

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**YOLANDA JONES, individually and on  
behalf of all persons similarly situated,**

**Plaintiff,**

**v.**

**LEXISNEXIS RISK SOLUTIONS, INC.,  
and KROLL FACTUAL DATA, INC.,**

**Defendants.**

**Civil Action No.:** 2:20-cv-1180

**Complaint— Class Action**

**Jury Trial Demanded**

**ELECTRONICALLY FILED**

**CLASS ACTION COMPLAINT**

COMES NOW the Plaintiff, Yolanda Jones (“Plaintiff”), by counsel, and as for her Complaint against Defendants LexisNexis Risk Solutions, Inc. (LexisNexis”) and Kroll Factual Data, Inc. (“Kroll”), she states as follows:

**PRELIMINARY STATEMENT**

1. This is an action for statutory, actual, and punitive damages, costs, and attorney fees brought pursuant to 15 U.S.C. § 1681e(b) of the Fair Credit Reporting Act (“FCRA”).

2. LexisNexis prepares and furnishes consumer reports that include civil judgments and tax liens. It diligently collects the initial entry of these judgments and liens, however when a later event occurs with respect to those records (for example, when a judgment is satisfied or a lien is withdrawn or released), LexisNexis does not collect the subsequent disposition of that judgment or lien.

3. Kroll purchases records from Lexis– including the record regarding the Plaintiff – despite knowing of the problems and failures of the LexisNexis record collection procedures. Kroll does not take adequate steps to verify that records it purchases from LexisNexis are accurate.

4. Both LexisNexis, as the originating consumer reporting agency (“CRA”), and Kroll, as the Reseller CRA, have statutory obligations to use reasonable procedures to ensure the maximum possible accuracy of their reports. 15 U.S.C. § 1681e(b). Neither uses such procedures. Accordingly, both Defendants are liable to Plaintiff and the Class under the FCRA.

### **JURISDICTION**

5. The Court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1681p.

6. LexisNexis and Kroll regularly do business here. LexisNexis furnished the report regarding the Plaintiff (and others regarding Kroll reported consumers).

7. Kroll does business from its office in Pittsburgh, where its parent company, CBC Innovis, is headquartered.

### **PARTIES**

8. Plaintiff is a natural person and a “consumer” as defined by § 1681a(c) of the FCRA.

9. Defendant Lexis Nexis is a “consumer reporting agency” as defined in 15 U.S.C. §1681a(f).

10. LexisNexis is regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C. § 1681a(d), to third parties.

11. Defendant Kroll is a corporation with a principal place of business in Pittsburgh, Pennsylvania. Kroll is a “consumer reporting agency” as defined in 15 U.S.C. §1681a(f).

12. Kroll is regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C. § 1681a(d), to third parties.

## **FACTUAL ALLEGATIONS**

### **A. Defendant LexisNexis's Procedures**

13. LexisNexis affirmatively seeks out and purchases public records data, including tax liens and civil judgments, to include this derogatory information in the credit reports it sells.

14. LexisNexis proactively gathers and disseminates this derogatory information even though there is nothing in the FCRA that affirmatively requires it to do so.

15. For years, LexisNexis was the exclusive CRA provider of tax lien and civil judgment information that was included on credit reports issued by the "Big 3" credit bureaus, Experian, Equifax, and TransUnion.

16. The Big 3 hid LexisNexis' involvement in the reporting of public records, and until recently did not disclose to consumers that LexisNexis was the entity that collected tax liens and civil judgments for inclusion in credit reports.

17. The public record information provided to the Big 3 by LexisNexis was frequently inaccurate and out-of-date.

18. In 2015, the Big 3 CRAs entered into a multi-state settlement agreement with over 30 state attorneys general that attempted to alleviate some of the accuracy issues with respect to the reporting of tax liens and civil judgments.

19. In 2017, pursuant to that settlement, the Big 3 agreed to only report public records if they were updated every 90 days.

20. In 2018 and 2019, the Big 3 went a step further, and agreed to stop completely reporting public records and tax liens as part of three nationwide class actions settlements. *Clark*

*v. Trans Union, LLC*, Case No. 3:15-cv-00391 (E.D. Va.); *Clark v. Experian Info. Sols., Inc.*, No. 3:16-cv-00032 (E.D. Va.); *Thomas et al. v. Equifax Information Services, LLC*, Case No. 3:18-cv-00684-MHL (E.D. Va.).

21. LexisNexis, however, has decided to take advantage of the Big 3's decision to stop selling LexisNexis's data by marketing public record credit reports under its own brand.

22. LexisNexis has issued marketing materials targeted at lenders and creditors regarding the purported "negative consequences" of not having tax lien and civil judgment information included in credit reports.<sup>1</sup>

23. LexisNexis markets its "RiskView Liens and Judgment Report" as providing the information no longer provided by the Big 3: "After the removal of liens and judgments data from credit reporting agencies, companies found themselves in need of other data sources to support their models. Learn how LexisNexis® Risk Solutions offers a product that provides liens and judgments so that credit models don't have to be recalibrated or altered."<sup>2</sup>

24. Of course, LexisNexis does not disclose in its marketing materials that the inaccuracies in its data are the reason why the Big 3 stopped reporting civil judgments and tax liens.

25. LexisNexis uses automated procedures and, in some instances, inexpensive "independent-contractor" (work from home) vendors to collect information regarding judgments and tax liens that undergo little, if any, meaningful quality control.

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<sup>1</sup> See LexisNexis, Liens and Judgments Impact Report, available at <https://solutions.risk.lexisnexis.com/Liens-Judgments-Impact-Report> (last accessed August 7, 2020)

<sup>2</sup> See LexisNexis, Presentation, available at <https://risk.lexisnexis.com/insights-resources/presentation/navigating-the-new-environment-for-liens-and-judgments> (last accessed August 7, 2020)

26. As a matter of common policy, LexisNexis does not adequately update tax lien or judgment disposition information when a civil judgment or tax lien is satisfied.

27. For example, in litigation against Experian, which obtained its records from LexisNexis, the data analyzed showed an average delay in obtaining and reporting civil judgment status updates at 77 months, and in South Carolina, lien updates took an average of 243.5 days between the time the disposition update was recorded in the public record and the date that Experian eventually obtained it.

28. LexisNexis fails to update dispositions (satisfactions, vacatur, withdraws, appeals and dismissals) because it is more expensive to do so than to use its current inadequate procedures. Updating records to appropriately reflect satisfactions would require a much more rigorous set of procedures to collect those records and update the original records than LexisNexis currently employs. Implementing those procedures would require further investment in the collection process and in LexisNexis's procedures for updating its data. For example, while cases are filed in sequential order and thus assigned indexable case numbers, later dispositions typically are filed under the original case number. LexisNexis would have to gather these records on a timely and consistent basis, and then use advanced processes to assign the later-filed dispositions to the corresponding original judgment or lien.

29. Similarly, LexisNexis often cannot obtain full personally identifying information (full name, date of birth, social security number, address, etc.) from online reviews of publicly available Internet docket indices, which is how it obtains its records. Instead, LexisNexis would have to obtain the actual court or use electronic sources which are not available on the Internet to obtain more detailed information. Because it fails to obtain full identifying information, LexisNexis frequently attributes records to the wrong consumers.

30. Thus, LexisNexis published public records data that it knew would be inaccurate if a release, satisfaction, dismissal, vacatur or appeal had occurred. LexisNexis relies on consumers to clean up their own files via the dispute process after learning of the inaccuracy, rather than paying to have these dispositions collected in a manner that would ensure accuracy in the first instance.

31. LexisNexis has known about its inadequate procedures for years. In addition to being aware of lawsuits filed related to the quality of its records, LexisNexis has also gained this knowledge through disputes received from consumers, including disputes sent directly to LexisNexis by consumers and disputes received from the Big 3 and other credit bureaus in instances where a consumer disputed their public record with the credit bureau directly.

32. The methods and processes used by LexisNexis to gather releases, satisfactions, vacatures, and dismissals have been materially the same for the previous five years.

33. At all times pertinent to this Complaint, LexisNexis' unlawful conduct regarding the collection of disposition information was willful and carried out in reckless disregard for consumers' rights as set forth under the FCRA.

34. By way of example only, and without limitation, LexisNexis's conduct was willful because it was intentionally accomplished through intended procedures; it had knowledge of its violation through other lawsuits in other jurisdictions but it did nothing to rectify the problem, and because it was motivated by placing LexisNexis' financial interests above the interests of consumers in accurate reporting. LexisNexis believed that its reporting derogatory credit information about tax liens and judgments was of greater economic value to its paying customers than "disposition" information that demonstrated that the debt was no longer owed.

35. As a result of LexisNexis's conduct, Plaintiff and the putative class members

suffered particularized and concrete injuries, including damage to their reputations, reductions to their credit scores, and increased risks that they would be denied credit.

**B. Defendant Kroll's Procedures**

36. Kroll boasts that it is a “trusted provider of credit, risk mitigation, flood, and verification services to the mortgage industry.”

37. Kroll provides “tri-merge” credit reports for mortgage loan applications in which it purchases, reorganizes and compiles and then resells consumer credit files it purchases from the Big-3.

38. Now, and during the class period, Kroll has added a fourth credit report – the LexisNexis “Riskview” report, which contains judgment and tax lien information.

39. Kroll purchases and resells the LexisNexis report because it is less expensive than Kroll searching and compiling judgment and lien information directly. It is also less expensive than Kroll obtaining information from more accurate sources.

40. Kroll has long been a member of the industry group Consumer Data Industry Association (“CDIA”), as have been LexisNexis as well as Kroll’s parent company, the fourth largest national credit reporting agency, CBC Innovis.

41. Further, Kroll’s management reads and reviews legal and other industry developments and regularly attend seminars and trade events put on by the CDIA.

42. As a result of all of its regular review and industry participation, Kroll was aware of the Attorneys General actions and then settlements with the Big-3 regarding their reporting of the LexisNexis reports.

43. As a result of all of its regular review and industry participation, Kroll was aware of the national class actions and then settlements with the Big-3 regarding their reporting of the

LexisNexis reports.

44. Kroll is aware that even its parent, CBC Innovis, remains in class action litigation regarding its continued use of the inaccurate LexisNexis reports.

45. Kroll is also aware of all of this because the Big-3 have ceased selling public records within their reports and LexisNexis had to explain why.

46. Notwithstanding all of this notice, Kroll has resold LexisNexis reports without sufficient independent investigation, audits, research or review to ensure that LexisNexis had somehow corrected the gross inaccuracies that caused the Big-3 to cease reporting its data.

47. By way of example only, and without limitation, Kroll's conduct was willful because it was intentionally accomplished through intended procedures; it had knowledge of its violation through other lawsuits in other jurisdictions but it did nothing to rectify the problem, and because it was motivated by placing its financial interests above the interests of consumers in accurate reporting. Kroll believed that its reporting derogatory credit information about tax liens and judgments was of greater economic value to its paying customers than "disposition" information that demonstrated that the debt was no longer owed.

48. As a result of Kroll's conduct, Plaintiff and the putative class members suffered particularized and concrete injuries, including damage to their reputations, reductions to their credit scores, and increased risks that they would be denied credit.

**C. Plaintiff's Experience**

49. On January 12, 2017, Tower Loan of Collins filed a case against Plaintiff in the Justice Court for Covington County, Mississippi.

50. The Court ruled in favor of Tower Loan of Collins and a judgment was entered against Plaintiff on April 19, 2017.



51. The judgment was satisfied and paid in full on October 23, 2017.

52. In 2018, Plaintiff applied for a mortgage with a local lender, Peoples Bank.

53. As part of that loan application process, the lender purchased a credit report from Kroll. That report was dated August 8, 2018.

54. The Kroll report contained a LexisNexis Riskview report showing the Tower Loan judgment still as unpaid and unsatisfied. This was inaccurate.

55. Plaintiff then also obtained a copy of her LexisNexis file in May 2020.

56. Even as late as May 2020, LexisNexis *still* neglected to report the case status or the satisfaction date. Thus, LexisNexis' reporting of the civil judgment remained misleading and incomplete.

57. Plaintiff disputed LexisNexis' misreporting. Plaintiff informed LexisNexis that the public record was satisfied.

58. Despite such notice, LexisNexis failed to conduct a reasonable investigation.

59. LexisNexis provided its investigation results to Plaintiff dated May 28, 2020. LexisNexis refused to update its reporting of the civil judgment despite Plaintiff's dispute and the Court's entry of satisfaction over *two years* prior.

60. Instead, LexisNexis generated its dispute response and did not make material changes to its reporting of the civil judgment.

61. Upon information and belief, LexisNexis continues to report the civil judgment without a case status or satisfaction date. This reporting is misleading because it does not reflect the accurate status of the record at the time of the report, and causes creditors to believe Plaintiff never paid the judgment against her.

**CLASS ACTION ALLEGATIONS**

62. Plaintiff brings this action pursuant to Fed. R. Civ. P. 23(b)(3) against LexisNexis on behalf of the following class (the “LexisNexis Class”):

All natural persons who: (i) were the subject of a civil judgment and/or tax lien recorded in any court clerk’s office or court in the United States (ii) where the judgment or lien appeared within a Kroll Factual Data or CBC Innovis consumer report dated within the five year period preceding the filing date of this Complaint, and (iii) where the public record filing of the related governmental agency indicated that the civil judgment or tax lien had been satisfied, vacated, dismissed, released or withdrawn on a date at least 30 days prior to the date of the consumer report.

Excluded from the class are all persons who have signed a written release of their claim, counsel in this case, and the Court and its employees.

63. Plaintiff brings this action pursuant to Fed. R. Civ. P. 23(b)(3) against Kroll on behalf of the following class (the “Kroll Class”):

All natural persons who: (i) were the subject of a civil judgment and/or tax lien recorded in any court clerk’s office or court in the United States (ii) where the judgment or lien appeared within a Kroll Factual Data consumer report dated within the five year period preceding the filing date of this Complaint, and (iii) where the public record filing of the related governmental agency indicated that the civil judgment or tax lien had been satisfied, vacated, dismissed, released or withdrawn on a date at least 30 days prior to the date of the consumer report.

Excluded from the class are all persons who have signed a written release of their claim, counsel in this case, and the Court and its employees.

64. Numerosity. The class members are so numerous that joinder of all is impractical. Although the precise number of class members is known only to Defendants there are hundreds of thousands of recorded tax liens and civil judgments nationwide and Kroll is one of the largest tri-merge, and mortgage report CRAs nationally.

65. The names and addresses of the class members are identifiable through documents maintained by Defendants and CBC Innovis, and through public entities that maintain civil

judgement and tax lien information.

66. Civil judgement and tax lien data can be compared to Defendants' data to ascertain which consumers would meet the definition of the classes above.

67. Existence and Predominance of Common Questions of Law and Fact. Common questions of law and fact exist as to all members of the class, and predominate over the questions affecting only individual members. The common legal and factual questions include, among others:

a. Whether Defendants adopted procedures that collected and reported updates to liens that were less systematic and effective than those it used to initially collect and report the liens and civil judgments;

b. Whether this conduct constituted a violation of the FCRA; and

c. Whether the violation was negligent, reckless, knowing, or intentionally committed in conscious disregard of the rights of Plaintiff and the putative class members.

68. Typicality. Plaintiff's claims are typical of the claims of each class member, which all arise from the same operative facts and are based on the same legal theories. Plaintiff, as every putative class member, alleges a violation of the same FCRA provision, 15 U.S.C. § 1681e(b). This claim challenges the credit reporting procedures of Defendants and does not depend on any individualized facts. Each Defendant's notice and knowledge of the challenged reporting problem is the same for Plaintiff, as for the putative class.

69. 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 his counsel have any interests that might cause them not to vigorously pursue this action. Plaintiff is aware of his responsibilities to the putative

class and has accepted such.

70. Predominance and Superiority. Questions of law and fact common to the class members predominate over questions affecting only individual class members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy. Each Defendant's conduct described in this Complaint stems from common and uniform practices, resulting in common violations of the FCRA. Members of the classes do not have an interest in pursuing separate actions against LexisNexis or Kroll, as the amount of each class member's individual claim is small compared to the expense and burden of individual prosecution. Class certification also will obviate the need for unduly duplicative litigation that might result in inconsistent judgments concerning Defendant's practices. Moreover, management of this action as a class action will not likely present any difficulties. In the interests of justice and judicial efficiency, it would be desirable to concentrate the litigation of all class members' claims in a single forum.

71. This action should be maintained as a class action because the prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members which would establish incompatible standards of conduct for the parties opposing the class, as well as a risk of adjudications with respect to individual members which would as a practical matter be dispositive of the interests of other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

## **CAUSES OF ACTION**

### **COUNT I**

**15 U.S.C. § 1681e(b)**

**Class Action Claim on behalf of Plaintiff and the LexisNexis Class**

72. Plaintiff incorporates by reference all preceding paragraphs as alleged above.

73. Defendant LexisNexis violated 15 U.S.C. § 1681e(b) by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the consumer reports it furnished regarding Plaintiff and the LexisNexis class members.

74. As a result of Defendants' misconduct, Plaintiff and putative class members suffered damages to their reputations, reductions to credit scores, increased risk of credit denial and other concrete actual harm.

75. Defendant LexisNexis' violation of 15 U.S.C. § 1681e(b) was willful, rendering it liable pursuant to 15 U.S.C. § 1681n. In the alternative, LexisNexis was negligent, entitling Plaintiff to recover under 15 U.S.C. § 1681o.

76. Plaintiff and the LexisNexis class members are entitled to recover statutory damages, punitive damages, costs, and attorneys' fees from Defendants in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n.

**COUNT II**  
**15 U.S.C. § 1681e(b)**

**Class Action Claim on behalf of Plaintiff and the Kroll Class**

77. Plaintiff incorporates by reference all preceding paragraphs as alleged above.

78. Defendant Kroll violated 15 U.S.C. § 1681e(b) by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the consumer reports it furnished regarding Plaintiff and the Kroll class members.

79. As a result of Defendants' misconduct, Plaintiff and putative class members suffered damages to their reputations, reductions to credit scores, increased risk of credit denial and other concrete actual harm.

80. Defendant Kroll's violation of 15 U.S.C. § 1681e(b) was willful, rendering it liable pursuant to 15 U.S.C. § 1681n. In the alternative, Kroll was negligent, entitling Plaintiff to recover under 15 U.S.C. § 1681o.

81. Plaintiff and the Kroll class members are entitled to recover statutory damages, punitive damages, costs, and attorneys' fees from Defendants in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n.

**COUNT III**  
**15 U.S.C. § 1681i against LexisNexis**  
**Individual Claim**

82. Plaintiff incorporates by reference all preceding paragraphs as alleged above.

83. LexisNexis violated multiple sections of 15 U.S.C. § 1681i, including but not limited to: (1) failing to conduct a reasonable reinvestigation to determine whether the disputed information was inaccurate and record the current status of the disputed information in violation of § 1681i(a)(1); (2) failing to review and consider all relevant information from Plaintiff in violation of §1681i(a)(4); (3) failing to promptly modify the disputed inaccurate item of information upon a lawful reinvestigation of § 1681i(a)(5)(A).

84. As a result of LexisNexis's misconduct, Plaintiff has suffered damages to her reputation, reductions to credit scores, and increased risk of credit denial along with emotional distress, including frustration, anger, worry, and embarrassment.

85. Defendants' violation of 15 U.S.C. § 1681i was willful, rendering Defendant liable pursuant to 15 U.S.C. § 1681n. In the alternative, LexisNexis was negligent, entitling Plaintiff to recover under 15 U.S.C. § 1681o.

86. Plaintiff is entitled to recover actual and/or statutory damages, punitive damages, costs, and attorneys' fees from LexisNexis in an amount to be determined by the Court pursuant to 15 U.S.C. §§ 1681n, o.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks for judgment against the Defendants, for class certification as pled; for statutory and punitive damages for herself and each member of the LexisNexis Class for Count One; for statutory and punitive damages for herself and each member of the Kroll Class for Count Two; for actual, statutory and punitive damages for herself against LexisNexis pursuant to Count Three; for equitable and injunctive relief; and for attorneys' fees and costs and such other specific or general relief the Court does find just and appropriate.

**JURY DEMAND**

Plaintiff hereby requests and demands a trial by jury.

Dated: August 7, 2020

Respectfully submitted,

**BERGER MONTAGUE PC**

/s Sarah R. Schalman-Bergen  
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*Attorneys for Plaintiff and the Proposed Class*



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

YOLANDA JONES, 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)

Sarah R. Schalman-Bergen, Berger Montague PC, 1818 Market Street, Suite 3600, Philadelphia, PA 19103, 215-875-3000

DEFENDANTS

LEXISNEXIS RISK SOLUTIONS, INC. and KROLL FACTUAL DATA, INC.

County of Residence of First Listed Defendant New York, NY (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: 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, TORTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, BANKRUPTCY, 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): 15 U.S.C. § 1681e(b) of the Fair Credit Reporting Act

Brief description of cause: Violation 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 08/07/2020 SIGNATURE OF ATTORNEY OF RECORD /s/ Sarah R. Schalman-Bergen

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44A REVISED June, 2009  
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

**PART A**

This case belongs on the (  Erie  Johnstown  Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.

**PART B** (You are to check ONE of the following)

1.  This case is related to Number \_\_\_\_\_ . Short Caption \_\_\_\_\_
2.  This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

**CIVIL:** Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

**EMINENT DOMAIN:** Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

**HABEAS CORPUS & CIVIL RIGHTS:** All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

**PART C**

I. CIVIL CATEGORY (Select the applicable category).

1.  Antitrust and Securities Act Cases
2.  Labor-Management Relations
3.  Habeas corpus
4.  Civil Rights
5.  Patent, Copyright, and Trademark
6.  Eminent Domain
7.  All other federal question cases
8.  All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9.  Insurance indemnity, contract and other diversity cases.
10.  Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

/s/ Sarah R. Schalman-Bergen

Date: 08/07/2020

\_\_\_\_\_

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH FORMS MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

## 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: [LexisNexis, Kroll Factual Data Hit with Class Action Over Alleged Credit Report Inaccuracies](#)

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