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Attorneys for Plaintiff:  
SURAYA POPAL

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

SURAYA POPAL, individually and on  
behalf of others similarly situated,

Plaintiff,

vs.

BANK OF AMERICA,

Defendant.

) Case No. '17CV0042 BTM BGS

) **CLASS ACTION**

) **COMPLAINT FOR DAMAGES FOR  
VIOLATION OF THE FAIR CREDIT  
REPORTING ACT 15 U.S.C. § 1681,  
ET SEQ.**

) **DEMAND FOR JURY TRIAL**

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1 Plaintiff SURAYA POPAL alleges as follows:

2 **INTRODUCTION**

3 1. Plaintiff SURAYA POPAL (hereinafter referred to as “Plaintiff”), brings  
4 this lawsuit against Defendant BANK OF AMERICA (hereinafter “Defendant” or  
5 “BOFA”) with regard to Defendant’s unauthorized and unlawful credit inquiry in  
6 violation of the Fair Credit Reporting Act (“FCRA”).

7 2. Plaintiff brings this action to seek actual damages, statutory damages,  
8 injunctive relief, attorneys’ fees and costs, and other relief the Court deems  
9 appropriate.

10 3. Plaintiff alleges as follows, upon personal knowledge as to herself and  
11 her own acts and experiences, and, as to all other matters, upon information and  
12 belief, including investigation conducted by her attorneys.

13 4. Plaintiff makes these allegations on information and belief, with the  
14 exception of those allegations that pertain to Plaintiff, or to a Plaintiff’s counsel,  
15 which Plaintiff alleges on personal knowledge.

16 5. While many violations are described below with specificity, this  
17 Complaint alleges violations of the statutes cited in their entirety.

18 6. Unless otherwise stated, Plaintiff alleges that any violations by  
19 Defendant were knowing and intentional, and that Defendant did not maintain  
20 procedures reasonably adapted to avoid any such violations.

21 7. Unless otherwise indicated, the use of Defendant in this Complaint  
22 includes all agents, employees, officers, members, directors, heirs, successors,  
23 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of  
24 Defendant.

25 **PARTIES**

26 8. Plaintiff is, and at all times mentioned herein was, an individual, residing  
27 in the State of California.

28 9. Plaintiff is a natural person whose credit report was affected by an

1 unauthorized inquiry. In addition, Plaintiff is a “consumer” as that term is defined by  
2 the Fair Credit Reporting Act, 15 U.S.C. section 1681a(c).

3 10. Plaintiff is informed and believes, and thereupon alleges, that Trans  
4 Union LLC (hereinafter “Trans Union”) is a “consumer reporting agency” as defined  
5 under 15 U.S.C. section 1681a(f).

6 11. Plaintiff is informed and believes, and thereupon alleges, that Defendant  
7 BOFA is, and at all times mentioned herein was, a bank conducting and engaging in  
8 business in the County of San Diego, State of California.

9 12. Defendant BOFA is a subscriber and user of consumer reports issued by  
10 Trans Union.

11 13. Plaintiff is informed and believes, and thereupon alleges, that Defendant  
12 BOFA acquired Plaintiff’s credit information through an unauthorized inquiry of  
13 Plaintiff’s “consumer report” as that term is defined by 15 U.S.C. section 1681a(d)(1).

14 **JURISDICTION AND VENUE**

15 14. This Court has jurisdiction under 28 U.S.C. section 1331, and 28 U.S.C.  
16 section 1367 for supplemental state claims.

17 15. This action arises out of Defendant’s violations of the FCRA. Because  
18 Defendant does business within the State of California, County of San Diego,  
19 personal jurisdiction is established.

20 16. Venue is proper pursuant to 28 U.S.C. section 1391(b).

21 **RELEVANT FACTS**

22 17. At all times relevant, Plaintiff is and was an individual residing within  
23 the State of California.

24 18. Plaintiff is informed and believes, and thereon alleges, that at all times  
25 relevant, Defendant conducted business in the State of California.

26 19. Plaintiff is informed and believes, and thereon alleges, that Defendant is  
27 a “person” as the term is defined by 15 U.S.C. section 1681a(b).

28 20. Plaintiff does not have a pre-existing business relationship with

1 Defendant BOFA.

2 21. On January 6, 2017, upon review of her Trans Union credit report,  
3 Plaintiff discovered that Defendant BOFA accessed her Trans Union credit file on  
4 October 1, 2016. In connection therewith, Defendant made a general or specific  
5 certification to Trans Union that Defendant sought the information because it had a  
6 legitimate business need for the information in connection with a business transaction  
7 initiated by Plaintiff or to review an account to determine whether Plaintiff continued  
8 to meet the terms of said account.

9 22. Plaintiff never conducted any business nor incurred any additional  
10 financial obligations to Defendant BOFA.

11 23. 15 U.S.C. section 1681b delineates the only permissible uses of, or  
12 access to, consumer reports, including “to use the information in connection with a  
13 credit transaction involving the consumer on whom the information is to be furnished  
14 and involving the extension of credit to, or review or collection of an account of, the  
15 consumer.” 15 U.S.C. § 1681b(a)(3)(A).

16 24. Defendant’s inquiry for Plaintiff’s consumer report information, without  
17 Plaintiff’s consent, falls outside the scope of any permissible use or access included in  
18 15 U.S.C. section 1681b.

19 25. Therefore, Defendant violated 15 U.S.C. section 1681b by using  
20 Plaintiff’s consumer report for an impermissible use that falls outside the scope of 15  
21 U.S.C. section 1681b.

22 26. Defendant BOFA’S actions were willful under 15 U.S.C. section 1681n  
23 because Defendant was aware of the FCRA’s prohibitions on impermissibly pulling  
24 consumers’ credit reports. *See Doe v. Sentech Employment Services, Inc.*, (2016 WL  
25 2851427, \*6 (E.D. Mich. May 16, 2016) citing *Singleton v. Domino’s Pizza, LLC*,  
26 2012 WL 245965, \*4 (D. Md. Jan. 25, 2012) [“Assertions that a defendant is aware of  
27 the FCRA, but failed to comply with its requirements, are sufficient to support an  
28 allegation of willfulness and to avoid dismissal.”]. Defendant’s actions were willful

1 because it was sued for the same conduct before. *See Barel v. Bank of America*, 255  
2 F.R.D. 393 (E.D. Pa. 2009).

3 27. Plaintiff suffered an invasion of a legally protected interest when  
4 Defendant accessed her highly confidential personal information on her credit report  
5 at a time when Defendant had no right to do so, an invasion of Plaintiff's right to  
6 privacy. The FCRA, through 15 U.S.C. section 1681b, protects consumers like  
7 Plaintiff from this precise behavior.

8 28. The FCRA expressly provides that Congress made the following finding:  
9 "There is a need to insure that consumer reporting agencies exercise their grave  
10 responsibilities with fairness, impartiality and a respect for the consumer's right to  
11 privacy." 15 U.S.C. § 1681a(4).

12 29. Plaintiff was affected personally because when she realized the behavior  
13 of Defendant described above (pulling her credit report without any authorization),  
14 Plaintiff felt that her privacy had been invaded and that her personal and private  
15 information had been disclosed to Defendant, who had no right to Plaintiff's  
16 information.

17 30. The injury suffered by Plaintiff is concrete because, on information and  
18 belief, Defendant's violation of 15 U.S.C. section 1681b caused Plaintiff's credit  
19 score to drop directly impacting Plaintiff's credit availability and finances. Plaintiff  
20 also suffered from Defendant's invasion of Plaintiff's privacy. In enacting 15 U.S.C.  
21 section 1681b, Congress specifically sought to protect consumers from invasions of  
22 privacy and created restrictions on access to consumers' sensitive financial  
23 information in their credit reports.

24 31. Further, Defendant BOFA increased the risk that Plaintiff and the class  
25 members will be injured if there is a data breach on Defendant's computer systems by  
26 acquiring additional highly sensitive information about Plaintiff and the class  
27 members and saving that information onto its computer system. Data breaches are  
28

1 increasingly common<sup>1</sup> and financial institutions like Defendant are frequent targets of  
2 cybercriminals.<sup>2</sup>

3 32. As such, Plaintiff is entitled to the remedies available under 15 U.S.C.  
4 section 1681n and 15 U.S.C. section 1681o.

### 5 **CLASS ALLEGATIONS**

6 33. Plaintiff brings this action on her own behalf, and on behalf of all others  
7 similarly situated.

8 34. Plaintiff defines the FCRA Class as follows:

#### 9 **CLASS ONE**

10 All persons with addresses within California whose consumer  
11 credit report from any of these three major credit agencies  
12 (Experian, Trans Union, and Equifax) were accessed by  
13 Defendant at a time when Defendant did not have a credit  
14 relationship with said person of the kind specified in 15 U.S.C.  
15 § 1681b(a)(3)(A)-(F) within the past 2 years.

#### 16 **CLASS TWO**

17 All persons with addresses within California whose consumer  
18 credit report from any of these three major credit agencies  
19 (Experian, Trans Union, and Equifax) were accessed by  
20 Defendant at a time when Defendant did not have a credit  
21 relationship with said person of the kind specified in 15 U.S.C.  
22 § 1681b(a)(3)(A)-(F) within the past 5 years.

23 35. Defendant and its employees or agents are excluded from the Classes.  
24 Plaintiff does not know the number of members in the Classes, but believes the  
25 number is in the hundreds if not more. This matter should therefore be certified as a  
26 Class action to assist in the expeditious litigation of this matter.

27 36. Plaintiff and members of the Classes were harmed by the acts of  
28 Defendant in at least the following ways: Defendant BOFA, either directly or through

<sup>1</sup> See Data Breaches, Kerbs, available at <http://krebsonsecurity.com/category/data-breaches/>

<sup>2</sup> See <http://www.esecurityplanet.com/network-security/capital-one-acknowledges-insider-breach.html>; Also see [http://ago.vermont.gov/assets/files/Consumer/Security\\_Breach/2013-12-30%20Capital%20One%20Security%20Breach%20Notice%20Ltr%20to%20Consumer.pdf](http://ago.vermont.gov/assets/files/Consumer/Security_Breach/2013-12-30%20Capital%20One%20Security%20Breach%20Notice%20Ltr%20to%20Consumer.pdf).

1 its agents, engaged in illegal and deceptive practices, when it submitted an  
2 unauthorized consumer report inquiry under 15 U.S.C. section 1681 et seq. Plaintiff  
3 and the Classes' members were damaged thereby.

4 37. This suit seeks only recovery of actual and statutory damages on behalf  
5 of the Classes, and it expressly is not intended to request any recovery for personal  
6 injury and claims related thereto. Plaintiff reserves the right to expand the Classes'  
7 definitions to seek recovery on behalf of additional persons as warranted as facts are  
8 learned in further investigation and discovery.

9 38. The joinder of the Classes' members is impractical and the disposition of  
10 their claims in the Class action will provide substantial benefits both to the parties and  
11 to the court. The Classes can be identified through Defendant's records or  
12 Defendant's agents' records.

13 39. There is a well-defined community of interest in the questions of law and  
14 fact involved affecting the parties to be represented. The questions of law and fact to  
15 the Classes predominate over questions which may affect individual members of the  
16 Classes, including the following:

17 a) Whether, within the class period, Defendant or its agents submitted any  
18 consumer credit report inquiries; and

19 b) Whether Plaintiff and the members of the Classes were damaged thereby,  
20 and the extent of damages for such violations.

21 40. Plaintiff will fairly and adequately protect the interest of the Classes.

22 41. Plaintiff has retained counsel experienced in consumer class action  
23 litigation and in handling claims involving violations of the Fair Credit Reporting  
24 Act.

25 42. Plaintiff's claims are typical of the claims of the Classes, which all arise  
26 from the same operative facts involving unlawful collection practices.

27 43. A class action is a superior method for the fair and efficient adjudication  
28 of this controversy.







(2) the purpose is certified in accordance with section 1681e of this title by a prospective user of the report through a general or specific certification.

52. 15 U.S.C. section 1681b(a)(3) lists the all-inclusive purposes for which a consumer report can be obtained.

53. 15 U.S.C. section 1681b(a)(3) states in relevant part as follows:

**In General.** [...] Any consumer reporting agency may furnish a consumer report under the following circumstances and no other:

(3) To a person which it has reason to believe—

(A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

[...]

(F) otherwise has a legitimate business need for the information—

(i) in connection with a business transaction that is initiated by the consumer; or

(ii) to review an account to determine whether the consumer continues to meet the terms of the account.

54. When requesting Plaintiff's credit information from Trans Union, Defendant BOFA had actual knowledge that it did not have a permissible purpose to obtain such credit information concerning Plaintiff.

55. For Defendant BOFA to repeatedly and impermissibly access the credit files of consumers without permission, constitutes willful non-compliance with the Fair Credit Reporting Act; this is especially true because Defendant has been sued, and settled a class action case, involving this same conduct. *See Barel v. Bank of America*, 255 F.R.D. 393 (E.D. Pa. 2009).

56. As a result of each and every negligent violation of the FCRA, Plaintiff is entitled to actual damages, pursuant to 15 U.S.C. section 1681o(a)(1); and reasonable attorney's fees and costs pursuant to 15 U.S.C. section 1681o(a)(2), from Defendant.

57. As a result of each and every willful violation of the FCRA, Plaintiff is entitled to actual damages or damages of not less than \$100 and not more than \$1,000 and such amount as the court may allow for all other class members, pursuant to 15 U.S.C. section 1681n(a)(1)(A); punitive damages as the court may allow, pursuant to 15 U.S.C. section 1681n(a)(2); and reasonable attorney's fees and costs pursuant to 15 U.S.C. section 1681n(a)(3) from Defendant.

### **REQUEST FOR PRESERVATION OF EVIDENCE**

1. Preserve all forms of electronic data, regardless of where the data exists, without modification to or deletion of any potentially discoverable data;

2. Suspend all procedures that may alter or delete computer data;

3. Prevent deleting, overwriting, defragmenting, or compressing the data;

4. Preserve all archived back-up tapes and ensure that (a) if archive tapes are rotated, the relevant tapes are removed from the rotation; (b) if backups are made to hard drives, preserve the hard drive as well;

5. Preserve the contents of all hard drives, network drives, tape drives, optical drives, floppy disks, CD and DVD drives, and all other types of drives or storage media that are within the possession, custody or control of all people who have knowledge of relevant facts and those who work with them, such as assistants;

6. Preserve the contents of all information on portable computers—such as laptops and palmtops—used by those people as well as home computers, if these are used for work purposed;

7. Preserve the contents of all data on computers that were used since the limitations period on the lawsuit began (for example; five years prior to filing) but that are no longer in use; and

8. Disclose electronic information in the Rule 26 initial disclosures.

**REQUEST FOR JURY TRIAL**

As declared by the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

**PRAYER FOR DAMAGES AND OTHER REMEDIES**

1. An order certifying the Class as requested herein;
2. An order appointing the Plaintiff as the representative of the Class;
3. An order certifying Plaintiff's counsel as Class Counsel;
4. An order requiring Defendant, at its own cost, to notify all members of the Classes of the unlawful acts discussed herein;
5. Injunctive relief requiring Defendant to refrain from further impermissible consumer credit pulls in compliance with 15 U.S.C. section 1681b;
6. Actual damages suffered by Plaintiff and each Class member, pursuant to 15 U.S.C. § 1681o(a)(1), against Defendant;
7. Statutory damages of not less than \$100 and not more than \$1,000 to Plaintiff and each Class member, pursuant to 15 U.S.C. § 1681n(a)(1), against Defendant;
8. An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. §§ 1681n(a)(3) and 1681o(a)(2); and
9. Any and all other relief that this Court deems just and proper.

Respectfully Submitted,

DATED: January 10, 2017

**MASHIRI LAW FIRM**

A Professional Corporation

By: /s/ Alex Asil Mashiri

Alex Asil Mashiri

Attorney for Plaintiff

SURAYA POPAL

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## 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**  
SURAYA POPAL

(b) County of Residence of First Listed Plaintiff San Diego, California  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
MASHIRI LAW FIRM, A Professional Corporation  
11251 Rancho Carmel Dr. # 500694, San Diego, CA 92150  
Tel: 858 348-4938

**DEFENDANTS**  
BANK OF AMERICA

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)

**'17CV0042 BTM BGS**

**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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <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 <b>LABOR</b> <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 <b>IMMIGRATION</b> <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <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"/> 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 checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input 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
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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 <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <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 <b>Other:</b> <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):

15 U.S.C. section 1681 et. seq.,

Brief description of cause:

Violation of the Fair Credit Reporting Act

**VII. REQUESTED IN COMPLAINT:**

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
10,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

01/10/2017

SIGNATURE OF ATTORNEY OF RECORD

s/ Alex Asil Mashiri

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

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## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If 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.

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This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Says Bank of America Made Unauthorized Credit Inquiries](#)

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