

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORIGIA
ATLANTA DIVISION

MYRTLE CARR)	
on behalf of herself and)	
all others similarly situated,)	
)	CIVIL ACTION FILE NO.:
Plaintiff,)	
)	
v.)	
)	JURY TRIAL DEMANDED
OCWEN LOAN SERVICING, LLC.)	
d/b/a OCWEN,)	
)	
)	RULE 23 CLASS ACTION
<u>Defendant.</u>)	

**COMPLAINT FOR WILLFULLY FILING FRAUDULENT
1099 INFORMATION RETURNS WITH THE IRS**

NOW COMES Myrtle Carr (hereinafter “Plaintiff”) on behalf of herself and all others similarly situated and files this class action complaint against Ocwen Loan Servicing, LLC. doing business as “Ocwen” (hereinafter “Defendant”) respectfully showing the Court as follows:

INTRODUCTION

1.

Defendant is a mortgage loan servicer for creditors that has systematically, as a matter of company policy, willfully filed knowingly false and fraudulent 1099 information returns with the IRS in violation of 26 U.S.C. § 7434.

2.

As a result of Defendant's violation of § 7434, Plaintiff and all others similarly situated seek statutory damages for each fraudulent information return filed with the IRS and reasonable attorney fees necessarily incurred in prosecuting this action.

PARTIES AND SERVICE

3.

Plaintiff Carr is a natural person and a resident of Henry County, Georgia.

4.

Defendant Ocwen is a foreign limited liability company organized under the laws of the State of Delaware with its principal place of business located 1661 Worthington Road, Ste 100, West Palm Beach FL 33409.

5.

Defendant may be served with a copy of the summons and complaint by leaving a copy with its registered agent for service Corporation Service Company located at 40 Technology Parkway South, Suite 300, Norcross, Georgia 30092.

JURISDICTION AND VENUE

6.

This Court has subject matter jurisdiction over federal questions raised under § 7434 pursuant to 28 U.S.C.S. §§ 1331 and 1337.

7.

Venue is proper in the Northern District of Georgia, under 28 U.S.C. §1391(b), since Plaintiff is a citizen in this judicial district. In addition, a substantial part of the events or omissions giving rise to the claims occurred in this judicial district.

FACTUAL ALLEGATIONS

8.

Plaintiffs and all other similarly situated bring this action against Defendant Ocwen under 26 U.S.C. § 7434 for willfully filing fraudulent 1099 information returns with the IRS.

9.

In the last six years¹ Defendant has filed more than ten thousand

¹ 26 U.S.C. § 7434 (c) provides as follows: **Period for bringing action** Notwithstanding any other provision of law, an action to enforce the liability created under this section may be brought without regard to the amount in controversy and may be brought only within the later of—
(1) 6 years after the date of the filing of the fraudulent information return...”

(10,000) false 1099-A Acquisition or Abandonment of Secured Property Information Returns (hereinafter 1099's) with the IRS that relate to the Plaintiff and all others similarly situated foreclosures and/or alleged abandonment of secured property.

10.

A true and correct copy of the Plaintiff's 1099 is attached hereto as Exhibit "A".

11.

Upon the filing of the fraudulent 1099's the Defendant can then fraudulently claim a business loss due to the foreclosure or abandonment on its federal income tax return and concomitantly substantial increase the tax burden on the Plaintiff and all others similarly situated.

12.

Plaintiff was never indebted to Defendant in any amount whatsoever for the property located at 1128 Strath Clyde Way, McDonough, Georgia 30253 (hereinafter "Property").

13.

The Property was foreclosed on April, 5th 2011 by U.S Bank National Association at trustee for RFMSI 2006S5 mortgage backed security (hereinafter "Secured Creditor").

14.

A true and correct copy of the deed under power executed and filed in the Henry Count Real Estate Index by the Secured Creditor is attached hereto as Exhibit “B”.

15.

The deed under power contains a recital on page 2 that the Property was purchased for the sum of ninety three thousand seven hundred and fifty dollars (\$93,750) by the Secured Creditor.

16.

Plaintiff moved out of the Property in or around June 2011.

17.

The Secured Creditor was the entity that had authority to file a 1099 with the IRS relating to Plaintiff’s foreclosure.

18.

Nevertheless Defendant filed the 1099 with the IRS in or around April 2014 claiming it had lent money to the Plaintiff and was the secured creditor with a deed covering the Property.

19.

All the 1099’s issued to the Plaintiff and all others similarly situated and then willfully filed with IRS are fraudulent because the Defendant never

lent any money whatsoever to class members, thus suffered no financial loss and was not a secured creditor under any state property laws.

COUNT I
VIOLATION OF 26 U.S.C. § 7434

20.

Title 26, Section 7434 provides a private cause of action for civil damages for fraudulent filing of tax information returns:

(a) In general

If any person willfully files a fraudulent information return with respect to payments purported to be made to any other person, such other person may bring a civil action for damages against the person so filing such return.

(b) Damages

In any action brought under subsection (a), upon a finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to the greater of \$5,000 or the sum of—

- (1) any actual damages sustained by the plaintiff as a proximate result of the filing of the fraudulent information return (including any costs attributable to resolving deficiencies asserted as a result of such filing),
- (2) the costs of the action, and
- (3) in the court's discretion, reasonable attorneys' fees.

26 U.S.C. § 7434

21.

Defendant willfully filed the fraudulent 1099 with the IRS attached hereto as Exhibit “A” in violation of 26 U.S.C. § 7434.

22.

Plaintiff is entitled to an award of \$5000 (five thousand dollars), in statutory damages, and reasonable attorney fees necessarily incurred in prosecuting this action.

CLASS ALLEGATIONS

23.

Plaintiff brings this claim on behalf of a proposed class, consisting of:

All persons from October 28, 2010 through the date of the Court granting class certification, for whom Defendant filed a 1099-A Acquisition or Abandonment of Secured Property with the IRS where Ocwen Loan Servicing, LLC was not a secured creditor.

24.

Plaintiff seeks class action certification and is authorized to maintain this lawsuit as a class action pursuant to the Federal Rules of Civil Procedure 23(b)(1); 23(b)(2) and 23(b)(3).

25.

The persons included in the Class set out above are so numerous that joinder of all parties is impractical. Upon information and belief, there are more than ten thousand (10,000) members of the proposed class. More precise information concerning the size and identification of class members will be obtained through discovery and set forth in Plaintiffs subsequent Motion for Class Certification.

26.

The statutory penalty for each violation is set by law at \$5,000. Thus, the claim of each potential class member is relatively small, such that it is not economically feasible to bring individual actions for each member of the class. Moreover financial fraud of the nature complained about herein is difficult to detect and uncover thus the vast majority of class members would not know of the existence of their claims.

27.

The claims of the class representative are identical to the claims of the proposed class.

28.

The questions of law and fact which are common among members of the class. The common issues include:

- (a) whether Defendant willfully filed a fraudulent 1099 with the IRS;
- (b) whether Defendant is a secured creditor;
- (c) whether Plaintiff and class members are entitled to reasonable attorney fees.

29.

The questions of law or fact common to the members of the class predominate over any questions affecting only individual members and a class action is superior to any other method of fair adjudication of the class presented.

30.

The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members which would establish incompatible standards of conduct for the party opposing the class.

31.

The representative party and their counsel will take those actions necessary to protect the interests of the class members.

32.

Plaintiff has retained counsel with experience in prosecuting complex litigation and consumer protection statutes.

33.

The basis for class certification under Rule 23(b)(1)(A) is that the prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the Defendants.

34.

The basis for class certification under Rule 23(b)(1)(B) is that adjudication with respect to individual members of the class would be, as a practical matter, dispositive of the interests of the other members not parties to the adjudications.

DEMAND FOR JURY TRIAL

35.

Plaintiff and putative class members hereby demand a trial by jury on all their claims so triable.

WHEREFORE, Plaintiff and putative class members respectfully request that this Court grant relief as follows:

- a. As to Count I award \$5,000 in statutory damages and reasonable attorney fees to the named Plaintiffs;
- b. Certify a Rule 23 class and award \$5,000 in statutory damages for each 1099 filed with the IRS to every class member and reasonable attorney fees;
- c. Order Defendant to file corrected 1099 Returns with the IRS for the Plaintiff and all others similarly situated;
- d. Grant Plaintiffs and all others similarly situated a jury trial on all issues so triable;
- e. Award Plaintiffs and all others similarly situated costs of this action, including expert fees;
- f. Award Plaintiffs and all others similarly situated such other and further relief as the Court may deem just and proper.

/s/ Harlan S. Miller

Harlan S. Miller
Georgia Bar No. 506709
Miller Legal, P.C.
3646 Vineville Ave.
Macon, GA, 31204
(404) 931-6490
(478) 292-7808 (FAX)
hmiller@millerlegalpc.com

CERTIFICATE OF COMPLIANCE

This is to certify that the foregoing has been prepared using Times
New Roman 14 point font.

This 28th day of October, 2016.

/s/ Harlan S. Miller

Harlan S. Miller
Georgia Bar No. 506709
hmiller@millerlegalpc.com

EXHIBIT A

EXHIBIT B



Doc ID: 014955430008 Type: FCD
Recorded: 06/17/2011 at 03:29:34 PM
Fee Amt: \$26.00 Page 1 of 8
Transfer Tax: \$0.00
Henry, GA Clerk of Superior Court
Barbara Harrison Clerk of Court
BK 12134 PG 311-318

✓
When Recorded, Return to:
Mr. Anthony DeMazio/Igassett /CONV
McCurdy & Candler, L.L.C.
3525 Piedmont Road NE, Six Piedmont Center, Suite 700
Atlanta, GA 30305

FORECLOSURE DEED

GMAC Mortgage Corporation
File No. 10-09637 /Myrtle D. Carr

STATE OF Pennsylvania
COUNTY OF Montgomery

PT-61 075-2011 - 003247

THIS INDENTURE effective April 5, 2011, by and between Myrtle D. Carr, acting by and through his/her duly appointed agent and attorney-in-fact, U.S. Bank National Association as Trustee RFMSI 2006S5, Party of the First Part, and U.S. Bank National Association as Trustee RFMSI 2006S5 as Party of the Second Part,

WITNESSETH: That, whereas, heretofore on May 19, 2006 , Myrtle D. Carr executed a certain Deed to Secure Debt to Mortgage Electronic Registration Systems, Inc. as nominee for Homecomings Financial Network, Inc., its successors and assigns, which is recorded in Deed Book 9258, Page 293, Henry County, Georgia records, *and lastly assigned to U.S. Bank National Association as Trustee RFMSI 2006S5 by Assignment recorded in Deed Book 12021, Page 133-134, Henry County, Georgia records*; and which conveys the property hereinafter described to secure an indebtedness described therein, and

WHEREAS, said indebtedness was not paid in accordance with the terms of said Note and Deed to Secure Debt and became in default and under the terms thereof the entire principal and interest was declared due and payable, and

x 1

WHEREAS, the said U.S. Bank National Association as Trustee RFMSI 2006S5, as aforesaid, according to the terms of said Deed to Secure Debt did expose said property for sale to the highest and best bidder for cash on the first Tuesday in April, 2011, within the legal hours of sale before the Courthouse door in Henry County, Georgia, after first advertising said sale by a notice published in Henry Daily Herald once a week for four weeks immediately preceding said

File No. 10-09637

WHEREAS, the property hereinafter described was knocked off to the Party of the Second Part, U.S. Bank National Association as Trustee RFMSI 2006S5, being the highest and best bidder for cash, at and for the sum of Ninety-Three Thousand Seven Hundred Fifty and 00/100 Dollars (\$93,750.00).

NOW, THEREFORE, in consideration of the premises and the said sum of Ninety-Three Thousand Seven Hundred Fifty and 00/100 Dollars (\$93,750.00), cash in hand paid, the receipt of which is hereby acknowledged, the said Myrtle D. Carr, acting by and through his/her duly appointed agent and attorney-in-fact, U.S. Bank National Association as Trustee RFMSI 2006S5, as aforesaid, does hereby sell, transfer and convey unto U.S. Bank National Association as Trustee RFMSI 2006S5 its successors and assigns, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot 3 of the 7th District, Henry County, Georgia, and being Lot 29 of The Carlyle At Rockport as shown on a Plat recorded at Plat Book 30, Page 54-57, Henry County, Georgia records. The description of said property as contained on said Plat is hereby incorporated herein and by reference made a part hereof.

Notice of the foreclosure sale as required by Georgia Law in the form of a copy of the Notice of Sale submitted to the publisher was provided to the debtor at least thirty (30) days prior to the foreclosure sale on April 5, 2011.

Said property is conveyed subject to any outstanding taxes or assessments which may be liens against said property, any matters disclosed by survey and inspection, any liens, encumbrances, restrictions, covenants, zoning ordinances and any matters of record superior to the foreclosed Security Deed.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of it, the said party of the Second Part, its successors and assigns, forever, in FEE SIMPLE.

File No. 10-09637

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his/her hand and affixed his/her seal, effective the day and year first above written.

Myrtle D. Carr

BY: U.S. Bank National Association as
Trustee RFMSI 2006S5

BY: Residential Funding Company, LLC

Please See Attached as Exhibit A

Daniel Staehle
Name: Daniel Staehle
Title: Authorized Officer

BY: Peter Nocero
Name: Peter Nocero
Title: Authorized Officer

As Attorney-in-Fact

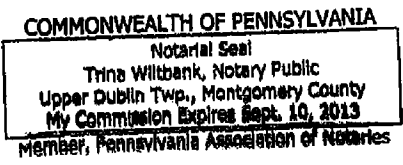
Signed, Sealed and Delivered
in the presence of:

Vincent Saldutti
Witness Vincent Saldutti

[Signature] JUN 14 2011
Notary Public

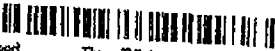
My Commission Expires: 9-10-13
[Notarial Seal]

Date of Execution: JUN 14 2011



5

Exhibit "A"



Deed Doc: POA
Recorded 09/17/2009 12:51PM

R.B. MCINTYRE PT61 Number:
Clerk Superior Court, BARROW County, Ga.
Bk 01484 Pg 0619-0623
Receipt # 252983

Anthony Dornario
McCurdy & Candler, LLC
P.O. Box 57
Decatur, GA 30031

Limited Power of Attorney

KNOW ALL MEN BY THESE PREMISES:

That U.S. Bank National Association ("U.S. Bank"), as Trustee, under Pooling and Servicing or Indenture Agreements pursuant to which Residential Funding Company, LLC acts as Master Servicer, and such Trustee being, a national banking association organized and existing under the laws of the United States of America, having an office located at 60 Livingston Avenue, EP-MN-WS3D, St. Paul, MN 55107, has made, constituted and appointed, and does by these presents make, constitute and appoint Residential Funding Company, LLC, having an office located at One Meridian Crossings, Suite 100, Minneapolis, MN 55423, its trust and lawful Attorney-in Fact, with full power and authority to sign, execute, acknowledge, deliver, file for record, and record any instrument on its behalf and to perform such other act or acts as may be customarily and reasonably necessary and appropriate to effectuate the following enumerated transactions in respect of any of the mortgages or deeds of trust (the "Mortgages" and the "Deeds of Trust", respectively) and promissory notes secured thereby (the "Mortgages Notes") for which the undersigned is acting as Trustee for various certificate holders pursuant to certain Pooling and Servicing Agreements, specified on Exhibit A hereto (the "Agreements") (whether the undersigned is named therein as mortgagee or beneficiary or has become mortgagee by virtue of endorsement of the Mortgage Note secured by any such Mortgage or Deed of Trust) and for which Residential Funding Company, LLC is acting as master servicer.

This appointment shall apply to the following enumerated transactions only and only if permitted under the applicable Pooling and Servicing Agreement or Indenture:

1. The modification or re-recording of a Mortgage or Deed of Trust, where said modification or recording is for the purpose of correcting the Mortgage or Deed of Trust to conform same to the original intent of the parties thereto or to correct title errors discovered after such title insurance was issued and said modification or re-recording, in either instance, does not adversely affect the lien of the Mortgage or Deed of Trust as insured.
2. The subordination of the lien of a Mortgage or Deed of Trust to an easement in Favor of a public utility company or a government agency or unit with power of eminent domain; this section shall include, without limitation, the execution of partial satisfaction/releases, partial reconveyances or the execution of requests to trustees to accomplish same.
3. The qualified subordination of the lien of a Mortgage or Deed of Trust to a lien of a creditor that is created in connection with the refinancing of a debt secured by a lien that was originally superior to the lien of the Mortgage or Deed of Trust.
4. With respect to a Mortgage or Deed of Trust, the Foreclosure, the taking of a deed in lieu of Foreclosure, or the completion of judicial or non-judicial Foreclosure or termination, cancellation or rescission of any such Foreclosure, including, without limitation, any and all of the following acts:
 - a. The substitution of trustee(s) serving under a Deed of Trust, in accordance with state law and the Deed of Trust;
 - b. Statements of breach or non-performance;
 - c. Notices of default;
 - d. Cancellations/rescissions of notices of default and/or notices of sale;

- a. The taking of a deed in lieu of foreclosure; and
- b. Such other documents and action as may be necessary under the terms of the Mortgage, Deed of Trust of state law to expeditiously complete said transactions.
- 5. The conveyance of the properties to the mortgage insurer, or the closing of the title to the property to be acquired as real estate owned, or conveyance of title of real estate owned.
- 6. The completion of loan assumption agreements.
- 7. The full satisfaction/ release of a Mortgage or Deed of Trust or full reconveyance upon payment and discharge of all sums secured thereby, including, without limitation, cancellation of the related Mortgage Note.
- 8. The assignment of any Mortgage or Deed of Trust and the related Mortgage Note, in connection with the repurchase of the mortgage loan secured and evidenced thereby pursuant to the requirements of a Residential Funding Company, LLC Seller Contract, including, without limitation, by reason of conversion of an adjustable rate mortgage loan from a variable rate to a fixed rate.
- 9. The full assignment of a Mortgage or Deed of Trust upon payment and discharge of all sums secured thereby in conjunction with the refinancing thereof, including, without limitation, the assignment of the related Mortgage Note.

The undersigned gives said Attorney-in Fact full power and authority to execute such instruments and to do and perform all and every act and thing necessary and proper to carry into effect the power or powers granted by or under this Limited Power of Attorney as fully as the undersigned might or could do, and hereby does ratify and confirm to all that said Attorney-in Fact shall lawfully do or cause to be done by authority hereof.

Third parties without actual notice may rely upon the exercise of the power granted under this Limited Power of Attorney; and may be satisfied that this Limited Power of Attorney shall continue in full force and effect and has not been revoked unless an instrument of revocation has been made in writing by the undersigned.

(SEAL) NO CORPORATE SEAL

Witness 1: Samir Sengil
 Witness 2: Michael P Speltz

U.S. Bank National Association , as Trustee
 By: Shannon M Rantz
 Shannon M Rantz, Vice President

Attest: Tanveer Ashraf
 STATE OF Minnesota)
 COUNTY Ramsey) SS

Michelle Moeller
 Michelle Moeller, Assistant Vice President

On the 15th day of August, 2006 before me, Tiffany M Jeanson, Notary Public, personally appeared Shannon M Rantz, Vice President and Michelle Moeller, Assistant Vice President , both of U.S. Bank National Association , as Trustee, personally known to me OR proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her their authorized capacity(ies), and that by his/her their signature(s) on the instrument the person(s) or the entirety upon behalf of which the person(s) acted, executed the instrument in the city of St. Paul, county of Ramsey , State of Minnesota.

WITNESS my hand and official seal
Tiffany M Jeanson
 Tiffany M Jeanson, Notary Public
 My Commission (Expires) (is): January 31, 2009 .



JS44 (Rev. 6/16 NDGA)

CIVIL COVER SHEET

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

<p>I. (a) PLAINTIFF(S) MYRTLE CARR,</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>HENRY COUNTY</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small></p>	<p>DEFENDANT(S) OCWEN LOAN SERVICING, LLC</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ <small>(IN U.S. PLAINTIFF CASES ONLY)</small></p> <p><small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>
<p>(c) ATTORNEYS <small>(FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)</small></p> <p>Harlan S. Miller, Miller Legal PC, 3646 Vineville Avenue, Macon, Ga., 31204, 404-931-6490; hmillier@millerlegalpc.com</p>	<p>ATTORNEYS <small>(IF KNOWN)</small></p>

II. BASIS OF JURISDICTION
(PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. GOVERNMENT PLAINTIFF	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION <small>(U.S. GOVERNMENT NOT A PARTY)</small>
<input type="checkbox"/> 2 U.S. GOVERNMENT DEFENDANT	<input type="checkbox"/> 4 DIVERSITY <small>(INDICATE CITIZENSHIP OF PARTIES IN ITEM III)</small>

III. CITIZENSHIP OF PRINCIPAL PARTIES
(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(FOR DIVERSITY CASES ONLY)

<small>PLF</small>	<small>DEF</small>	<small>PLF</small>	<small>DEF</small>	
<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6	FOREIGN NATION
				<small>CITIZEN OF THIS STATE</small>
				<small>CITIZEN OF ANOTHER STATE</small>
				<small>CITIZEN OR SUBJECT OF A FOREIGN COUNTRY</small>

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 ORIGINAL PROCEEDING	<input type="checkbox"/> 2 REMOVED FROM STATE COURT	<input type="checkbox"/> 3 REMANDED FROM APPELLATE COURT	<input type="checkbox"/> 4 REINSTATED OR REOPENED	<input type="checkbox"/> 5 TRANSFERRED FROM ANOTHER DISTRICT <small>(Specify District)</small>	<input type="checkbox"/> 6 MULTIDISTRICT LITIGATION - TRANSFER	<input type="checkbox"/> 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
<input type="checkbox"/> 8 MULTIDISTRICT LITIGATION - DIRECT FILE						

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Plaintiff asserts a claim under 26 U.S.C. § 7434 for filing false 1099A forms with the IRS.

(IF COMPLEX, CHECK REASON BELOW)

<input checked="" type="checkbox"/> 1. Unusually large number of parties.	<input type="checkbox"/> 6. Problems locating or preserving evidence
<input type="checkbox"/> 2. Unusually large number of claims or defenses.	<input type="checkbox"/> 7. Pending parallel investigations or actions by government.
<input type="checkbox"/> 3. Factual issues are exceptionally complex	<input type="checkbox"/> 8. Multiple use of experts.
<input type="checkbox"/> 4. Greater than normal volume of evidence.	<input type="checkbox"/> 9. Need for discovery outside United States boundaries.
<input type="checkbox"/> 5. Extended discovery period is needed.	<input type="checkbox"/> 0. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY			
RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ <small>(Referral)</small>	NATURE OF SUIT _____	CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 444 WELFARE
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395f)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTI TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____ not specified

JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY **PRO SE** LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

Justin Gill
SIGNATURE OF ATTORNEY OF RECORD

10/28/2016
DATE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Says Ocwen Loan Servicing Filed Fraudulent Tax Returns](#)
