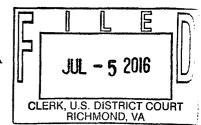
IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division



OLGA ANDERSON,

KIM BREEDEN, and

BRENDA WALKER on behalf of themselves

and all other similarly situated individuals,

:

Plaintiffs,

CIVIL ACTION NO.

v.

:

TRANS UNION, LLC

SERVE: Corporation Service Company

Bank of America Center, 16th Floor

1111 East Main Street Richmond VA, 23219

:

Defendant.

CLASS ACTION COMPLAINT

The Plaintiffs, Olga Anderson, Kim Breeden, and Brenda Walker (hereafter "Plaintiffs"), by counsel, on behalf of themselves and all similarly situated individuals, allege as follows:

PRELIMINARY STATEMENT

- 1. This is a consumer class action brought for willful violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq. ("FCRA"), against Defendant Trans Union, LLC ("Trans Union"). Plaintiffs allege a class claim under 15 U.S.C. § 1681e(b). Trans Union diligently collects the initial disposition of public records, including civil judgments and tax liens. However, when a later event occurs with respect to those records, such as when a civil judgment is satisfied, vacated, appealed, or otherwise dismissed, or when a tax lien is withdrawn or released, Trans Union does not collect the subsequent disposition.
 - 2. Plaintiffs and each putative class member were the subject of a consumer report

sold to a third party which inaccurately reflected that the underlying civil judgment or tax lien against them was still due and owing when it was not.

JURISDICTION

- 3. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681(p).
- 4. Venue is proper in this Court under 28 U.S.C. § 1391(b) as Trans Union regularly conducts business in this district and division.

PARTIES

- 5. Each Plaintiff is a natural person and a consumer as defined by 15 U.S.C. § 1681a(c).
- 6. Defendant Trans Union, LLC ("Trans Union") is a foreign limited liability company doing business in Virginia. At all times relevant to this complaint, it was a "consumer reporting agency" as defined by the FCRA at 15.U.S.C. § 1681a(f).

FACTS

Facts pertaining to all Plaintiffs

- 7. Trans Union produced reports about Plaintiffs and each putative class member which contained inaccurate public record information.
- 8. Virginia's court records relating to both civil judgments and tax liens are maintained in a uniform and centralized manner.
- 9. Unlike credit accounts, Trans Union affirmatively seeks out and purchases public record data, including civil judgments and tax liens, to report to the world about consumers when it sells their credit files. It proactively gathers and disseminates this derogatory information even though there is nothing in the FCRA that affirmatively requires it to do so. The reporting of

unpaid civil judgments and tax liens primarily benefits Trans Union's customer base, which relies on the reporting of these public records as a collection tool.

- 10. Trans Union has used a series of different vendors over the years. Originally, these vendors relied on in-person manual reviews of courthouse records to collect civil judgment and tax lien information. Typically, clerk's offices would make available copies of termination records—satisfactions, dismissals, vacatures, appeals, tax lien releases, and tax lien withdrawals. Weekly update reports were made available. Docket books were examined. A careful, in-person review was conducted.
- 11. However, sometime after 2006, Trans Union and its vendors stopped this more careful process and began collecting civil judgment and tax lien information solely from automated resources.
- 12. After the switch to this automated process, Trans Union and its vendor rarely collected any judgment disposition or tax lien release/withdrawal information. And the only "inperson" review to verify the automated data was attempted only after a consumer made a formal dispute, and even then, only rarely. In short, Trans Union was publishing civil judgment and tax lien data that it knew would be inaccurate if a satisfaction, dismissal, vacatur, appeal, release, or withdrawal had occurred—relying on consumers to clean up their own files via the dispute process after learning of the inaccuracy, rather than paying to have these "dispositions" collected with the same vigor that it collected records of the initial entry of judgment or lien.
- 13. Upon information and belief, the methods and processes that Trans Union and its vendor used to gather Virginia General District Court satisfactions, vacaturs, appeals, and other dismissals and lien releases and withdrawals was materially the same throughout the class

period.

- 14. At all times pertinent to this Complaint, Trans Union's conduct regarding the collection of judgment disposition and tax lien release/withdrawal information was willful and carried out in reckless disregard for a consumer's rights as set forth under the FCRA. By example only and without limitation, Trans Union's conduct was willful because it was intentionally accomplished through intended procedures and as Trans Union's diligence in collecting and reporting derogatory information is believed by it to be of greater economic value to its paying customers than "disposition" information that demonstrated that the debt was no longer owed to those customers.
- 15. In fact, Trans Union was previously sued in this Court for the exact conduct alleged in this case. *Soutter v. Trans Union. LLC*, Civil Action No. 3:10-cv-514-HEH (E.D. Va.).
- 16. Despite this prior lawsuit, Trans Union has not sufficiently modified its procedures to comply with the FCRA's requirement that it ensure that the credit reports it prepares about consumers are as accurate as possible. 15 U.S.C. § 1681e(b). Therefore, its violations of they relate to the Plaintiffs and the putative class members was willful.
- 17. At all times pertinent to this Complaint, Trans Union 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 Trans Union's direct supervision and control.

Facts pertaining to Plaintiff Olga Anderson

- 18. On or around January 6, 2012, Capital One Bank, N.A. obtained a judgment against Plaintiff Anderson in Richmond City General District Court.
 - 19. Plaintiff satisfied this judgment and a Notice of Satisfaction was filed with the

Richmond General District Court on July 8, 2015.

- 20. On or around September 30, 2015, Plaintiff Anderson requested a copy of her consumer disclosure from Trans Union.
- 21. Trans Union responded to Plaintiff Anderson's request and provided her with a consumer disclosure dated September 30, 2015.
- 22. This and other consumer reports that Trans Union provided to Plaintiff and her potential creditors after the date of the filing of the Notice of Satisfaction falsely stated that the judgment was still outstanding and unpaid.

Facts pertaining to Plaintiff Kim Breeden

- 23. On or around December 10, 2008, Capital One Bank, N.A. obtained a judgment against Plaintiff Breeden in Richmond City General District Court.
- 24. Plaintiff Breeden satisfied this judgment and a Notice of Satisfaction was filed with the Richmond General District Court on July 29, 2015.
- 25. On or around September 29, 2015, Plaintiff Breeden requested a copy of her consumer disclosure from Trans Union.
- 26. Trans Union responded to Plaintiff Breeden's request and provided her with a consumer disclosure dated September 29, 2015.
- 27. This and other consumer reports that Trans Union provided to Plaintiff and her potential creditors after the date of the filing of the Notice of Satisfaction falsely stated that the judgment was still outstanding and unpaid.

Facts pertaining to Plaintiff Brenda Walker

28. On or around January 7, 2013, the Internal Revenue Service filed a federal tax

lien against Plaintiff Walker in Hanover County Circuit Court.

- 29. Plaintiff Walker thereafter satisfied this lien and the IRS filed a Certificate of Release of Federal Tax Lien in Hanover County Circuit Court on February 17, 2016.
- 30. On or around June 27, 2016, Plaintiff Walker requested a copy of her consumer disclosure from Trans Union.
- 31. Trans Union responded to Plaintiff Walker's request and provided her with a consumer disclosure dated June 27, 2016. Additionally, Trans Union sold Plaintiff Walker's consumer report containing the inaccurate judgment information to various entities.
- 32. This and other consumer reports that Trans Union provided to Plaintiff and her potential creditors after the date of the filing of the Release of Federal Tax Lien falsely stated that the lien was still outstanding and unpaid.

COUNT ONE: Violation of 15 U.S.C. § 1681e(b)

- 33. Plaintiffs restate each of the allegations in the preceding paragraphs as if set forth at length herein.
- 34. Plaintiffs bring this action individually and as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure, on behalf of the following Class:

All natural persons who meet the following definitional requirements:

SUBCLASS 1: (a) the computer database of the Executive Secretary of the Supreme Court of Virginia shows that the person was the defendant in a Virginia General District Court civil action or judgment, (b) as of a date which falls 20 days following the Court's certification of this class, the computer database of the Executive Secretary of the Supreme Court of Virginia shows that the civil action or judgment was dismissed, satisfied, appealed, or vacated on or after December 20, 2013 ("the disposition date"), (c) Trans Union's records note that a consumer report regarding the person was furnished 15 days or more following the entry of the judgment disposition and within the two year period

preceding the filing date of this case, and (d) wherein such consumer report did not reflect the disposition status of the judgment.

SUBCLASS 2: (a) the Virginia Circuit Court land records show that the person was the subject of a federal or state tax lien filing, (b) the land records also show that a release or withdrawal of the tax lien was subsequently filed, (c) Trans Union's records note that a consumer report regarding the person was furnished 15 days or more following the date of the lien release or withdrawal filing and within the two year period preceding the filing date of this case, and (d) wherein such consumer report did not reflect that the tax lien had been released or withdrawn.

- 35. Numerosity. Fed. R. Civ. P. 23(a)(1). Upon information and belief, the Plaintiffs allege that the Class is so numerous that joinder of the claims of all class members is impractical. The names and addresses of the Class members are identifiable through documents maintained by the Defendant and through publically available court records, and the Class members may be notified of the pendency of this action by published and/or mailed notice.
- 36. Existence and Predominance of Common Questions of Law and Fact. Fed. R. Civ. P. 23(a)(2). Common questions of law and fact exist as to all members of the Class. These questions predominate over the questions affecting only individual members. These common legal and factual questions include by example only and without limitation:
 - a. Whether Trans Union adopted procedures that collected and reported updates to public record civil judgments and tax liens that were less systematic and effective than those it used to collect and report the underlying public records;
 - b. Whether Trans Union's uniform procedure for collecting civil judgment and tax lien dispositions (including those of its agent) was a reasonable procedure to ensure maximum possible accuracy in the credit reports it furnished;
 - c. Whether Trans Union did so recklessly, knowingly, or intentionally in conscious disregard of the rights of the consumer class members; and
 - d. Whether Trans Union's conduct constituted violations of the FCRA.
 - 37. Typicality. Fed. R. Civ. P. 23(a)(3). Plaintiffs' claims are typical of the claims of

each Class member. Plaintiffs are entitled to relief under the same cause of action as the other members of the class. The procedures for both credit reporting and collecting the public record dispositions were the same. The willfulness evidence is the same. And the time period within which all actions relevant to this class claim took place is the same.

- 38. Adequacy. Fed. R. Civ. P. 23(a)(4). Plaintiffs are adequate representatives of the Class because their interests coincide with and are not antagonistic to the interests of the members of the class they seek to represent; they have retained counsel competent and experienced in such litigation; and they have prosecuted this action vigorously. Plaintiffs and their counsel will fairly and adequately protect the interests of members of the Class.
- 39. Superiority. Fed. R. Civ. P. 23(b)(3). As alleged above, 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. Further, individual prosecution would prove burdensome and expensive given the complex and extensive litigation necessitated by Defendant's conduct and the limited availability of legal representation for such prosecutions. 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 Court. 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

case.

- 40. Defendant violated 15 U.S.C. § 1681e(b) as to the Plaintiffs and to the Class by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the consumer reports it furnished regarding the Plaintiffs and other class members.
- 41. By example only and without imitations, the rights at issue were determined by Congress to be important measures of Trans Union's process to ensure continued accuracy and completeness in its files and reports.
- 42. In each instance for each §1681e(b) class member, their actual credit reports were materially inaccurate and reported a major derogatory public record that Trans Union was legally obligated to correct and omit.
- 43. Defendant's violation of 15 U.S.C. § 1681e(b) was willful, rendering the Defendant liable pursuant to 15 U.S.C. § 1681n.
- 44. The Plaintiffs and each class member suffered an actual injury and loss because of Defendant's violation of 15 U.S.C. § 1681e(b) as alleged herein.
- 45. The Plaintiffs and each Class member are entitled to recover statutory damages up to \$1,000, punitive damages, costs, and attorney's fees from the Defendant in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n.

WHEREFORE, Plaintiffs, on behalf of themselves and the putative class members, move for class certification and for statutory and punitive damages, as well as their attorney's fees and costs against the Defendant, for pre-judgment and post-judgment interest at the legal rate, and such other relief the Court does deem just, equitable, and proper.

TRIAL BY JURY IS DEMANDED.

Respectfully submitted,

PLAINTIFFS, on behalf of themselves and all others similarly situated individuals

y: _(__

Matthew J. Erausquin, VSB No. 65434 Casey S. Nash, VSB No. 84261 Consumer Litigation Associates, P.C. 1800 Diagonal Road, Suite 600

Alexandria, VA 22314 Tel: (703) 273-7770 Fax: (888) 892-3512 matt@clalegal.com casey@clalegal.com

Leonard A. Bennett, VSB No. 37523 Consumer Litigation Associates, P.C. 763 J. Clyde Morris Blvd., Suite 1-A Newport News, VA 23601 Tel: (757) 930-3660 Fax: (757) 257-3450 lenbennett@clalegal.com

Kristi Cahoon Kelly, VSB #72791
Andrew J. Guzzo, VSB #82170
Kelly & Crandall, PLC
4084 University Drive, Suite 202A
Fairfax, Virginia 22030
(703) 424-7576 Telephone
(703) 591-9285 - Facsimile
E-mail: kkelly@kellyandcrandall.com
E-mail: aguzzo@kellyandcrandall.com

Counsel for the Plaintiffs

JS 44 (Rev. 07/16)

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 Olga Anderson, Kim Breeden, and Brenda Walker, on behalf of themselves and all others similarly situated				DEFENDANTS Trans Union, LLC					
(b) County of Residence of First Listed Plaintiff Richmond City (EXCEPT IN U.S. PLAINTIFF CASES)				County of Residence	e of First Lis	ted Defendant			
				NOTE: IN LAND C		PLAINTIFE CASES (ION CASES, USE T		OF \\//	
				THE TRAC	T OF LAND	NVOLVED.	THE LOCATION	OF \	4
(c) Attorneys (Firm Name, Address, and Telephone Number) Casey S. Nash and Matthew J. Erausquin Consumer Litigation Associates, P.C. 1800 Diagonal Rd., Ste. 600, Alexandria, VA 22314; 703-273-777				Attorneys (If Known))		JUL - 5	2016	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)				TIZENSHIP OF F	PRINCIPA	AL PARTIES	(, U.S. DIST	CONVIBOR O	OURT
U.S. Government Plaintiff	3 Federal Question (U.S. Government	-		(For Diversity Cases Only) P	TF DEF	\	rincipal Place	or Defende PTF	DEF
2 U.S. Government			Citizo	en of Another State	12 🗇 2	Incorporated and of Business In		O 5	o 5
				Citizen or Subject of a 3 3 Foreign Nation 6 6 6 Foreign Country					
IV. NATURE OF SUIT									
CONTRACT 110 Insurance		ORTS PERSONAL INJUR		DRFEITURE/PENALTY	1	NKRUPTCY		STATUT	ES
☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument	☐ 310 Airplane ☐ 365 Person☐ 315 Airplane Product Produ			25 Drug Related Seizure of Property 21 USC 881 20 Other	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157		☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment		
☐ 150 Recovery of Overpayment	320 Assault, Libel &	Pharmaceutical	- 1		PROPE	RTY RIGHTS	400 State R		ment
& Enforcement of Judgment 151 Medicare Act	Slander ☐ 330 Federal Employers'	Personal Injury Product Liability			☐ 820 Copy ☐ 830 Pater		☐ 430 Banks a ☐ 450 Comme		g
☐ 152 Recovery of Defaulted	Liability	368 Asbestos Personal			☐ 840 Trad		☐ 460 Deports		
Student Loans (Excludes Veterans)	☐ 340 Marine ☐ 345 Marine Product	Injury Product Liability	_	LABOR	SOCIAL	SECTION	470 Rackete		
☐ 153 Recovery of Overpayment	Liability	PERSONAL PROPER	TY 0 71		☐ 861 HIA	SECURITY (1395ff)	2 480 Consun	: Organizat ner Credit	ions
of Veteran's Benefits 160 Stockholders' Suits	350 Motor Vehicle 355 Motor Vehicle	370 Other Fraud		Act	☐ 862 Blace	k Lung (923)	490 Cable/S	at TV	
☐ 190 Other Contract	Product Liability	☐ 371 Truth in Lending ☐ 380 Other Personal	0 72	Labor/Management Relations	□ 863 DIW	C/DIWW (405(g)) Title XVI	☐ 850 Securiti Exchar		dities/
☐ 195 Contract Product Liability	☐ 360 Other Personal	Property Damage		0 Railway Labor Act	☐ 865 RSI		☐ 890 Other S	tatutory A	ctions
☐ 196 Franchise	Injury ☐ 362 Personal Injury -	☐ 385 Property Damage Product Liability	O 75	I Family and Medical Leave Act			891 Agricul		
	Medical Malpractice			0 Other Labor Litigation			893 Enviror		
REAL PROPERTY 210 Land Condemnation	CIVIL RIGHTS	PRISONER PETITION	NS 0 79	1 Employee Retirement		AL TAX SUITS	Act		
210 Land Condentination 220 Foreclosure	440 Other Civil Rights 441 Voting	Habeas Corpus: 463 Alien Detainee	ı	Income Security Act		☐ 870 Taxes (U.S. Plaintiff or Defendant)		tion strative Pro	
230 Rent Lease & Ejectment	☐ 442 Employment	☐ 510 Motions to Vacate				-Third Party	1	iew or Ap	
240 Torts to Land 245 Tort Product Liability	443 Housing/	Sentence			26 U	ISC 7609	Agency	Decision	
290 All Other Real Property	Accommodations 445 Amer. w/Disabilities -	530 General 535 Death Penalty	7.54	IMMIGRATION	ł		5 950 Constitutionality of State Statutes		
	Employment	Other:	D 46	2 Naturalization Application	1		June	atutes	
	446 Amer. w/Disabilities - Other	 540 Mandamus & Othe 550 Civil Rights 	er 🗇 46:	5 Other Immigration			j		
	448 Education	555 Prison Condition		Actions					
		☐ 560 Civil Detainee -			ł				
		Conditions of Confinement							
V. ORIGIN (Place an "X" in	One Box Only)				.L		•		
🔀 I Original 🔲 2 Ren	noved from	Remanded from C Appellate Court	J 4 Reins Reop	stated or 5 Transfe ened Anothe (specify)	r District	6 Multidistr Litigation Transfer		Multidist Litigation Direct Fi	1 -
VI. CAUSE OF ACTIO	1 15 U.S.C. 1681 4	et seq.	e filing (D	o not cite jurisdictional stat					
	Violations of the f	air Credit Reporting	g Act						
VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION DEMAND S CHECK YES only if demanded in complaint: UNDER RULE 23, F.R.Cv.P. DEMAND: MYES DO NO							t:		
VIII. RELATED CASE IF ANY	(See instructions):	JUDGE Lauck		^	DOCKE	T NUMBER 3:1	71		
DATE 07/01/2016		SIGNATURE OF ATT	ORNEY O	F RECORD	-		1/		
FOR OFFICE USE ONLY					/ -	11	+		
RECEIPT # AM	OUNT	APPLYING IFP		JUDGE	/	MAG. JUE	OGE		

Case 3:16-cv-00558-MHL Document 1-2 Filed 07/05/16 Page 1 of 1 PageID# 12

Consumer Litigation Associates, P.C.

ATTORNEYS AND COUNSELORS AT LAW

A PROFESSIONAL CORPORATION

HAMPTON ROADS OFFICE:

763 J. Clyde Morris Blvd. • Suite 1-A Newport News, Virginia 23601

NORTHERN VIRGINIA OFFICE:

1800 Diagonal Road • Suite 600 Alexandria, Virginia 22314

Casey S. Nash, Esq. casey@clalegal.com (703) 273-7770 Phone (888) 892-3512 Facsimile

REPLY TO: NORTHERN VIRGINIA OFFICE

July 1, 2016

Via Federal Express

Fernando Galindo, Clerk U.S. District Court, Eastern District of Virginia Richmond Division 701 E. Broad Street Richmond, VA 23219

Re: Olga Anderson, et al. v. Trans Union, LLC

JUL - 5 2016.

CLERK, U.S. DISTRICT COURT RICHMOND, VA

Mr. Galindo:

Please find the original complaint enclosed for filing with regard to the above-referenced matter, an additional copy to be date stamped for our records, as well as a copy for the Defendant. I have also enclosed a check in the amount of \$400.00. Additionally, I have provided a postage-prepaid return envelope for the documents to be returned to my attention for service of process. Thank you for your assistance in this matter, and if you have any questions, please do not hesitate to contact me.

Sincerely,

Casey S. Nasl

Enclosures: a/s

Court Name: UNITED STATES DISTRICT COURT Division: 3 Receipt Number: 34683033648 Cashier ID: 1breeden Transaction Date: 07/05/2016 Payer Name: CONSUMER LITIGATION ASSOC

CIVIL FILING FEE
For: CONSUMER LITIGATION ASSOC
Amount: \$400.00

CHECK Check/Money Order Num: 8940 Amt Tendered: \$400.00

Total Due: \$400.00 Total Tendered: \$400.00 Change Amt: \$0.00

Case #3:16-CV-558