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U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

LEONARD A. LEMMON, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

EQUIFAX INFORMATION SERVICES LLC,

Defendant.

NO.

CLASS ACTION COMPLAINT

JURY DEMAND

I. PRELIMINARY STATEMENT

Plaintiff Leonard A. Lemmon, on behalf of himself and all others similarly situated, files this Class Action Complaint against Equifax Information Services LLC (“Equifax” or “Defendant”). Plaintiff states and alleges as follows:

II. 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 Equifax, a national consumer reporting agency. In violation of the FCRA, Equifax prepares and furnishes consumer reports that include judgments that: (a) the FCRA prohibits Equifax from reporting; and (b) that have been paid in full, satisfied or cancelled, but are not reported by Defendant as paid, satisfied or cancelled.

1 **III. PARTIES**

2 2. Plaintiff Leonard A. Lemmon is an adult individual residing in Corpus Christi,
3 Texas and is a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

4 3. Defendant Equifax is a “person” and “consumer reporting agency” as defined by
5 15 U.S.C. § 1681a(b) and 15 U.S.C. § 1681a(f), respectively. Defendant is authorized to do
6 business in the State of Washington, has substantial contacts in this District, and is headquartered
7 at 1550 Peachtree Street NW, Atlanta, Georgia, 30309.

8 **IV. JURISDICTION & VENUE**

9 4. The Court has jurisdiction over this matter based upon 28 U.S.C. § 1331 and
10 15 U.S.C. § 1681p.

11 5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because a
12 substantial part of the events giving rise to the claims occurred in this District, including civil
13 judgments that were entered in Washington State courts in this District.

14 **V. FACTUAL ALLEGATIONS**

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

17 7. Defendant sells consumer reports (commonly called “credit reports”) about
18 millions of consumers annually, including consumers in Washington.

19 8. Defendant is regulated by the FCRA.

20 9. Upon information and belief, for several years Defendant has obtained its
21 information about state and federal bankruptcies, civil judgments and tax liens (*i.e.*, “public
22 records” information) from private businesses that it calls “vendors,” which furnish such
23 information to national CRAs.
24

1 10. Equifax has not retrieved actual public records from courthouses or government
2 offices for many years.

3 11. Nevertheless, on its credit reports that it provides to consumers, Equifax falsely
4 still lists the names of courthouses or other government offices as the true “source” of its public
5 records information.

6 12. The public records information that Equifax receives from its vendors are not the
7 actual court or taxing authority records. Rather, it receives a distilled version of those records,
8 which does not include all the information or the most up-to-date information available at the
9 actual courthouses or government offices where the true records are housed.

10 13. Equifax knows that both it and its public records vendors make mistakes in the
11 distilled public records information that is acquired for purposes of credit reporting.

12 14. Equifax thus routinely fails to report accurate information about civil judgments
13 pertaining to Washington consumers, including the most up-to-date status.

14 15. Defendant’s practices and procedures regarding the reporting of public record
15 information, specifically its failure to report the most up-to-date status of civil judgments which
16 have been paid, satisfied, or otherwise modified, causes widespread harm to Washington
17 consumers.

18 16. With respect to Mr. Lemmon, on or around February 25, 2016, a civil judgment
19 related to medical debt was entered against Mr. Lemmon in King County District Court.

20 17. Mr. Lemmon paid the judgment in full on November 10, 2016.

21 18. The satisfaction of judgment was filed in the public record as of November 15,
22 2016.

23 19. In or around December 2016, Equifax sold a credit report about Mr. Lemmon in
24 connection with Mr. Lemmon’s application for credit.

1 20. The report inaccurately stated that Mr. Lemmon had an outstanding civil
2 judgment in the amount of \$1,654.

3 21. Despite the satisfaction of judgment being recorded in the public record, and
4 pursuant to its usual and systematic practice, Defendant did not update its records to show that
5 the civil judgment was satisfied.

6 22. Equifax continued to list the civil judgment as outstanding in Mr. Lemmon's file
7 until at least July of 2017.

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

11 24. At all times pertinent hereto, Defendant's conduct was a result of its deliberate
12 policies and practices, was willful, was intentionally accomplished through intended procedures,
13 and was carried out in reckless disregard for a consumer's rights as set forth in section 1681e(b)
14 of the FCRA. Upon information and belief, Equifax's collecting and reporting the initial entry of
15 civil judgments is believed to be of greater economic value than collecting and reporting
16 information indicating that a civil judgment has been satisfied.

17 25. The reporting of Mr. Lemmon's civil judgment by Equifax was inaccurate and
18 occurred because Equifax failed to follow reasonable procedures to assure maximum possible
19 accuracy in the preparation of Mr. Lemmon's consumer report. Specifically, Equifax does not
20 follow the same automated and systematically rigorous processes to obtain all updates to public
21 records, such as the satisfactions of civil judgments, that it follows to obtain the original public
22 record information.

23 26. Indeed, Equifax follows no procedure which assures that, every time a civil
24 judgment is paid, satisfied, or cancelled, the updated status is promptly obtained and reflected on

1 the consumer's credit report, or that the civil judgment is removed from that consumer's credit
2 file.

3 27. Instead, Equifax continues to report the civil judgment that it originally received
4 through its vendors. In Plaintiff's case, Equifax did not request, receive or report any updated
5 information as to the status of the civil judgment, despite the fact that the public record showed
6 the accurate disposition as satisfied.

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

10 VI. CLASS ACTION ALLEGATIONS

11 29. Plaintiff realleges and incorporates by reference all preceding paragraphs as
12 alleged above.

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

15 All natural persons who: (i) had a civil judgment recorded in the
16 State of Washington, (ii) the civil judgment appeared on an Equifax
17 consumer report dated within five years prior to the filing of this
18 Complaint, and (iii) the public record indicated that the civil
19 judgment had been paid, satisfied, released, or cancelled on a date
20 prior to the date of the Equifax consumer report.

21 31. Plaintiff reserves the right to amend the definition of the Class based on discovery
22 or legal developments.

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

1 33. **Existence and Predominance of Common Questions of Law and Fact. FED. R.**
2 **CIV. P. 23(a)(2).** Common questions of law and fact exist as to all members of the Class and
3 predominate over the questions affecting only individual members. The common legal and
4 factual questions include, among others, whether Defendant willfully violated the FCRA by
5 failing to follow reasonable procedures to assure the maximum possible accuracy of the
6 Washington civil judgment information it reported.

7 34. **Typicality. FED. R. CIV. P. 23(a)(3).** Plaintiff's claims are typical of the claims of
8 each Class member. Plaintiff has the same claims for statutory and punitive damages as Class
9 members, arising out of Defendant's common course of conduct.

10 35. **Adequacy. FED. R. CIV. P. 23(a)(4).** Plaintiff is an adequate representative of the
11 Class. His interests are aligned with and are not antagonistic to, the interests of the members of
12 the Class he seeks to represent, he has retained counsel competent and experienced in such
13 litigation, and he intends to prosecute this action vigorously. Plaintiff and his counsel will fairly
14 and adequately protect the interests of members of the Class.

15 36. **Predominance and Superiority. FED. R. CIV. P. 23(b)(3).** Questions of law and
16 fact common to the Class members predominate over questions affecting only individual
17 members, and a class action is superior to other available methods for fair and efficient
18 adjudication of the controversy. The statutory and punitive damages sought by each member are
19 such that individual prosecution would prove burdensome and expensive given the complex and
20 extensive litigation necessitated by Defendant's conduct. It would be virtually impossible for the
21 members of the Class individually to redress effectively the wrongs done to them. Even if the
22 members of the Class themselves could afford such individual litigation, it would be an
23 unnecessary burden on the courts. Furthermore, individualized litigation presents a potential for
24 inconsistent or contradictory judgments and increases the delay and expenses to all parties and to

1 the court system presented by the complex legal and factual issues raised by Defendant's
2 conduct. By contrast, the class action device will result in substantial benefits to the litigants and
3 the Court by allowing the Court to resolve numerous individual claims based upon a single set of
4 proof in a unified proceeding.

5 **VII. CAUSES OF ACTION**

6 **COUNT I**

7 37. Plaintiff incorporates by reference those paragraphs set out above as though fully
8 set forth herein.

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

11 39. Equifax failed to comply with 15 U.S.C. § 1681e(b) by failing to follow
12 reasonable procedures to assure maximum possible accuracy of the civil judgment information in
13 the consumer reports it prepared regarding Plaintiff and the Class members.

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

19 **VIII. PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff and the Class pray for relief as follows:

21 A. An order certifying the case as a class action on behalf of the proposed Class
22 under Federal Rule of Civil Procedure 23 and appointing Plaintiff and the undersigned counsel of
23 record to represent same;

24 B. An award of actual, statutory and punitive damages for Plaintiff and the Class;

- 1 C. An award of pre-judgment and post-judgment interest as provided by law;
2 D. An award of attorney's fees and costs; and
3 E. Such other relief as the Court deems just and proper.

4 **IX. TRIAL BY JURY**

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

7 RESPECTFULLY SUBMITTED AND DATED this 27th day of September, 2017.

8 TERRELL MARSHALL LAW GROUP PLLC

9 By: /s/ Beth E. Terrell, WSBA #26759
10 Beth E. Terrell, WSBA #26759
Email: bterrell@terrellmarshall.com

11 By: /s/ Erika L. Nusser, WSBA #40854
12 Erika L. Nusser, WSBA #40854
Email: enusser@terrellmarshall.com

13 By: /s/ Elizabeth A. Adams, WSBA #49175
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22 Facsimile: (215) 940-8000

23 *Pro hac vice applications forthcoming

24 *Attorneys for Plaintiff*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

LEONARD A. LEMMON

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Beth E. Terrell, WSBA #26759, Erika L. Nusser, WSBA #40854, Elizabeth A. Adams, WSBA #49175, Terrell Marshall Law Group PLLC, 936 N. 34th St., Suite 300, Seattle, WA, 98103; (206) 816-6603

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
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 and business location. Includes categories like Citizen of This State, Citizen of Another State, and Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, 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. § 168 et seq.
Brief description of cause: Fair Credit Reporting Act Violations

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 09/27/2017 SIGNATURE OF ATTORNEY OF RECORD /s/ Beth E. Terrell, WSBA #26759

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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

UNITED STATES DISTRICT COURT

for the

Western District of Washington

LEONARD A. LEMMON, on behalf of himself and all others similarly situated,

Plaintiff(s)

v.

EQUIFAX INFORMATION SERVICES LLC,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) EQUIFAX INFORMATION SERVICES LLC
c/o Corporation Service Company, Registered Agent
300 Deschutes Way SW, Suite 304
Tumwater, Washington 98501

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Beth E. Terrell, WSBA #26759
Erika L. Nusser, WSBA #40854
Elizabeth A. Adams, WSBA #49175
TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869; Telephone (206) 816-6603

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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: