

1 David A. Chami
2 AZ Bar No. 027585
3 The Consumer Justice Law Firm
4 8245 N. 85th Way
5 Scottsdale, AZ 85258
6 T: (480) 757-6367
7 F: (480) 581-1721
8 E: dchami@cjl.law
9 Attorney for Plaintiff

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

12 Kenia Matatov,
13 *on behalf of herself and all others*
14 *similarly situated,*

15 Plaintiffs,

16 v.

17 Equifax Information Services, LLC,

18 Defendant.

Case No.:

CLASS ACTION

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

FCRA, 15 U.S.C. § 1681 *et seq.*

19 COMES NOW, Plaintiff Kenia Matatov (“Plaintiff” or “Ms. Matatov”) on behalf of
20 herself and all similarly situated individuals, alleging the following claims against
21 Defendant Equifax Information Services, LLC (“Defendant” or “Equifax”).

22 **INTRODUCTION**

23
24 1. This is a consumer class action brought against Defendant Equifax for willful
25 violations of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681e(b). This lawsuit
26 challenges Equifax’s failure to maintain reasonable procedures to ensure that it does not
27 improperly associate a consumer’s social security number with a person who is deceased.
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JURISDICTION AND VENUE

2. Jurisdiction of the court arises under 28 U.S.C. § 1331; 15 U.S.C. § 1681.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to the claim occurred in this District.

4. Defendant is a registered business entity with the Arizona Corporation Commission. Defendant is authorized to transact and does transact business within the geographic confines of the District of Arizona. Defendant operates throughout Arizona, including through related business entities it wholly controls.

5. Personal jurisdiction and venue is established by the presence of Ms. Matatov and Equifax within the District of Arizona.

PARTIES

6. Plaintiff Kenia Matatov (“Ms. Matatov”) is a natural person residing in Glendale, Arizona.

7. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3) and 15 U.S.C. § 1681a(c).

8. Defendant Equifax is a “person” as defined by 15 U.S.C. § 1681a(b) and a “consumer reporting agency” as defined by 15 U.S.C. § 1681a(f).

9. Defendant Equifax is headquartered at 1550 Peachtree Street NW, Atlanta, Georgia 30309.

10. Defendant acted through its agents, employees, officers, members, directors, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

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2
3 11. Ms. Matatov incorporates the above paragraphs of this Complaint as though they
4 are fully stated herein.

5 12. In or around November 2019, Ms. Matatov pulled her Equifax credit report.

6
7 13. Upon review, Ms. Matatov learned that Equifax was inaccurately reporting a
8 Commonwealth Financial Systems collections account (the “Account”), opened in July
9 2019, with a balance of \$1,800.

10 14. On or about January 8, 2020, Ms. Matatov sent a letter to Equifax to dispute the
11 Account.

12
13 15. In her dispute letter, Ms. Matatov indicated that she believed the Commonwealth
14 Financial Systems was inaccurate, and she requested verification of the debt associated with
15 the tradeline.

16
17 16. In Ms. Matatov’s dispute letter, she provided her full name, birthdate, home address,
18 and social security number. Ms. Matatov also attached a recent utility bill and copy of her
19 driver’s license to her dispute letter to ensure Defendant could identify her.

20 17. On or about January 17, 2020, Defendant responded to Ms. Matatov’s dispute with
21 a one-page letter including, among other things:

- 22
23 a. A clear indication that the letter was addressed to Ms. Matatov by name.
24 b. A confirmation that Defendant had received Ms. Matatov’s dispute letter.
25 c. The Social Security Administration supposedly had Ms. Matatov’s Social
26 Security number associated with a person reported as deceased.
27
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1 d. Instructions for Ms. Matatov to contact the Social Security Administration
2 and to send Defendant a “Report of Confidential Social Security Benefit
3 Information” form to clarify her “current status” as well as a special form
4 provided by Equifax.
5

6 18. Ms. Matatov was shocked to learn that Equifax had associated her social security
7 number with that of a deceased person. When Plaintiff reviewed her Equifax consumer
8 report six months earlier, there was no indication that her social security number was
9 associated with a deceased person or otherwise unverifiable.
10

11 19. Upon information and belief, Defendant had no reliable information upon which to
12 form its belief that Ms. Matatov’s social security number was associated with a deceased
13 individual.
14

15 20. Equifax does not obtain any social security information directly from the Social
16 Security Administration (“SSA”), but rather through a third party.
17

18 21. Upon information and belief, Equifax’s contract with the third-party vendor that
19 furnished the inaccurate information about Plaintiff disclaims accuracy of social security
20 information.
21

22 22. Upon information and belief, despite the fact that Equifax knows that the
23 information it obtains from its third-party vendor may be inaccurate, it makes no effort to
24 verify the information’s veracity before including it in a consumer’s credit file. Therefore,
25 Defendant’s blind reliance on the third-party vendor is unreasonable.

26 23. Instead of maintaining reasonable procedures to ensure that the social security
27 information Equifax purchases is accurate before including it in consumer reports that it
28

1 sells for a profit, Equifax expects individual consumers to personally contact the SSA to
2 verify that they are not, in fact, dead.

3
4 24. Thereafter, Defendant Equifax asks the **consumer** to provide a **confidential** report
5 from the SSA, which includes information that Equifax is not entitled to, to prove that their
6 social security number belongs to a living person.

7
8 25. Ms. Matatov has not and does not receive social security benefits, nor does she have
9 a pending claim for benefits.

10
11 26. Ms. Matatov nonetheless contacted the Social Security Administration (“SSA”),
12 which informed her that there was no record indicating that her social security number was
13 associated with a deceased person.

14
15 27. The SSA representative that Plaintiff spoke to said that Equifax had made a “human
16 error” that resulted in the improper association of her social security number with a
17 deceased person.

18
19 28. Upon information and belief, Equifax’s loose matching algorithms have combined
20 Ms. Matatov’s consumer information and with that of another individual.

21
22 29. Equifax’s letter indicated that the SSA supposedly associated Ms. Matatov’s social
23 security number with that of a deceased person.

24
25 30. Ms. Matatov’s social security number was not, in fact, associated with a deceased
26 individual as confirmed by the SSA.

27
28 31. Upon information and belief, Defendant Equifax and non-parties Experian and Trans
Union share information about consumers with each other.

32. Upon information and belief, neither Experian nor Trans Union indicated that Ms.

1 Ms. Matatov's social security number was associated with a deceased individual.

2 33. Upon information and belief, Equifax fails to maintain reasonable procedures to
3 ensure that a consumer's personal identifiers are not erroneously associated with those of a
4 deceased person.
5

6 34. Equifax has been on actual notice and for many years that its loose matching
7 algorithms frequently combine information about completely different consumers, often
8 falsely matching a **living** consumer's personal identifiers with those of a **dead** person.
9

10 35. Upon information and belief, Equifax's procedures and/or algorithms often
11 mismatch the social security numbers of people with traditionally ethnic last names.

12 36. Specifically, Equifax has known for **years** that its procedures or algorithms often
13 incorrectly associate social security numbers belonging to **living** persons who immigrated
14 to the United States and/or received social security numbers in or around 2011 with a
15 deceased person's personal identifiers.
16

17 37. Ms. Matatov was a DACA recipient who received her social security number in or
18 around 2011.
19

20 38. Equifax has been sued repeatedly for including inaccurate social security
21 information furnished by the third-party vendor in its consumer reports.

22 39. Upon information and belief, Equifax regularly sells consumer reports to its
23 customers in the banking and debt collection industries with as little as a name and any
24 previous address.
25

26 40. Despite the onerous requirements that Equifax imposed upon Plaintiff to prove that
27 she was in fact, alive, Equifax readily sold one or more consumer reports that included
28

1 Plaintiff's credit information without asking the customer(s) to provide Plaintiff's social
2 security number.

3
4 41. Upon information and belief, Equifax sold Ms. Matatov's consumer report to its
5 third-party subscriber and customer, Cisco Credit, without verifying that her social security
6 number belonged to a living person.

7
8 42. Upon information and belief, Equifax also sold Plaintiff's consumer information to
9 one or more third parties while reporting that her social security number belonged to a
10 deceased person.

11
12 43. In or around the beginning of 2020, Plaintiff applied for and was denied a Chase
13 credit card. Upon information and belief, Plaintiff's credit application was denied in whole
14 or in part because of the erroneous information in Equifax's credit file.

15
16 44. In or around 2013, Plaintiff applied for a student loan with Mountain America Credit
17 Union and was denied. Consequently, Plaintiff was not able to pursue her dream of earning
18 a college degree.

19
20 45. Upon information and belief, Plaintiff's credit application was denied in whole or
21 in part because of the erroneous information in Equifax's credit file.

22
23 46. Upon information and belief, Equifax continues to associate a variety of consumer
24 credit information with Plaintiff's personal identifiers while simultaneously alleging that
25 her social security number belongs to a deceased person.

26
27 47. Upon information and belief, Equifax knowingly maintains unreasonable and
28 deficient procedures to avoid the expense of independently verifying the social security
information it receives from third-party vendors.

1 48. Moreover, Defendant unreasonably opts for consumers to undergo the onerous and
2 unjustified verification of their identity through the SSA to avoid conducting a reasonable
3 investigation of the information itself.
4

5 49. It is wholly unreasonable for Defendant to shift the burden of ensuring maximal
6 accuracy of credit information to individual consumers.

7 50. Further, Equifax has no right to a consumer's confidential social security benefits
8 report.
9

10 51. Equifax's actions have caused Plaintiff and the putative class to suffer damages by
11 failing to maintain reasonable procedures in the collection and publication of consumer
12 information, in violation of 15 U.S.C. § 1681e(b).
13

14 CLASS ALLEGATIONS

15 52. Plaintiff incorporates the above paragraphs of this Complaint as though fully stated
16 herein.

17 53. **The Class.** Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiff
18 Brings this action for herself and on behalf of a class (the "Class") initially defined as
19 follows:
20

21 All consumers residing in the United States who were the subject of a consumer report
22 (1) in the five years preceding the date of class certification, (2) who sent a dispute to
23 Equifax about an inaccurate item reporting on the consumer's credit report; (3) for whom
24 Equifax asked to contact the Social Security Administration to verify that their social
25 security number belonged to a living person (4) and provide a "Report of Confidential
26 Social Security Benefits" to prove that their social security number belonged to a living
27
28

1 person.

2 54. **Numerosity.** Fed. R. Civ. P. 23(a)(1). Upon information and belief, the Plaintiff
3 alleges that Class members are so numerous that joinder of all is impractical. The names
4 and addresses of the Class members are identifiable through documents maintained by the
5 Defendant, and the Class members may be notified of the pendency of this action by
6 published and/or mailed notice.
7

8 55. **Common Questions of Law and Fact.** Fed. R. Civ. P. 23(a)(2). Common
9 questions of law and fact exist as to all members of the Class. These questions predominate
10 over the questions affecting only individual members. These common legal and factual
11 questions include, among other things:
12

- 13 a. Whether Equifax accurately associated the consumer's social security number
14 with a deceased person's;
- 15 b. Whether the Social Security Administration was the actual source of the
16 information associating the consumer with a deceased social security number;
17 c. Whether Equifax was reasonable in relying on the information it obtained
18 about consumer social security numbers;
19 d. Whether Equifax was justified in forcing the consumer to obtain information
20 it requested from the Social Security Administration;
21 e. Whether the type of information that Equifax required of the consumer was
22 the type of information that was relevant to whether the consumer was
23 deceased;
24 f. Whether Equifax informed the furnisher of the social security information
25 deceased;
26 g. Whether Equifax informed the furnisher of the social security information
27 deceased;
28

1 about the consumer dispute;

2 g. Whether Equifax improperly shifted the burden of proving that its report of
3 social security information was inaccurate onto the consumer;

4
5 h. Whether Equifax had a procedure in place assure maximal accuracy of the
6 consumer social security information;

7
8 i. Whether Equifax had notice that its social security number information was
9 flawed;

10 j. Whether Equifax's violation was willful and/or in reckless disregard of the
11 consumer's rights.

12 56. **Typicality.** Fed. R. Civ. P. 23(a)(3). Plaintiff's claims are typical of the claims of
13 each Class member. Plaintiff is entitled to relief under the same causes of action as the other
14 members of the Class. Upon information and belief, Equifax sent consumers who were
15 disputing inaccurate credit information the same form letter; Equifax indicated that it would
16 not commence the reinvestigation of the disputed reporting until the consumer obtained
17 information from the Social Security Administration. For class certification purposes,
18 Plaintiff seeks only statutory and punitive damages. Plaintiff will only seek individual actual
19 damages if Class Certification is denied. In addition, Plaintiff is entitled to the same relief
20 as the members of the class.
21
22

23 57. **Adequacy.** Fed. R. Civ. P. 23(a)(4). Plaintiff is an adequate representative of the
24 Class because her interests coincide with, and are not antagonistic to, the interests of the
25 members of the Class she seeks to represent; she retained counsel competent and
26 experienced in such litigation; and she intends to prosecute this action vigorously. The
27
28

1 interests of members of the Class will be fairly and adequately protected by Plaintiff and
2 her counsel.

3
4 **58. Predominance and Superiority.** Fed. R. Civ. P. 23(b)(3). Questions of law and
5 fact common to the Class members predominate over questions affecting only individual
6 members, and a class action is superior to other available methods for fair and efficient
7 adjudication for the controversy. It would be virtually impossible for the members of the
8 Class to effectively redress the wrongs done to them on an individual basis. Even if the
9 members of the Class themselves could afford such individual litigation, it would be an
10 unnecessary burden on the Courts. Furthermore, individualized litigation presents a
11 potential for inconsistent or contradictory judgments and increases the delay and expense
12 to all parties and to the court system presented by the complex legal and factual issues raised
13 by Defendant's conduct. By contrast, the Class action device will result in substantial
14 benefits to the litigants and the Court by allowing the Court to resolve numerous individual
15 claims based upon a single set of proof in a case.

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18 **59. Injunctive Relief Appropriate for the Class.** Fed. R. Civ. P. 23(b)(2). Class
19 certification is appropriate because Defendant has acted on grounds that apply generally to
20 the Class, making it appropriate to award equitable and injunctive relief with respect to
21 Plaintiff and the Class members.

22
23 **CLAIM I (CLASS CLAIM)**
24 **Violations of 15 U.S.C. § 1681e(b)**

25
26 **60.** Plaintiff incorporates the above paragraphs of this Complaint as though fully stated
27 herein.

1 61. The foregoing facts establish that Defendant willfully violated 15 U.S.C. § 1681e(b)
2 as to Plaintiff and the Class members when it failed to maintain reasonable procedures to
3 ensure maximal accuracy of the consumer information it assembles and includes in the
4 consumer reports it sells to third parties for a profit. Specifically, Defendant failed to ensure
5 the social security information it purchased from a third-party vendor was accurate before
6 including it in consumers' credit files. Instead of maintaining reasonable procedures to
7 ensure maximal accuracy, Defendant unreasonably shifted the duties imposed on consumer
8 reporting agencies by the FCRA to Plaintiff and the other Class members.
9

10
11 62. Further, Defendant violated 15 U.S.C. § 1681e(b) by providing consumer credit
12 information to its customer(s) **after** allegedly receiving notice that the relevant social
13 security number might not belong to a living person, **before** verifying that the social security
14 number did in fact belong to the specified consumer, who was alive.
15

16 63. As a direct result of Defendant's violations of 15 U.S.C. § 1681e(b), Plaintiff and
17 each Class member suffered injuries, including but not limited to: credit denials, emotional
18 distress, mental anguish, stress, embarrassment, and waste of time.
19

20 64. Defendant's conduct, actions, and inactions were willful, rendering the Defendant
21 liable for punitive damages to be decided by the court pursuant to 15 U.S.C. § 1681n.
22

23 65. In the alternative, Defendant was negligent, rendering the Defendant liable for
24 actual damages under 15 U.S.C. § 1681o.
25

26 66. The Plaintiff and each Class member are entitled to statutory damages up to \$1,000,
27 punitive damages, costs, and attorney's fees from the Defendant in an amount to be
28 determined by the Court pursuant to § 1681n and or § 1681o.

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): Kenia Matatov

County of Residence: Maricopa

County Where Claim For Relief Arose: Maricopa

Defendant(s): Equifax Information Services, LLC

County of Residence: Outside the State of Arizona

Plaintiff's Atty(s):

David Ali Chami , Attorney (Kenia Matatov)

The Consumer Justice Law Firm

8245 N. 85th Way

Scottsdale, Arizona 85258

4807576367

Defendant's Atty(s):

II. Basis of Jurisdiction:

3. Federal Question (U.S. not a party)

III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff:- N/A

Defendant:- N/A

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

480 Consumer Credit

VI. Cause of Action:

Plaintiff alleges violations of the FCRA 15 USC 1681

VII. Requested in Complaint

Class Action: **Yes**

Dollar Demand:

Jury Demand: **Yes**

VIII. This case is not related to another case.

Signature: /s/David A. Chami

Date: 6/22/2021

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims Equifax Matches Consumers' Social Security Numbers with Deceased Individuals](#)
