

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

HERBERT S. LUSTIG, on behalf of)	
himself and all others similarly situated,)	NO.
)	
Plaintiffs,)	CLASS ACTION
)	
v.)	JURY TRIAL DEMANDED
)	
TRANS UNION, LLC)	
)	
Defendant.)	
)	

COMPLAINT

PRELIMINARY STATEMENT

Plaintiff Herbert S. Lustig, on behalf of himself and all others similarly situated, files this Class Action Complaint against Trans Union, LLC (“Trans Union” or “Defendant”). Plaintiff alleges, based on personal knowledge as to Defendant’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 furnishes consumer reports that include judgements that: (a) the FCRA prohibits Trans Union from reporting; and (b) that have been stricken, dismissed, or vacated. In further violation of the FCRA, Defendant systematically misrepresents to consumers the source of public record information (such as civil judgments) that it places on their consumer reports.

PARTIES

2. Plaintiff Herbert S. Lustig is a “consumer” as protected and governed by the FCRA, and resides in Bala Cynwyd, Pennsylvania.

3. Defendant Trans Union regularly conducts business in the Eastern District of Pennsylvania and has a principal place of business in Crum Lynne, Pennsylvania.

JURISDICTION & VENUE

4. The Court has federal question jurisdiction under the FCRA, 15 U.S.C. § 1681p and 28 U.S.C. § 1331.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because Trans Union can be found in this District and regularly sells its products and services in this District.

FACTUAL ALLEGATIONS

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

7. Defendant sells consumer reports (commonly called “credit reports”) about millions of consumers annually.

8. Defendant is regulated by the FCRA.

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

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

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

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

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

14. Further, the FCRA unambiguously requires CRAs such as Trans Union to “clearly and accurately disclose to the consumer” who requests his or her credit file “the sources” that supplied any “information” to the CRA about that consumer. 15 U.S.C. § 1681g(a)(2).

15. Disclosure of the true source of a CRA’s information is vital so that certain credit reporting errors that originate at the source can be corrected, and so that consumers always know who is furnishing important credit information about them.

16. Nevertheless, and despite the clear mandate of FCRA § 1681g(a)(2), Trans Union never discloses to consumers the true sources of the public records information that it collects and reports about them.

17. Trans Union also routinely fails to report accurate information about Pennsylvania civil judgments, including the most up-to-date status.

18. Defendant also routinely fails to remove Pennsylvania civil judgments from consumers’ reports when those judgments have become nullities.

19. With respect to Mr. Lustig, on or about August 17, 2010, a lawsuit was filed by David G. Butterworth against Daniel S. Berman for breach of contract, civil docket number 10-10032-CT.

20. On or about August 5, 2011, an amended complaint was filed under civil docket number 10-10032-CT, adding Mr. Lustig as a defendant.

21. On or about April 5, 2012, default judgment was entered against Mr. Lustig in civil docket number 10-10032-CT, in the amount of \$209,012.00.

22. On or about October 3, 2014, Mr. Lustig petitioned the court to strike open the default judgment.

23. On or about January 6, 2015, Mr. Lustig motioned the court to make rule absolute and to grant the petition to strike the default judgment.

24. On or about February 27, 2015, the court entered an order striking the default judgment which was originally entered on April 5, 2012.

25. After February 27, 2015, therefore, there was no judgment against Mr. Lustig.

26. On or about November 21, 2016, Mr. Lustig requested and received a copy of his personal credit report from Trans Union. The Trans Union credit report contained inaccurate information, including but not limited to, reporting that Mr. Lustig allegedly had an outstanding civil judgment lodged against him in the amount of \$209,012.00.

27. Trans Union represented that its sources for this public record was the “Chester Cnty Rec of Deed” located at “P O Box 2748” in “West Chester, PA.”

28. Trans Union did not obtain any civil judgment information about Mr. Lustig or about any consumer from the “Chester Cnty Record of Deed” in West Chester, Pennsylvania.

29. Rather, Trans Union obtained this civil judgment information about Mr. Lustig from one of its private vendors.

30. To this day, nowhere upon its consumer reports does Trans Union disclose the actual source of its public records information, and instead continues to misdirect consumers to courthouses and other government offices with which Trans Union has had no dealing in years.

31. The civil judgment information Trans Union included on Mr. Lustig's report was woefully deficient and clearly not updated. This civil default judgment had been stricken almost two (2) years earlier. An Order striking the default judgment had been filed by the Court of Common Pleas in Chester County, Pennsylvania, on February 27, 2015.

32. Despite this information in the public record, and pursuant to its usual and systematic practice, Trans Union did not update the civil judgment to report that it has been stricken or dismissed. Nor did it remove it from Mr. Lustig's file.

33. This failure to update the disposition of judgment is a well known problem in the credit reporting industry, and the subject of multiple class actions in several states.

34. Mr. Lustig's November 21, 2016 Trans Union personal credit report reflected that Defendant had furnished Plaintiff's credit report to several of his existing and prospective creditors after February 27, 2015, including Bank of America, Merrick Bank and other third parties.

35. 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).

36. 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) and 1681g(a)(2) of the FCRA. Upon information and belief, Trans Union's collecting and reporting

the initial entry of civil judgments is believed to be of greater economic value than collecting and reporting information indicating that a civil judgment had been paid or dismissed.

37. The reporting of the 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 Mr. Lustig's consumer report.

38. Specifically, Trans Union does not follow the same automated and systematically rigorous processes to obtain all updates that it follows to obtain the original civil judgment information.

39. Indeed, Trans Union follows no procedure that assures that every time a civil judgment in Pennsylvania is paid or dismissed that 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.

40. Instead, Trans Union continues to report the civil judgment balance that it originally received through its vendor, and in Plaintiff's case received and reported no updated information as to its status into 2016, nor did it remove the judgment from Plaintiff's file, despite the fact that the civil judgment was opened, stricken and dismissed in 2015.

41. As a result of Defendant's inaccurate reporting, Plaintiff and other similarly situated consumers have their credit history misrepresented to their existing and prospective creditors.

42. At all times pertinent hereto, Defendant 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 the Defendant herein.

CLASS ACTION ALLEGATIONS

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

44. 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 had a civil judgment appearing on a Trans Union consumer report within five years prior to the filing of this Complaint, which civil judgement had been stricken, dismissed or vacated according to publicly available Pennsylvania court record, on a date at least 30 days earlier than the Trans Union consumer report.

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

46. **Numerosity. FED. R. CIV. P. 23(A)(1).** The Class members are so numerous that 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.

47. **Existence and Predominance of Common Questions of Law and Fact. FED. R. CIV. P. 23(a)(2).** Common questions of law and fact exist to 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 Defendant willfully violated the FCRA by reporting civil judgments as outstanding which had previously been stricken, dismissed or vacated; and

- b. Whether Defendant willfully violated the FCRA by failing to follow reasonable procedures to assure the maximum possible accuracy of the civil judgment it reported.

48. **Typicality. Fed. R. Civ. P. 23(a)(3).** 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 Defendant's common course of conduct.

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

50. **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 member are such that individual prosecution would prove burdensome and expensive given the complex and extensive litigation necessitated by Defendant's conduct. It would be virtually impossible for the members of the Class individually to redress effectively 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 Defendant'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

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

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

53. 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.

COUNT II

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

55. Trans Union failed to comply with 15 U.S.C. § 1681g(a)(2) by failing to accurately and completely disclose the true source of its public records information about consumers in their consumer file disclosures.

56. Pursuant to 15 U.S.C. §§ 1681n and o, Trans Union is liable to Plaintiff 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 relief as follows:

- 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.

RESPECTFULLY SUBMITTED AND DATED this 16th day of March, 2017.

FRANCIS & MAILMAN, P.C.

By: /s/ John Soumilas
James A. Francis
E: jfrancis@consumerlawfirm.com
John Soumilas
E: jsoumilas@consumerlawfirm.com
Land Title Building, Suite 1902
100 South Broad Street,
Philadelphia, PA 19110
T: 215.735.8600
F: 215.940.8000

Attorneys for Plaintiffs

JS 44 (Rev 12/07)

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 THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS
 Herbert S. Lustig, on behalf of himself and all others similarly situated, +

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
 Francis & Mailman, P.C. 215-735-8600
 100 S. Broad Street, 19th Floor Philadelphia, PA 19110 +

DEFENDANTS
 Trans Union, LLC

County of Residence of First Listed Defendant Delaware
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

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

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

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

CONTRACT	TORTS *****	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ***** <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY ***** <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ***** <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State 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 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

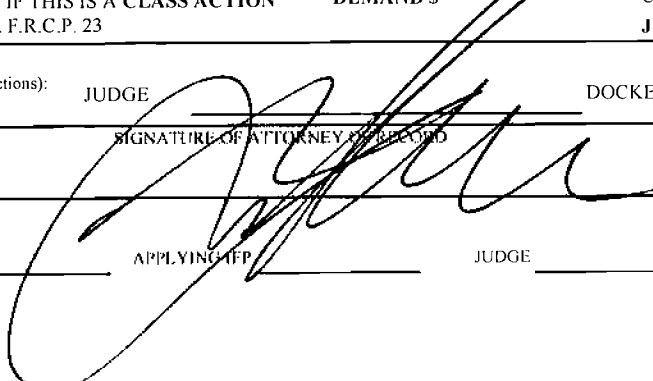
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq.

Brief description of cause:

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 03/16/2017

SIGNATURE OF ATTORNEY: 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING FEE _____ JUDGE _____ MAG JUDGE _____

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

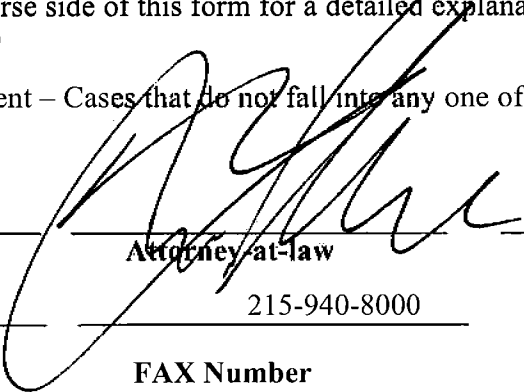
CASE MANAGEMENT TRACK DESIGNATION FORM

Herbert S. Lustig, on behalf of himself and	:	CIVIL ACTION
all others similarly situated,	:	
v.	:	
	:	
Trans Union, LLC	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

<u>03/16/2017</u>		John Soumilas
Date	Attorney at-law	Attorney for Plaintiffs
<u>215-735-8600</u>	<u>215-940-8000</u>	<u>jsoumilas@consumerlawfirm.com</u>
Telephone	FAX Number	E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 15 Presidential Blvd. #203, Bala Cynwyd, PA 19004

Address of Defendant: 1510 Chester Pike, Crum Lynne, PA 19022

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes No

Does this case involve multidistrict litigation possibilities? Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

- Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes No
- Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes No
- Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes No
- Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

- Indemnity Contract, Marine Contract, and All Other Contracts
- FELA
- Jones Act-Personal Injury
- Antitrust
- Patent
- Labor-Management Relations
- Civil Rights
- Habeas Corpus
- Securities Act(s) Cases
- Social Security Review Cases
- All other Federal Question Cases
(Please specify) Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.

B. Diversity Jurisdiction Cases:

- Insurance Contract and Other Contracts
- Airplane Personal Injury
- Assault, Defamation
- Marine Personal Injury
- Motor Vehicle Personal Injury
- Other Personal Injury (Please specify)
- Products Liability
- Products Liability — Asbestos
- All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, John Soumilas, counsel of record do hereby certify:
 Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
 Relief other than monetary damages is sought.

DATE: 3/16/2017 _____ 84527 _____
Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 3/16/2017 _____ 84527 _____
Attorney-at-Law Attorney I.D.#

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [FCRA Lawsuit Filed Against Trans Union](#)
