

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

TREVA SUDELL JONES, on behalf of herself	)	
and all others similarly situated,	)	No.
	)	
<i>Plaintiffs,</i>	)	Class Action
	)	
v.	)	Jury Trial Demanded
	)	
TRANSUNION LLC,	)	
	)	
<i>Defendant.</i>	)	
	)	

**COMPLAINT – CLASS ACTION**

Plaintiff Treva Sudell Jones, on behalf of herself and all others similarly situated, files this Class Action Complaint against TransUnion LLC (“Trans Union” or “Defendant”). Plaintiff alleges, based on personal knowledge as to Trans Union’s actions and upon information and belief as to all other matters, as follows:

**NATURE OF THE CASE**

1. This is a consumer class action under the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq.* (“FCRA”) against Trans Union, a national consumer reporting agency. In violation of the FCRA, Trans Union prepares and delivers consumer reports that include civil judgment information that: (a) the FCRA prohibits Trans Union from reporting and (b) have been paid in full, satisfied, or released, but are not reported by Trans Union as paid, satisfied, or released.

**PARTIES**

2. Plaintiff Treva Sudell Jones is an adult individual residing in Jackson, Tennessee and is a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

3. Defendant Trans Union is a “person” and “consumer reporting agency” as defined by 15 U.S.C. § 1681a(b) and 15 U.S.C. § 1681a(f), respectively. Trans Union is authorized to do business in the State of Tennessee, has substantial contacts in this District, and is headquartered at 1510 Chester Pike, Crum Lynne, Pennsylvania 19022.

#### **JURISDICTION & VENUE**

4. The Court has jurisdiction over this matter based upon 28 U.S.C. § 1331 and 15 U.S.C. § 1681p.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

#### **FACTUAL ALLEGATIONS**

6. Trans Union is one of the “big three” credit reporting agencies (singular “CRA”) in the United States.

7. Trans Union sells consumer reports (commonly called “credit reports”) about millions of consumers annually, including consumers in Tennessee.

8. Trans Union is regulated by the FCRA.

9. Upon information and belief, for several years Trans Union has obtained its information about Tennessee and federal bankruptcies, civil judgments, and tax liens (*i.e.*, “public records” information) from private businesses that it calls “vendors.”

10. Trans Union has not retrieved actual public records from courthouses or government offices for many years.

11. Nevertheless, on credit reports that it provides to consumers, Trans Union falsely lists the names of courthouses or other government offices as the true “source” of the public records information appearing in the report.

12. Moreover, Trans Union does not purchase the actual court or taxing authority records from its public records information vendors. Rather, it purchases a condensed, summary version of those records, which does not include all the information or most up-to-date information available at the actual courthouses or government offices where the actual records are housed.

13. Trans Union knows that its public records vendors make mistakes in the condensed, summary public records information that it purchases for the purposes of credit reporting.

14. Trans Union knows that the condensed, summary public records information it purchases for credit reporting purposes routinely does not include the most up-to-date status of the actual records themselves.

15. Trans Union thus routinely fails to report accurate information about Tennessee civil judgments, including the most up-to-date status of those judgments.

16. Trans Union's practices and procedures regarding the reporting of civil judgment information, specifically its failure to report the most up-to-date status of paid or satisfied civil judgments, causes widespread harm to Tennessee consumers.

17. Trans Union also routinely fails to remove Tennessee judgments from consumers' reports when those judgments have become nullities.

18. In 2016 and 2017, Trans Union delivered reports about Ms. Jones to multiple end users, each of which used Trans Union's report to evaluate Ms. Jones' creditworthiness. After the judgment was satisfied, Trans Union continued to report the judgment to several existing and potential creditors resulting in a negative impact on Plaintiff's credit standing regarding these transactions.

19. With respect to Ms. Jones, on or about May 12, 2014, a judgment was entered against Ms. Jones in favor of Portfolio Recovery Associates, LLC (hereafter "Portfolio") in the

Court of General Sessions for Madison, Tennessee, civil case number 14cv-807. The judgment was in the original amount of \$1,929.65.

20. On or about April 30, 2016, Ms. Jones paid directly to Portfolio the full amount of the judgment.

21. On or about October 27, 2016, Portfolio filed a notice of judgment satisfaction in the Court of General Sessions for Madison, Tennessee in civil case number 14cv-807.

22. On or about May 31, 2017, Ms. Jones reviewed her personal credit report from Trans Union. The Trans Union credit report contained inaccurate information, including but not limited to, reporting that Ms. Jones allegedly had an outstanding civil judgment against her in the amount of \$1,929.

23. The civil judgment information that Trans Union included on Ms. Jones' report was inaccurate because Ms. Jones had satisfied the judgment more than a year earlier and Portfolio had filed a notice in the public record nearly seven months earlier.

24. Despite public availability of the notice of judgment satisfaction, and pursuant to its usual and systematic practice, Trans Union did not update its records regarding Ms. Jones to show that the civil judgment had been paid and satisfied.

25. The FCRA provides: "Whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates." 15 U.S.C. § 1681e(b).

26. At all times pertinent hereto, Trans Union's conduct was a result of its deliberate policies and practices, was willful, was intentionally accomplished through intended procedures, and was carried out in reckless disregard for a consumer's rights as set forth in § 1681e(b) of the FCRA. Upon information and belief, Trans Union's collecting and reporting the initial entry of

civil judgment is believed to be of greater economic value than collecting and reporting information indicating that a civil judgment had been paid or satisfied.

27. The reporting of Ms. Jones' civil judgment by Trans Union was inaccurate and occurred because Trans Union failed to follow reasonable procedures to assure maximum possible accuracy in the preparation of Ms. Jones' consumer report. Specifically, Trans Union does not follow the same automated and systematically rigorous processes to obtain all satisfactions and releases of civil judgments that it follows to obtain the original civil judgment information.

28. Indeed, Trans Union follows no procedure which assures that, every time a civil judgment in Tennessee is paid or satisfied, the updated status is promptly obtained and reflected upon the consumer's credit report, or that the judgment is removed from that consumer's credit file as may be appropriate.

29. Instead, Trans Union continues to report the civil judgment balance that it originally purchased from its vendors.

30. In Plaintiff's case, Trans Union did not request, receive, or report any updated information as to the status of Ms. Jones' civil judgment in 2017, despite the fact that she had paid it in full and the public record reported it satisfied as of October 27, 2016.

31. At all times pertinent hereto, Trans Union was acting by and through its agents, servants and or employees who were acting within the course and scope of their agency or employment, and under the direct supervision and control of Trans Union herein.

#### **CLASS ACTION ALLEGATIONS**

32. Plaintiff realleges and incorporates by reference all preceding paragraphs as alleged above.

33. Plaintiff brings this action pursuant to the Federal Rules of Civil Procedure 23(a) and 23(b)(3) on behalf of the following class:

All natural persons who: (i) had a civil judgment recorded in the State of Tennessee, (ii) the civil judgment appeared on a consumer report prepared by Trans Union and delivered to a third party within the five years prior to the filing of this Complaint, and (iii) the State of Tennessee public record indicated that the civil judgment had been paid or satisfied on a date prior to the date of the Trans Union consumer report.

34. Plaintiff reserves the right to amend the definition of the class based on discovery or legal developments.

35. **Numerosity. FED. R. CIV. P. 23(A)(1).** The class members are so numerous that joinder of all is impractical. Upon information and belief, Trans Union sells hundreds if not thousands of consumer reports each year, and those persons' names and addresses are identifiable through documents maintained by Trans Union.

36. **Existence and Predominance of Common Questions of Law and Fact. FED. R. CIV. P. 23(A)(2).** 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, whether Trans Union willfully violated the FCRA by failing to follow reasonable procedures to assure maximum possible accuracy of the Tennessee civil judgment information it reported.

37. **Typicality. FED. R. CIV. P. 23(A)(4).** Plaintiff's claims are typical of the claims of each class member. Plaintiff has the same claims for statutory and punitive damages as class members, arising out of Trans Union's common course of conduct.

38. **Adequacy. FED. R. CIV. P. 23(A)(3).** Plaintiff is an adequate representative of the class. Her interests are aligned with, and are not antagonistic to, the interests of the members of the class she seeks to represent. She has retained counsel competent and experienced in such

litigation, and she intends to prosecute this action vigorously. Plaintiff and her counsel will fairly and adequately protect the interests of members of the class.

39. **Predominance and Superiority. FED. R. CIV. P. 23(B)(3).** Questions of law and fact common to the class members predominate over questions affecting only individual members and a class action is superior to other available methods for fair and efficient adjudication of the controversy. The statutory and punitive damages sought by each class member are such that individual prosecution would prove burdensome and expensive given the complex and extensive litigation necessitated by Trans Union's conduct. It would be virtually impossible for all of the individual members of the class to effectively seek redress of the wrongs done to them. Even if the members of the class themselves could afford such individual litigation, it would be an unnecessary burden on the courts. Furthermore, individualized litigation presents a potential for inconsistent or contradictory judgments and increases the delay and expense to all parties and to the court system presented by the complex legal and factual issues raised by Trans Union's conduct. By contrast, the class action device will result in substantial benefits to the litigants and the Court by allowing the Court to resolve numerous individual claims based upon a single set of proof in a unified proceeding.

### **CAUSES OF ACTION**

#### **COUNT I**

40. Plaintiff incorporates by reference those paragraphs set out above as though fully set forth herein.

41. The above-mentioned reports are "consumer reports" within the meaning of 15 U.S.C. § 1681a(d).

42. Trans Union failed to comply with 15 U.S.C. § 1681e(b) by failing to follow reasonable procedures to assure maximum possible accuracy of the civil judgment information in the consumer reports it prepared regarding Plaintiff and the class members.

43. Pursuant to 15 U.S.C. §§ 1681n and o, Trans Union is liable to Plaintiff and all class members for its failure to comply with FCRA § 1681e(b), in an amount equal to the sum of (1) damages of not less than \$100 and not more than \$1,000 per violation; (2) actual damages; (3) punitive damages in an amount to be determined by the jury; (4) attorney's fees; and (5) litigation costs, as well as such further relief as may be permitted by law.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff and the class pray for the following relief:

- a. An order certifying the case as a class action on behalf of the proposed class under Federal Rule of Civil Procedure 23 and appointing Plaintiff and the undersigned counsel of record to represent same;
- b. An award of actual, statutory, and punitive damages for Plaintiff and the class;
- c. An award of pre-judgment and post-judgment interest as provided by law;
- d. An award of attorney's fees and costs; and
- e. Such other relief as the Court deems just and proper.

### **TRIAL BY JURY**

Plaintiff hereby requests a trial by jury on those causes of action where a trial by jury is allowed by law.

**THE ADKINS FIRM, P.C.**

**s/ Micah S. Adkins**

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**THE ADKINS FIRM, P.C.**

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**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. 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 – 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.



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: