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

22 **JANE HUDSON, AND,
23 CHARISSA LEWIS,
24 INDIVIDUALLY AND ON
25 BEHALF OF ALL OTHERS
26 SIMILARLY SITUATED,**

27 Plaintiffs,

28 v.

**LEXISNEXIS RISK
SOLUTIONS INC.,**

Defendant.

LAW OFFICE OF DANIEL G. SHAY

Daniel G. Shay, Esq.

danielshay@tcpafdcpa.com

409 Camino Del Rio South, Suite 101B

San Diego, CA 92108

Telephone: (619) 222-7249

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Case No.:

CLASS ACTION

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

JURY TRIAL DEMANDED

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INTRODUCTION

1. The United States Congress has also found the banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence, which is essential to the continued functioning of the banking system. Congress enacted the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), to insure fair and accurate reporting, promote efficiency in the banking system, and protect consumer privacy. The FCRA seeks that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer’s right to privacy because consumer reporting agencies have assumed such a vital role in assembling and evaluating consumer credit and other information on consumers.
2. Plaintiffs JANE HUDSON; and, CHARISSA LEWIS (“Plaintiffs”), through Plaintiffs’ attorneys, brings this Complaint for damages, injunctive relief, and any other available legal or equitable remedies resulting from the illegal actions of Defendant LEXISNEXIS RISK SOLUTIONS INC. (“Defendant”) with regard to Defendant’s reporting of inaccurate information regarding Plaintiffs.
3. Defendant is a “consumer reporting agency” under the FCRA that provides consumers with their credit reports.
4. The FCRA governs content of these credit reports is determined by the secretion of consumer reporting agencies such as Defendant.
5. Defendant continuously misrepresents the source of public record information Defendant publishes on credit reports, specifically the source of information regarding consumer’s bankruptcies in violation of 15 U.S.C. § 1681g(a)(2).

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1 6. This practice deceives consumers and limits consumers’ access to the true
2 Public Record Information, therefore preventing consumers from directly
3 addressing the source of Public Record Information at the correct location in
4 order to ameliorate any errors if they should occur.

5 7. Defendant has negligently and willfully failed to employ reasonable
6 procedures—including procedures readily available to them of which they are
7 aware—to ensure maximum possible accuracy of their credit reports.

8 8. Plaintiffs make these allegations on information and belief, with the exception
9 of allegations that pertain to Plaintiffs, or to Plaintiffs’ counsel, which Plaintiffs
10 alleges on personal knowledge.

11 9. While many violations are described below with specificity, this Complaint
12 alleges violations of the statutes cited in their entirety.

13 10. Unless otherwise stated, all the conduct engaged in by Defendant occurred in
14 California.

15 11. Any violations by Defendant were knowing and intentional, and that Defendant
16 did not maintain procedures reasonably adapted to avoid any such violation.

17 12. Unless otherwise indicated, the use of any Defendant’s name in this Complaint
18 includes all agents, employees, officers, members, directors, heirs, successors,
19 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of
20 Defendant.

21 **JURISDICTION AND VENUE**

22 13. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331.

23 14. This action arises out of Defendant’s violations of the Fair Credit Reporting
24 Act, 15 U.S.C. §§ 1681 *et seq.* (“FCRA”).

25 15. Because Defendant is a corporation incorporated in the State of Georgia and
26 conducting business in California, personal jurisdiction is established.

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16. Venue is proper pursuant to 28 U.S.C. §§ 1391(b) because Defendant, at all times herein mentioned, was doing business in the County of San Diego, State of California. Further, venue is proper in this district because Plaintiffs have resided in this district at all times herein mentioned such that a substantial part of the events giving rise to the claim occurred in this district.

PARTIES

17. Plaintiffs are each a natural person who reside in the County of San Diego, in the State of California.

18. In addition, Plaintiffs are each a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

19. Defendant is a corporation incorporated under the laws of the State of Delaware and authorized to do business in the State of California.

20. Defendant is regularly engaged in the practice of assembling and evaluating consumer credit information for the purpose of furnishing to third parties reports of consumers’ credit histories, commonly referred to as “credit reports,” and defined as “consumer reports” under 15 U.S.C. § 1681a (hereinafter, “Credit Reports”).

21. Defendant uses means and facilities of interstate commerce for the purpose of preparing and furnishing Credit Reports and, hence, is each a “consumer reporting agency” within the meaning of FCRA, 15 U.S.C. § 1681a(f).

22. The FCRA and the facts alleged in this Complaint relate to inaccurate and materially misleading credit information that was allowed to be reported by Defendant regarding specific transactions and/or experiences pertaining to Plaintiffs and Plaintiffs’ credit worthiness, credit standing, and credit capacity. Such credit information was used or was expected to be used, or collected in whole or in part, for the purposes of serving as a factor in establishing

1 Plaintiffs’ eligibility for, among other things, credit to be used primarily for
2 personal, family, household and employment purposes.

3 **FACTUAL ALLEGATIONS**

4 23. At all times relevant to this matter, Plaintiffs were both individuals residing
5 within the State of California.

6 24. Furthermore, Defendant conducted business within the State of California at all
7 times relevant.

8 25. Defendant is a FCRA-governed “consumer reporting agency” or “CRA” that
9 publishes incorrect information to consumers that request the FCRA-governed
10 information in Defendant’s possession.

11 26. Plaintiffs obtained a credit report from Defendant.

12 27. In reviewing this credit report, Plaintiffs determined that Defendant was
13 reporting information regarding a previous bankruptcy under in a portion called
14 “Bankruptcy Section.”

15 28. Thereafter, Defendant included a discussion under the heading “How to Read
16 your Banko Consumer Disclosure Report.”

17 29. Defendant explained that the “Bankruptcy Information” section “contains
18 identifying information on the bankruptcy case that was obtained directly from
19 the Court and the name, address & phone number of the Court from which the
20 information was obtained.”

21 30. Pursuant to 15 U.S.C. § 1681g(a), Defendant must identify the immediate
22 supplier of the information reported in order to accurately identify the source of
23 the information on a credit report.

24 31. On information and belief; however, the Bankruptcy Information was not
25 supplied to Defendant by the Southern District of California’s Bankruptcy
26 Court.

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32. Furthermore, Plaintiffs contend that Defendant did not obtain this information from any other Court.

33. It is imperative that consumers know the true source of the Public Record Information and location of the entity that possesses the reported information in their credit reports.

34. Consumers must have the ability to directly dispute inaccurate information with Defendant and to determine who Defendant’s immediate supplier of the reported information was without being misled and sent on a “wild goose chase” regarding this information.

35. Defendant violated 15 U.S.C. § 1681g by not identifying the actual source of the information contained within Plaintiff’s credit report.

36. In addition, Defendant also violated 15 U.S.C. § 1681e(b) by reporting objectively inaccurate information.

37. Defendant’s violation of 15 U.S.C. § 1681e(b) occurred as a result of Defendant’s failure to follow reasonable procedures to assure maximum possible accuracy of the information concerning Plaintiff.

38. Through this conduct, Plaintiffs suffered an information injury.

39. Moreover, Plaintiffs also suffered frustration and emotional distress as a result of being denied basic information regarding the contents of Plaintiffs’ respective credit reports.

CLASS ACTION ALLEGATIONS

40. Plaintiffs brings this action on behalf of themselves and on behalf of all others similarly situated (the “Class”).

41. Plaintiffs represent, and is a member of the Class, consisting of:

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1 All persons with an address within the United States
2 whose consumer credit report obtained from Defendant
3 identifies a Bankruptcy Court as the source of
information.

4 42. Defendant and its employees or agents are excluded from the Class. Plaintiffs
5 does not know the number of members in the Class, but believes the Class
6 members number in the thousands, if not more. This matter should therefore be
7 certified as a Class action to assist in the expeditious litigation of this matter.

8 43. Plaintiffs reserves the right to redefine the Class and to add subclasses as
9 appropriate based on discovery and specific theories of liability.

10 44. Plaintiffs and members of the Class were harmed by the acts of Defendant in at
11 least the following ways: Defendant, either directly or through its agents,
12 engaged in illegal and deceptive practices, when it reported a monthly payment
13 obligation for accounts that have a zero balance and are closed and/or paid in
14 full under 15 U.S.C. § 1681 *et seq.*, Plaintiffs and the Class members were
15 damaged thereby.

16 45. This suit seeks only recovery of actual and statutory damages on behalf of the
17 Class, and it expressly is not intended to request any recovery for personal
18 injury and claims related thereto. Plaintiffs reserves the right to expand the
19 Class definition to seek recovery on behalf of additional persons as warranted
20 as facts are learned in further investigation and discovery.

21 46. The joinder of the Class members is impractical and the disposition of their
22 claims in the Class action will provide substantial benefits both to the parties
23 and to the court. The Class can be identified through Defendant's records or
24 Defendant's agents' records.

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

- i. Whether Defendant misrepresented the true source and location of the information published in the Bankruptcy Section of its credit reports;
- ii. Whether Plaintiffs and the Class members were damaged thereby, and the extent of damages for such violations;
- iii. Whether Plaintiffs and the Class members suffered actual damages as a result of Defendant’s conduct;
- iv. Whether Plaintiffs and the Class members are entitled to statutory damages as a result of Defendant’s conduct;
- v. Whether Plaintiffs and the Class members are entitled to injunctive relief;
- vi. Whether Plaintiffs and the Class members are entitled to an award of reasonable attorneys’ fees and costs;
- vii. Whether Plaintiffs will fairly and adequately protect the interest of the Class; and,
- viii. Whether Plaintiffs’ counsel will fairly and adequately protect the interest of the Class.

48. As a person who has suffered an inaccurate reporting by Defendant on his credit report, Plaintiffs is asserting claims that are typical of the Class. Plaintiffs will fairly and adequately represent and protect the interest of the Class in that Plaintiffs have no interests antagonistic to any member of the Class.

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49. Plaintiffs and the members of the Class have all suffered irreparable harm as a result of the Defendant’s unlawful and wrongful conduct. Absent a class action, the Class will continue to face the potential for irreparable harm. In addition, these violations of law will be allowed to proceed without remedy and Defendant will likely continue such illegal conduct. Because of the size of the individual Class member’s claims, few, if any, Class members could afford to seek legal redress for the wrongs complained of herein.

50. Plaintiffs have retained counsel experienced in handling class action claims and claims involving violations of the Fair Credit Reporting Act.

51. A class action is a superior method for the fair and efficient adjudication of this controversy. Class-wide damages are essential to induce Defendant to comply with federal and California law. The interest of Class members in individually controlling the prosecution of separate claims against Defendant is small because the maximum statutory damages in an individual action for FCRA violations are minimal. Management of these claims is likely to present significantly fewer difficulties than those presented in many class claims.

52. Defendant has acted on grounds generally applicable to the Class, thereby making appropriate declaratory relief with respect to the Class as a whole.

**CAUSE OF ACTION
FAIR CREDIT REPORTING ACT
15 U.S.C. § 1681 ET SEQ.**

53. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

54. The foregoing acts and omissions constitute numerous and multiple violations of the FCRA.

55. As a credit reporting agency, Experian is required to comply with 15 U.S.C. § 1681g(a)(2) of the FCRA.

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1 56. Experian violated 15 U.S.C. § 1681g(a)(2) by failing to clearly and accurately
2 disclose to Plaintiffs and the Class the source and true location of the court
3 that supplied any information to the credit-reporting agency about Plaintiffs
4 and the Class.

5 57. Plaintiffs are informed and believes that Defendant violated 15 U.S.C. §§
6 1681e(a)&(b) of the FCRA by maintaining the very inaccurate information
7 Plaintiffs disputed.

8 58. As a result of each and every violation of the FCRA, Plaintiffs and the Class
9 are entitled to actual damages, pursuant to 15 U.S.C. § 1681o(a)(1); and
10 reasonable attorney fees and costs pursuant to 15 U.S.C. § 1681o(a)(2).

11 59. As a result of each and every willful violation of the FCRA, Plaintiffs and the
12 Class are also entitled to and seek actual damages of \$100.00 to \$1,000.00 per
13 violation and such amount as the court may allow, pursuant to 15 U.S.C. §
14 1681n(a)(1)(A); punitive damages as the court may allow, pursuant to 15
15 U.S.C. § 1681n(a)(2); and reasonable attorney fees and costs pursuant to 15
16 U.S.C. § 1681n(a)(3).

17 **PRAYER FOR RELIEF**

18 **WHEREFORE**, Plaintiffs and the Class members pray for judgment as
19 follows against Defendant:

- 20
- Certify the Class as requested herein;
 - Appoint Plaintiffs to serve as the Class Representative in this matter;
 - Appoint Plaintiffs’ Counsel as Class Counsel in this matter;
 - Provide such further relief as may be just and proper.
- 21
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23

24 In addition, Plaintiffs and the Class members pray for further judgment as
25 follows against Defendant:

- 26
- Actual damages pursuant to 15 U.S.C. § 1681o(a)(1);
- 27

- Statutory damages of \$1,000.00 per violation per plaintiff, per month of reporting, pursuant to 15 U.S.C. § 1681n(a)(1);
- Punitive damages as the court may allow pursuant to 15 U.S.C. § 1681n(a)(2);
- Injunctive relief to command Defendant to correct the information furnished on Plaintiffs’ and the Class’s credit reports and prohibit them from engaging in future violations;
- Attorney fees and costs to maintain the instant action, pursuant to 15 U.S.C. §§ 1681n(a)(3) and 1681o(a)(2);
- Any other relief the Court may deem just and proper including interest.

TRIAL BY JURY

60. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiffs are entitled to, and demand, a trial by jury.

Dated: December 11, 2018

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Matthew M. Loker
MATTHEW M. LOKER, ESQ.
ATTORNEY FOR PLAINTIFFS

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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

JANE HUDSON, AND, CHARISSA LEWIS, Individually and On Behalf of All Others Similarly Situated,

(b) County of Residence of First Listed Plaintiff SAN DIEGO (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Kazerouni Law Group, APC; Matthew M. Loker, Esq. (279939) 245 Fischer Avenue, Unit D1, Costa Mesa, CA (800) 400-6808

DEFENDANTS

LEXISNEXIS RISK SOLUTIONS INC.,

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)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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 - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Violation of 15 U.S.C. § 1681 on a class action basis. Brief description of cause: Inaccurate credit reporting

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 12/11/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Matthew M. Loker

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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [LexisNexis Risk Solutions Hit with Class Action Over Allegedly Inaccurate Bankruptcy Info in Credit Reports](#)
