and adequately protect the  
17 interest of the Class.

18 47. As a person that suffered an unauthorized consumer credit report inquiry by  
19 Defendant on her credit report(s), Plaintiff is asserting claims that are typical  
20 of the Class. Plaintiff will fairly and adequately represent and protect the  
21 interest of the Class in that Plaintiff has no interests antagonistic to any  
22 member of the Class.

23 48. Plaintiff and the members of the Class have all suffered irreparable harm as  
24 a result of the Defendant's unlawful and wrongful conduct. Absent a class  
25 action, the Class will continue to face the potential for irreparable harm. In  
26 addition, these violations of law will be allowed to proceed without remedy  
27 and Defendant will likely continue such illegal conduct. Because of the size  
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1 of the individual Class member’s claims, few, if any, Class members could  
2 afford to seek legal redress for the wrongs complained of herein.

3 49.Plaintiff has retained counsel experienced in handling class action claims  
4 and claims involving violations of the Fair Credit Reporting Act.

5 50.A class action is a superior method for the fair and efficient adjudication of  
6 this controversy. Class-wide damages are essential to induce Defendant to  
7 comply with federal and California law. The interest of Class members in  
8 individually controlling the prosecution of separate claims against Defendant  
9 is small because the maximum statutory damages in an individual action for  
10 FCRA violations are minimal. Management of these claims is likely to  
11 present significantly fewer difficulties than those presented in many class  
12 claims.

13 51.Defendant has acted on grounds generally applicable to the Class, thereby  
14 making appropriate declaratory relief with respect to the Class as a whole.

15 **FIRST CAUSE OF ACTION**

16 **THE FAIR CREDIT REPORTING ACT**

17 **15 U.S.C. §§ 1681-1692x (FCRA)**

18 52.Plaintiff incorporates by reference all of the above paragraphs of this  
19 Complaint as though fully stated herein.

20 53.The foregoing acts and omissions constitute numerous and multiple  
21 violations of the FCRA.

22 54.As a result of each and every negligent violation of the FCRA, Plaintiff is  
23 entitled to statutory damages, pursuant to 15 U.S.C. § 1681o(a)(1); and  
24 reasonable attorneys’ fees and costs pursuant to 15 U.S.C. § 1681o(a)(2),  
25 from Defendant.

26 55.As a result of each and every willful violation of the FCRA, Plaintiff is  
27 entitled to statutory damages of not less than \$100 and not more than \$1,000  
28 and such amount as the court may allowed for all other class members,

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pursuant to 15 U.S.C. § 1681n(a)(1)(A); punitive damages as the court may allow, pursuant to 15 U.S.C. § 1681n(a)(2); and reasonable attorneys’ fees and costs pursuant to 15 U.S.C. § 1681n(a)(3) from Defendant.

**PRAYER FOR RELIEF**

56. Plaintiff respectfully requests the Court grant Plaintiff the following relief against Defendant:

- An order certifying this action to be a proper class action pursuant to Federal Rule of Civil Procedure 23, establishing an appropriate Class and any Subclasses the Court deems appropriate, finding that Plaintiff are proper Class representatives, and appointing the lawyers and law firms representing Plaintiff as counsel for the Class;
- Special, general, compensatory and punitive damages;
- An award of statutory damages pursuant to 15 U.S.C. § 1681n(a)(1);
- An award of punitive damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2);
- An award of costs of litigation and reasonable attorney’s fees, pursuant to 15 U.S.C. § 1681n(a)(3), and 15 U.S.C. § 1681(o)(a)(1) against Defendant for each incident of negligent noncompliance of the FCRA; and,
- Any other relief the Court may deem just and proper.

**TRIAL BY JURY**

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57.Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: January 30, 2018

Respectfully submitted,  
**KAZEROUNI LAW GROUP, APC**

By: s/ Abbas Kazerounian, Esq.  
Abbas Kazerounian, ESQ.  
AK@KAZLG.COM  
ATTORNEY FOR PLAINTIFF

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

Taneesha Crooks, Individually and on Behalf of All Others 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) Abbas Kazerounian, Esq. (249203) Kazerouni Law Group 800-400-6808 245 Fischer Avenue, Unit D1, Costa Mesa, CA 92626

DEFENDANTS

Wells Fargo Bank, N.A. f/k/a Wachovia Bank, N.A.

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)

'18CV0219 DMS 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: 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, TORTS, CIVIL RIGHTS, 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, 6 Multidistrict Litigation

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 et seq. ("FCRA") Brief description of cause: Defendant violated the Fair Credit Reporting Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 01/31/2018 SIGNATURE OF ATTORNEY OF RECORD s/ Abbas Kazerounian

FOR OFFICE USE ONLY

**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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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: [Wells Fargo Bank Tapped in Class Action Alleging it Made Unauthorized Credit Inquiries](#)

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