

10/13/2021

JULIA C. DUDLEY, CLERK

BY: s/ A. Little
DEPUTY CLERK

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

**AMY DWYER, on behalf of herself
and all others similarly situated,**

Plaintiff,

v.

CIVIL ACTION NO. 6:21cv00052

EQUIFAX INFORMATION SERVICES, LLC,

Defendant.

CLASS ACTION COMPLAINT

COMES NOW the Plaintiff, Amy Dwyer (“Plaintiff” or “Ms. Dwyer”), on behalf of herself and all others similarly situated, by Counsel and as for her Complaint against the Defendant, she alleges as follows:

PRELIMINARY STATEMENT

1. This is a class action for statutory, actual and punitive damages, costs, and attorneys’ fees brought pursuant to the Fair Credit Reporting Act, 15 U.S.C. §§ 1681a–x, (“FCRA”).

2. Accuracy of information and transparency are core goals of the FCRA since Congress enacted it in 1970. Key to Congress’s aspirations is the ability of consumers to dispute inaccurate information and have those inaccuracies corrected. The FCRA makes this right absolute, demanding that consumer reporting agencies (“CRAs”) like Defendant investigate a consumer’s claim that “any item” of information is incomplete or incorrect. 15 U.S.C. § 1681i(a).

3. Importantly, nothing in the FCRA allows a CRA to delay or interrupt its investigation of a dispute once received. *Id.* Indeed, the Act provides for the opposite—requiring CRAs to, for example, forward the dispute to anyone who furnished to the CRA information

relative to the dispute within five business days of receiving the dispute. 15 U.S.C. § 1681i(a)(2)(A).

4. Here, Equifax ran afoul of the FCRA's investigation requirements by demanding that Plaintiff provide multiple, needless forms of identification before it would even begin to investigate her disputes of inaccurate information.

5. Nothing in the FCRA permits or justifies Equifax's creation of roadblocks to the processing of disputes, yet Equifax repeatedly and unjustifiably requires consumers to provide additional evidence of their identity before it will begin an investigation.

6. Plaintiff brings nationwide class claims against Equifax for its failure to investigate her disputes and, instead, requiring that she provide document after document confirming her identity to Equifax's satisfaction. As alleged herein, Equifax will sell a report about Plaintiff to someone who provides substantially less information than Plaintiff did with her disputes.

JURISDICTION

7. This Court has federal question jurisdiction pursuant to 28 U.S.C. §1331 and 15 U.S.C. §1681p.

8. Venue is appropriate here as the Plaintiff resides here, where her injury occurred.

PARTIES

9. The Plaintiff is a natural person residing in Virginia, and at all times relevant to this Complaint, was a "consumer" as defined by the FCRA.

10. Defendant Equifax Information Services, LLC ("Equifax") is a foreign corporation authorized to do business in Virginia through its registered agent located in Richmond, Virginia.

11. At all times relevant to this Complaint, it was a "consumer reporting agency" as defined by the FCRA, 15 U.S.C. § 1681a(f).

STATEMENT OF FACTS

12. Prior to November, 2020, Plaintiff was leasing a vehicle through Hyundai Motor Finance.

13. In November, 2020, Plaintiff learned that the account with Hyundai Motor Finance was reporting on her credit file with Equifax as 180 days past due.

14. Also in November, 2020, Plaintiff mailed a written dispute to the Defendant regarding the inaccurate reporting. In the letter, Plaintiff provided her full name, address, telephone number, date of birth, and the last four digits of her Social Security Number.

15. Defendant mailed a letter to Plaintiff refusing to investigate her dispute, claiming that she did not provide sufficient identification information. A copy of this letter is attached to this Complaint as Exhibit A.

16. Plaintiff mailed a second written dispute letter to Defendant and provided her full name, address, date of birth and full Social Security Number. In addition, Plaintiff sent a separate letter to Equifax complying with its previous request, providing Defendant with a copy of her driver's license and a copy of her Social Security card.

17. Upon receipt of Plaintiff's second dispute letter and copies of Plaintiff's identifying documents, Defendant mailed yet another standard form letter as the previous one to Plaintiff, refusing to investigate Plaintiff's dispute with the information Equifax possessed.

18. Equifax has been sued repeatedly for refusing to investigate disputes by consumers, falsely claiming that the consumer did not provide sufficient identification information.

19. Equifax does not make money by processing disputes from consumers – in fact, this is purely an expense for Equifax. As a result, Equifax now processes consumer disputes using an outsource vendor in India for a small fraction of the amount that Equifax previously spent on

disputes when they were processed in the United States. It is in Equifax's interest to reject disputes for any possible reason, as doing so saves money.

20. For example, Equifax informed the Plaintiff that it would not process her dispute unless she provided significant information and documentation, including:

- a) Complete name;
- b) Current and former addresses;
- c) Social security number;
- d) Date of birth;
- e) Pay stub with complete U.S. Social Security number;
- f) W-2 form with complete U.S. Social Security number;
- g) Valid Social Security card.

21. In addition, Equifax also informed the Plaintiff that it would require a copy of one of the following documents before it would process her disputes:

- a) Driver's license
- b) Rental/lease agreement or house deed
- c) Pay stub with address
- d) Utility bill

22. Notwithstanding these onerous requirements placed on consumers – for which no justification is found in the FCRA – the Defendant sells credit reports to its banking industry customers if those customers provide as little as a consumer's first name, last name, and any previous address.

23. Equifax sells credit reports to its banking industry customers and debt collectors even when the customer does not provide a Social Security Number for the subject of the requested report.

24. Equifax does not require that these customers provide a copy of a government issued identification card for the subject of the requested report.

25. Furthermore, Equifax does not require that these customers provide a copy of a utility bill for the subject of the requested report.

26. Discovery will show these hurdles created by Equifax are designed to reduce the number of disputes that its employees (and now foreign agents in India) must process.

27. Equifax's onerous requests for additional information before it will even *begin* investigating a dispute is different than requiring assurances of the consumer's identity before it turns over the completed dispute *results* to the consumer.

28. In other words, it might mean something to make sure Equifax is giving the right consumer the results of a dispute, but there is no reason to demand multiple, repetitive proofs of identity before Equifax will begin an investigation of a dispute.

29. Equifax makes money by selling credit reports.

30. However, Equifax does not make money by processing disputes for consumers complaining about inaccurate information in their Equifax credit files.

31. Therefore, according to Equifax's unjustified and onerous requirements, a consumer who lives in a rural area and does not have access to a photocopier to make a copy of a government issued identification card and/or a utility statement could not have his or her dispute processed at all.

32. Similarly, a consumer who does not possess government issued identification or does not have a utility bill, bank statement, or insurance statement could not have his or her dispute processed.

33. Further, this process causes actual economic harm to consumers such as the Plaintiff and similarly situated consumers are required to spend addition money on copies and postage, and economic resources such as their time, to obtain the rights and reinvestigation the law otherwise mandates.

34. The Plaintiff also suffered actual harm from the publication of inaccurate credit information to a third party that should have been removed and corrected, but for the FCRA violations alleged herein.

CLASS ACTION ALLEGATIONS

35. **The FCRA Class.** Pursuant to Fed. R. Civ. P. 23, Plaintiff brings this action individually and on behalf of a class initially defined as follows (the “Class”):

All natural persons residing in the United States who were the subject of a consumer report prepared by Defendant within two years prior to the filing of this lawsuit for whom Defendant refused to conduct a reinvestigation of a dispute until and unless the consumer provided photocopies of two forms of identification with her/his dispute, and which Equifax’s records show thereafter mailed by a second or subsequent dispute letter.

36. **Numerosity.** The Class members are so numerous that joinder of all is impractical. Class members are geographically disbursed across the United States, further hampering joinder. Plaintiff’s counsel is in possession of a number of letters received by consumers that are substantially similar to those that the Defendant mailed to the Plaintiff. The names and addresses of the Class members are identifiable through documents maintained by the Defendant, and the Class members may be notified of the pendency of this action by published and/or mailed notice.

37. **Existence and Predominance of Common Questions of Law and Fact.** Common questions of law and fact exist as to all members of the Class. These questions predominate over the questions affecting only individual members. These common legal and factual questions include, among other things: (a) whether Defendant had a right to request consumers’ full social security numbers or other identifying information before processing their disputes; (b) whether Defendant actually required a social security number or more identifying information in order to locate the consumers’ files; (c) whether Defendant failed to conduct a

reinvestigation of consumers' disputes; (d) whether Defendant failed to provide notice of consumers' disputes to the furnishers of the disputed information; and (e) whether the Defendant acted knowingly and intentionally or with conscious disregard of the rights of the consumers.

38. **Typicality.** Plaintiff's claims are typical of the claims of each Class member and all are based on the same facts and legal theories. Discovery will show Defendant sent the same or substantially the same standardized letters to consumers across all states located within the United States during the full class period. For purposes of class certification only, Plaintiff seeks statutory and punitive damages. Plaintiff would seek individual or actual damages only if class certification is denied. In addition, Plaintiff is entitled to the relief under the same causes of action as the other members of the Class.

39. **Adequacy.** Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff has retained counsel experienced in handling actions involving unlawful practices against consumers and class actions. Neither Plaintiff nor her Counsel have any interests that might cause them not to vigorously pursue this action. Plaintiff is aware of her responsibilities to the putative class and has accepted such responsibilities.

40. Certification of the class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is also appropriate in that:

a. As alleged above, the questions of law or fact common to the members of the classes predominate over any questions affecting an individual member. Each of the common facts and legal questions in the case overwhelm the more modest individual damages issues. The statutory and punitive damages sought by each member are such that the individual prosecution would prove burdensome and expensive given the complex and extensive litigation necessitated by Defendant's conduct. Further, those individual issues that do exist can be effectively

streamlined and resolved in a manner that minimizes the individual complexities and differences in proof in the case.

b. A class action is superior to other available methods for the fair and efficient adjudication of the controversy. Consumer claims generally are ideal for class treatment as they involved may, if not most, consumers who are otherwise disempowered and unable to afford and bring such claims individually. Further, most consumers for whom Defendant refused to process disputes in violation of the requirements of the FCRA are likely unaware of their rights under the law or of whom they could find to represent them in federal litigation. Individual litigation of the uniform issues in this case would be a waste of judicial resources. The issues at the core of this case are class wide and should be resolved at one time. One win for one consumer would set the law for every similarly situated consumer.

CLAIMS FOR RELIEF

COUNT ONE: Violation of 15 U.S.C. § 1681i(a)(1) CLASS CLAIM

41. Plaintiff restates each of the allegations in the proceeding paragraphs as if fully set forth at length herein.

42. Defendant violated 15 U.S.C. § 1681i(a)(1) by its conduct which includes, but is not limited to, failing to conduct a reasonable reinvestigation to determine whether the disputed information was inaccurate and to subsequently update the information in the file.

43. As a result of this conduct, the Plaintiff suffered a delay in the processing of her dispute.

44. Plaintiff suffered actual damages in the form of credit injury, emotional distress and time lost as a result of Defendant's refusal to investigate her disputes, which she is entitled to recover pursuant to 15 U.S.C. §§ 1681n and 1681o.

45. Plaintiff and each class member suffered actual economic harm in the form of additional postage, loss of time spent processing subsequent disputes and costs of copies.

46. Defendant's conduct, actions, and inactions were willful, rendering it liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n.

47. The Plaintiff and the putative class members are therefore entitled to recover statutory damages, punitive damages, costs, and their attorneys' fees from the Defendant pursuant to 15 U.S.C. § 1681n.

COUNT TWO: Violation of 15 U.S.C. § 1681(a)(2)
CLASS CLAIM

48. Plaintiff restates each of the allegations in the preceding paragraphs as if fully set forth at length herein.

49. Defendant violated 15 U.S.C. § 1681i(a)(2) by its conducts which includes, but is not limited to, failing to provide notice of the Plaintiff's disputes to the furnishers of the disputed information within the time so required.

50. As a result of this conduct, the Plaintiff suffered a delay in the processing of her dispute and injury from the lack of prosecution of her and class member rights to commence the dispute by the furnisher of disputed and inaccurate information.

51. Defendant's conduct, actions, and inactions were willful, rendering it liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n.

52. The Plaintiff and the putative class members are therefore entitled to recover statutory damages, punitive damages, costs, and their attorneys' fees from the Defendant pursuant to 15 U.S.C. § 1681n.

COUNT THREE: Violation of 15 U.S.C. § 1681i(a)(4)
CLASS CLAIM

53. Plaintiff restates each of the allegations in the preceding paragraphs as if fully set forth at length herein.

54. Defendant violated 15 U.S.C. § 1681i(a)(4) by its conduct which includes, but is not limited to, failing to review and consider all relevant information that it received in Plaintiff's communications.

55. As a result of this conduct, the Plaintiff suffered a delay in the processing of her dispute and other actual injury.

56. Defendant's conduct, actions, and inactions were willful, rendering it liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n.

57. The Plaintiff and the putative class members are therefore entitled to recover statutory damages, punitive damages, costs, and their attorneys' fees from the Defendant pursuant to 15 U.S.C. § 1681n.

WHEREFORE, Plaintiff, on behalf of herself and the putative class members, moves for class certification and for statutory, and punitive damages against the Defendant; for their attorneys' fees and costs; for pre-judgment and post-judgment interest at the legal rate, and such other relief the Court does deem just, equitable and proper.

TRIAL BY JURY IS DEMANDED.

Respectfully submitted,

AMY DWYER, *on behalf of herself
and all others similarly situated*

By: /s/ Leonard A. Bennett
Counsel

Leonard A. Bennett (VSB #37523)
Craig Marchiando (VSB #89736)
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JS 44 (Rev. 10/20)

CIVIL COVER SHEET

Case No: 6:21cv00052

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

AMY DWYER, on behalf of herself
and all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Leonard A. Bennett, Esq. Consumer Litigation
Associates, P.C., 763 J. Clyde Morris Blvd., Suite 1A,
Newport News VA 23601 757-930-3660

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

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

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

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

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

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

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. § 1681

Brief description of cause:
Violations of the Fair Credit Reporting Act

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

SIGNATURE OF ATTORNEY OF RECORD

October 13, 2021

/s/ Leonard A. Bennett

FOR OFFICE USE ONLY

AVAWDC-

RECEIPT # _____

AMOUNT

\$402

APPLYING IFP _____

JUDGE

Moon

MAG. JUDGE _____

3810147

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

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

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

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Alleges Equifax Delays Dispute Investigations With 'Onerous' Identity Confirmation Process](#)
