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Jeffrey Helbling

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**JEFFREY HELBLING,
INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff,

v.

**NATIONSTAR MORTGAGE
LLC, d/b/a MR. COOPER,**

Defendant.

**LAW OFFICE OF BRIAN J. SOO-
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Case No.:

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

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Case No.:

Helbling v. Mr. Cooper

**PLAINTIFF JEFFREY HELBLING'S CLASS ACTION COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF AGAINST DEFENDANT MR. COOPER**

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INTRODUCTION

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1. The United States Congress has found abundant evidence that the banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system. An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers. Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers. There is a need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy. Congress wrote the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 et seq., to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information.

2. JEFFREY HELBLING ("Plaintiff"), by Plaintiff's attorneys, brings this class action complaint to challenge the actions of NATIONSTAR MORTGAGE LLC d/b/a MR. COOPER ("Defendant") with regard to Defendant's unauthorized and unlawful credit inquiry.

3. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to a plaintiff, or to a plaintiff's counsel, which Plaintiffs allege on personal knowledge.

4. While many violations are described below with specificity, this Complaint alleges violations of the statute cited in its entirety.

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- 5. Unless otherwise stated, all the conduct engaged in by Defendant took place in the State of California.
- 6. Any violation by Defendant was knowing, willful, and intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violation.
- 7. Unless otherwise indicated, the use of Defendant’s name in this Complaint includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers of Defendant’s named.

JURISDICTION AND VENUE

- 8. This Court has federal question jurisdiction because this case arises out of violation of federal law. 15 U.S.C. §1681 *et seq.*
- 9. This action arises out of Defendant’s violations of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.* (“FCRA”).
- 10. Venue is proper in the United States District Court for the Central District of California Venue is proper pursuant to 28 U.S.C. § 1391 for the following reasons: (i) Plaintiff resides in the County of Orange, State of California which is within this judicial district; (ii) the conduct complained of herein occurred within this judicial district; and, (iii) Defendants conducted business within this judicial district at all times relevant.

PARTIES

- 11. Plaintiff is a natural person who resides in the County of Orange, State of California, whose credit report was affected by an unauthorized inquiry. In addition, Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

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12. Plaintiff is informed and believes, and thereon alleges, that Defendant is, and at all times mentioned herein was, a company with its principal place of business in Coppell, Texas, and State of Incorporation in the State of Delaware.

13. Plaintiff is informed and believes, and thereon alleges, that Defendant acquired Plaintiff’s credit information through an unauthorized inquiry of Plaintiff’s “consumer report” as that term is defined by 15 U.S.C. 1681a(d)(1).

STATUTORY BACKGROUND

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

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

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

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1 17. Congress has chosen to protect the consumer’s right to privacy by
2 prohibiting any release of consumer reports unless the release is for one of
3 the permissible purposes listed in 15 U.S.C. § 1681b.

4 18. 15 U.S.C. § 1681b(f) in turn provides “[a] person shall not use or obtain a
5 consumer report for any purpose unless – (1) the consumer report is obtained
6 for a purpose for which the consumer report is authorized to be furnished
7 under this section.”

8 19. The permissible purposes listed in 1681b usually arise only in connection
9 with transactions initiated by the consumer. *See* 15 U.S.C. §
10 1681b(a)(3)(A)-(F).

11 **FACTUAL ALLEGATIONS**

12 20. At all times relevant, Plaintiff is an individual residing within the State of
13 California.

14 21. Plaintiff is informed and believes, and thereon alleges, that at all times
15 relevant, Defendant conducted business in the State of California.

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

18 23. Plaintiff was solicited by Defendant about re-financing his property.

19 24. After discussing Plaintiff’s re-financing options with Defendant, Plaintiff
20 determined that Plaintiff was not ready to move forward with the re-
21 financing of his property at this time.

22 25. In or around August of 2017, Plaintiff received a communication from
23 Defendant titled “Credit Score Disclosure.”

24 26. Plaintiff, at no time, consented to submitting a credit application.

25 27. Plaintiff, at no time, consented to having his credit report pulled by
26 Defendant.

27 28. The “Credit Score Disclosure” received by Plaintiff indicated that on August
28 4, 2017, Defendant made such a credit inquiry.

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29. Defendant made this credit inquiry without Plaintiff’s consent.

30. 15 U.S.C. § 1681b delineates the only permissible uses of, or access to, consumer reports.

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

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

33. Defendant’s inquiry does not qualify as a “firm offer of credit” under the FCRA.

CLASS ACTION ALLEGATIONS

34. Plaintiff brings this action on behalf of himself and on behalf of all others similarly situated (the “Class”).

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

All persons whose consumer credit report from any of the three major credit reporting agencies (Transunion, Equifax, and Experian) reflects a consumer credit report inquiry by Defendant within the five-year period prior to the filing of Plaintiff’s Complaint.

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

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

6 38. This suit seeks only recovery of actual and statutory damages on behalf of
7 the Class, and it expressly is not intended to request any recovery for
8 personal injury and claims related thereto. Plaintiff reserves the right to
9 expand the Class definition to seek recovery on behalf of additional persons
10 as warranted as facts are learned in further investigation and discovery.

11 39. The joinder of the Class members is impractical and the disposition of their
12 claims in the Class action will provide substantial benefits both to the
13 parties and to the court. The Class can be identified through Defendant's
14 records or Defendant's agents' records.

15 40. There is a well-defined community of interest in the questions of law and
16 fact involved affecting the parties to be represented. The questions of law
17 and fact to the Class predominate over questions which may affect
18 individual Class members, including the following:

- 19 a. Whether, within the five years prior to the filing of this Complaint,
20 Defendant or its agents submitted any consumer credit report
21 inquiries without the consent of members of the Class;
22 b. Whether Plaintiff and the Class members were damaged thereby, and
23 the extent of damages for such violations;
24 c. Whether Plaintiff and the Class members suffered actual damages as
25 a result of Defendant's conduct;
26 d. Whether Plaintiff and the Class members are entitled to statutory
27 damages as a result of Defendant's conduct;
28 e. Whether Plaintiff and Class members are entitled to injunctive relief;

- f. Whether Plaintiff and the Class members are entitled to an award of reasonable attorneys’ fees and costs;
- g. Whether Plaintiff will fairly and adequately protect the interest of the Class; and,
- h. Whether Plaintiff’s counsel will fairly and adequately protect the interest of the Class.

41. As a person who suffered an unauthorized consumer credit report inquiry by Defendant on his credit report, Plaintiff is asserting claims that are typical of the Class. Plaintiff will fairly and adequately represent and protect the interest of the Class in that Plaintiff has no interests antagonistic to any member of the Class.

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

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

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

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1 45. Defendant has acted on grounds generally applicable to the Class, thereby
2 making appropriate declaratory relief with respect to the Class as a whole.

3 **FIRST CAUSE OF ACTION**
4 **THE FAIR CREDIT REPORTING ACT**
5 **15 U.S.C. §§ 1681-1692x (FCRA)**

6 46. Plaintiff incorporates by reference all of the above paragraphs of this
7 Complaint as though fully stated herein.

8 47. The foregoing acts and omissions constitute numerous and multiple
9 violations of the FCRA.

10 48. As a result of each and every negligent violation of the FCRA, Plaintiff is
11 entitled to actual damages, pursuant to 15 U.S.C. § 1681o(a)(1); and
12 reasonable attorney’s fees and costs pursuant to 15 U.S.C. § 1681o(a)(2),
13 from Defendant.

14 49. As a result of each and every willful violation of the FCRA, Plaintiff is
15 entitled to actual damages or damages of not less than \$100 and not more
16 than \$1,000 and such amount as the court may allowed for all other class
17 members, pursuant to 15 U.S.C. § 1681n(a)(1)(A); punitive damages as the
18 court may allow, pursuant to 15 U.S.C. § 1681n(a)(2); and reasonable
19 attorney’s fees and costs pursuant to 15 U.S.C. § 1681n(a)(3) from
20 Defendant.

21 **PRAYER FOR RELIEF**

22 Plaintiff respectfully requests the Court grant Plaintiff the following relief
23 against Defendant:

- 24 • An order certifying this action to be a proper class action pursuant to
25 Federal Rule of Civil Procedure 23, establishing an appropriate Class and
26 any Subclasses the Court deems appropriate, finding that Plaintiff is a
27 proper Class representative, and appointing the lawyers and law firms
28 representing Plaintiff as counsel for the Class;

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- An award of statutory damages of not less than \$100 and not more than \$1,000.00 to Plaintiff, pursuant to 15 U.S.C. § 1692k(a)(2)(A), against Defendant;
- An award of any such amount as the court may allow for all other class members, against Defendant;
- An award of costs of litigation and reasonable attorney’s fees, pursuant to 15 U.S.C. §§ 1681n(a)(3) and 1681o(a)(2), against Defendant; and,
- Any other relief the Court may deem just and proper.

TRIAL BY JURY

50. 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: March 5, 2018

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Matthew M. Loker
MATTHEW M. LOKER, ESQ.
ATTORNEY FOR PLAINTIFF

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Nationstar Mortgage Hit with Class Action Over Allegedly Unauthorized Credit Inquiries](#)
