

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Christopher P. Burke, Esq.
Nevada Bar No. 004093
attyburke@charter.net
702 Plumas Street
Reno, NV 89509
(775) 333-9277

Attorney for Plaintiff
Valerie Margaret Marino

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEVADA

Valerie Margaret Marino, individually)
and on behalf of others similarly situated,)
Plaintiff,)
v.)
PNC Bank NA)
Defendant.)

Case No. _____

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

Plaintiff, Valerie Margaret Marino (“Marino”), for her Class Action Complaint
against the Defendant PNC Bank NA alleges and states:

1. Plaintiff brings this action to secure redress for a course of
conduct that included accessing plaintiff’s credit report without consent or
any lawful reason, in violation of the Fair Credit Reporting Act (“FCRA”),
15 U.S.C. § 1681 et seq.

JURISDICTION AND VENUE

2. Jurisdiction is proper under 28 U.S.C.A. §1331 since the claims asserted
are based on federal law, the FCRA.
3. Venue is proper in this Court because the acts complained of caused injury
in this District.

PARTIES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 4. On March 15, 2013 Marino filed a bankruptcy proceeding under Title 11 before the United States Bankruptcy Court for the District of Nevada, Case No. BK-N-13-50461-BTB.
- 5. Defendant is PNC Bank NA, an entity formed as a national bank. It claims to be part of one of the largest financial services institutions in the United States with total assets of over \$366 Billion.
- 6. The Defendant has willfully and intentionally participated in the wrongful conduct complained of herein and caused injury to the Plaintiff and others similarly situated to the Plaintiff.

CLASS DEFINITION

- 7. Marino also sues on behalf of others who are similarly situated to Marino. This class of persons consists of the following persons:

Any person who obtained a discharge of their debt to Defendant through a bankruptcy proceeding and after the discharge, the Defendant pulled or obtained a consumer report about that person within the 5 year period preceding the filing of this complaint. The class excludes any person who falls within the definition if the person is (i) an employee or independent contractor of the Defendant; (ii) a relative of an employee or independent contractor of the Defendant; or (iii) an employee of the Court where this action is pending; or (iv) a person who gave written authorization to the Defendant after their discharge; or (v) applied for credit with the Defendant after their discharge. This definition may be amended or modified.

FACTS

- 8. On March 15, 2013 Marino filed a bankruptcy proceeding under Title 11 before the United States Bankruptcy Court for the District of Nevada, Case No. BK-N-13-50461-BTB. Prior to the bankruptcy filing, the Plaintiff had a credit relationship with the Defendant as a result of a mortgage debt.

1 9. As a result of the bankruptcy proceeding, on September 17, 2013 Marino
2 was granted a discharge of his in personam liability for debts, including any debt owed
3 to PNC Bank NA.

4 10. There was no other in personam relationship established or created
5 between Marino and PNC Bank NA after Marino filed his bankruptcy.

6 11. PNC Bank NA knew of Marino' bankruptcy filing and that a discharge was
7 granted.

8 12. Despite the discharge and the absence of any in personam credit
9 relationship between Marino and PNC Bank NA, PNC Bank NA accessed Marino 's
10 personal information after the discharge by pulling or obtaining a consumer report from
11 a consumer reporting agency on more than one occasion after the discharge.
12

13 13. Marino had not requested credit from the Defendant, nor was it a
14 replacement for any other credit Marino had.

15 14. Marino had not authorized PNC Bank NA to obtain a private credit report
16 or information.

17 15. Defendant invaded Marino' privacy when it obtained private credit
18 information without complying with the FCRA.
19

20 **CLASS ALLEGATIONS**

21 16. This action is also brought as a Class Action under **Rule 23** of the Federal
22 Rules of Civil Procedure. Plaintiff proposes to proceed individually and on behalf of the
23 class defined above.

24 17. The named Plaintiff falls within the Class definition and is a Class
25 Member.
26

27 18. The particular members of the Class are capable of being described
28 without difficult managerial or administrative problems. The members of the Class are

1 readily identifiable from the information and records in the possession, custody or
2 control of the Defendant and the records of the consumer reporting agencies since they
3 charge the Defendant a fee for each pull made by it.

4 19. Upon information and belief, the Class is sufficiently numerous such that
5 individual joinder of all members is impractical. This allegation is based on the fact that
6 Defendant is a substantial credit provider as part of one of the largest financial service
7 institution in the United States.

8 20. There are questions of law and fact common to the Class which
9 predominate over any questions affecting only the individual members of the Class and,
10 in fact, the wrongs alleged against the Defendant is identical. The common issues
11 include, but are certainly not limited to:

12 (i) Whether the Defendant obtained or pulled information
13 about the Plaintiff and members of the Class from a consumer
14 reporting agency;

15 (ii) Whether the Defendant can show any permissible purpose
16 or written authorization to obtain or pull private credit information
17 about the Plaintiff or the members of the class;

18 (iii) Whether the Defendant acted willfully, as that term has been
19 interpreted under the FCRA, when it pulled or obtained the private
20 information about the Plaintiff or the members of the Class;

21 (iv) The amount of statutory damages to be assessed against the
22 Defendant;

23 (v) Whether an award of punitive damages against Defendant is
24 appropriate.
25
26
27
28

1 21. The Plaintiff's claims are the same as each member of the Class and are
2 based on the same legal and factual theories. There is nothing unusual about the
3 Plaintiff to warrant a material difference between the claims of the Plaintiff and the
4 claims of the members of the class.

5 22. Defendant's likely defenses (though unavailing) are and will be typical of
6 and the same or identical for each of the Class Members and will be based on the same
7 legal and factual theories. There are no valid unique defenses.

8 23. The named Plaintiff will fairly and adequately represent and protect the
9 interests of the Class. The named Plaintiff has retained counsel that is experienced in
10 consumer litigation. The named Plaintiff's co-counsel is also experienced in consumer
11 cases including having been appointed as class counsel in a number of class actions
12 asserting claims under consumer protection laws.

13 24. The named Plaintiff does not have any interests antagonistic to the
14 members of the Class.

15 ***Certification Under Fed. R. Civ. P. 23(b)(2) and (b)(3)***

16 25. The Defendant has acted on grounds that apply uniformly across the
17 Class, so that the statutory relief afforded pursuant to 15 U.S.C.A. § 1681n is appropriate
18 respecting the Class as a whole. Further, the common questions predominate over any
19 individual questions and a class action is superior for the fair and efficient adjudication
20 of this controversy. A class action will cause an orderly and expeditious administration
21 of Class members' claims, and economies of time, effort, and expenses will be fostered
22 and uniformity of decisions will be ensured.

23 26. There are no individual questions to establish the claims of the Plaintiff
24 and the Class Members. The claims are based on the Defendant's invasion of their
25
26
27
28

1 privacy interests in their private credit information when they did not comply with the
2 FCRA to do so.

3 27. Plaintiff's claims are typical of the claims of the class members.

4 28. The Class members have suffered damages, losses, and harm similar to
5 those sustained by the named Plaintiff. This includes the invasion of their privacy. All
6 are entitled to the statutory damages allowed by the FCRA as damages for the invasion
7 of privacy and to any punitive damages that may be awarded based on that conduct.
8

9 **COUNT I - FAIR CREDIT REPORTING ACT**

10 29. Marino incorporates the foregoing paragraphs.

11 30. In enacting the FCRA, Congress found "[t]here is a need to insure that
12 consumer reporting agencies exercise their grave responsibilities with fairness,
13 impartiality, and a respect for the consumer's right to privacy."
14

15 31. The FCRA, 15 U.S.C. § 1681 b, sets forth when the private information held
16 by Consumer Reporting Agencies may be shared with others. The FCRA provides it is
17 only permissible to obtain a credit report on a consumer with the written consent of the
18 consumer or for certain "permissible purposes, which insofar as pertinent are the
19 extension of credit to, or review or collection of an account of, the consumer,
20 employment purposes, the underwriting of insurance, or in connection with a business
21 transaction that is initiated by the consumer".
22

23 32. The requester must affirmatively certify to the consumer reporting agency
24 that a permissible purpose exists.

25 33. Defendant obtained or "pulled" the consumer report of Marino and the
26 members of the class without written permission or a "permissible purpose".
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

34. To obtain the consumer report of Marino or the class members, the Defendant had to affirmatively certify that it had either written consent or a permissible purpose.

35. The Defendant knew that it did not have either written consent or a permissible purpose.

36. The FCRA, 15 U.S.C. § 1681q, provides:

§ 1681q. Obtaining information under false pretenses
Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined under title 18, United States Code, imprisoned for not more than 2 years, or both.

37. The Defendant obtained information about Marino and the class members under false pretenses since the Defendant did not have a permissible purpose or written permission.

38. The FCRA, 15 U.S.C. § 1681n, provides:

§1681n. Civil liability for willful noncompliance
(a) In general. Any person who willfully fails to comply with any requirement imposed under this title [15 USC §§ 1681 et seq.] with respect to any consumer is liable to that consumer in an amount equal to the sum of -
(1)
(A) any actual damages sustained by the consumer as a result of the failure or damages of not less than \$ 100 and not more than \$1,000; or
(B) in the case of liability of a natural person for obtaining a Consumer report under false pretenses or knowingly without a permissible purpose, actual damages sustained by the consumer as a result of the failure or \$1,000, whichever is greater;
(2) such amount of punitive damages as the court may allow;
and
(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorneys fees as determined by the court.

37. The FCRA, 15 U.S.C. § 1681p, provides:

§ 1681p. Jurisdiction of courts; limitation of actions

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

An action to enforce any liability created under this title [15 USC §§ 1681 et seq. may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises, except that where a defendant has materially and willfully misrepresented any information required under this title [15 USC §§ 1681 et seq.] to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant’s liability to that individual under this title [15 USC §§ 1681 et seq.], the action may be brought at any time within two years after the discovery by the individual of the misrepresentation.

38. The Plaintiff and the class members have had their privacy illegally invaded as a result of Defendant’s willful actions and they are entitled to statutory damages allowed by the FCRA to compensate them for their concrete injuries.

39. The Defendant’s actions support an award of punitive damages since it acted knowingly when it accessed reports without a permissible purpose and made false certifications to pull or obtain the private information of the Plaintiff and class members.

Wherefore, the Plaintiff prays for the following relief and judgment in his favor and the members of the class and against the Defendant:

- a. The Court certify a class of persons defined herein as may be modified or amended;
- b. Appoint Plaintiff as Class Representative and Plaintiff’s counsel as Class Counsel to represent the class certified;
- c. Award statutory damages to the Plaintiff and each class member;
- d. Award punitive damages against the Defendant;
- e. Award the Plaintiff and Class their costs, including attorney fees.
- f. Award such other and further relief as may be appropriate and proper.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,
Valerie Margaret Marino,

By her Attorneys,

Christopher P. Burke, Esq.

Dated:

/s/ Christopher P. Burke
Nevada Bar No. 004093
attycburke@charter.net
702 Plumas Street
Reno, Nevada 89509
(775) 333-9277

and

Scott C. Borison
(Pro Hac Vice to be filed)
Legg Law Firm, LLP
1900 S. Norfolk Rd. Suite 350
San Mateo CA 94403
Borison@legglaw.com
(301) 620-1016
Fax: (301) 620-1018
Borison@legglaw.com

Attorneys for Plaintiff

JS 44 (Rev. 11/15)

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

VALERIE MARGARET MARINO, individually and on behalf of others similarly situated

(b) County of Residence of First Listed Plaintiff **Washoe County**
(CHECK IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Christopher P. Burke, Esq.
702 Plumas Street, Reno, Nevada 89509 Phone: (775)333-9277

DEFENDANTS

PNC Bank NA

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)
none 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)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<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 (Excludes 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 <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care <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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <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 (1395ff) <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"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <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"/> 850 Securities Commodities Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 2101 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	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 445 Amer. w. Disabilities - Employment <input type="checkbox"/> 446 Amer. w. Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)
FCRA 15 U.S.C. §1681 et. seq.
 Brief description of cause
unauthorized access to credit report/ violation of FCRA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS CHECK YES only if demanded in complaint JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions)

JUDGE: _____ DOCKET NUMBER: _____

DATE: 03/23/2017 SIGNATURE OF ATTORNEY OF RECORD: /s/ Christopher P. Burke, Esq.

FOR OFFICE USE ONLY

RECEIVED: _____ 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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action: PNC Bank Accessed Off-Limits Consumer Report](#)
