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Attorneys for Plaintiff,
WILLIAM NORMAN BROOKS, III

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

WILLIAM NORMAN BROOKS, III,	)	Case No.: <u>'20CV1348 BAS LL</u>
ON BEHALF OF HIMSELF AND ALL OTHERS	)	
SIMILARLY SITUATED	)	CLASS ACTION COMPLAINT
Plaintiff,	)	JURY TRIAL DEMANDED
vs.	)	
BANK OF AMERICA, NA,	)	
Defendant.	)	

Plaintiff, William Norman Brooks, III, by undersigned counsel, alleges as follows:

INTRODUCTION

1
2 1. This is an action for damages and injunctive relief brought against
3 Defendant Bank of America, NA, pursuant to the California Unfair Competition
4 Law, Cal. Bus. & Prof. Code §17200 *et seq.* (“UCL”), the California Consumer
5 Credit Reporting Agencies Act, Cal. Civ. §1785 *et seq.* (“CCRAA”), and the Fair
6 Credit Reporting Act, 15 U.S.C. §1681, *et seq.* (“FCRA”).

7 2. The responsibilities of creditors to accurately use and report consumer
8 information are essential in ensuring fairness and accuracy in credit transactions,
9 goals which are at the heart of the CCRAA, FCRA, and the promise of fair
10 business transactions enshrined in California’s UCL. Defendant fails to comply
11 with these responsibilities by systematically failing to obtain and use adequate
12 identifying information to distinguish between an individual who has filed for
13 bankruptcy and a distinct individual who has not, and inaccurately reporting the
14 existence of a bankruptcy filing to consumer credit reporting agencies.

15 3. Defendant compounds this error by routinely failing to correct this
16 inaccurate reporting when notified by consumer credit reporting agencies that the
17 consumer makes a dispute.

18 4. Defendant’s practices harm consumers by prejudicing their
19 prospective Creditors which inaccurate, adverse information stating that the
20 individual has filed for bankruptcy when they in fact have not.
21

JURISDICTION

22 5. This action arises out of violations of the UCL, CCRAA, and FCRA.

23 6. Supplemental jurisdiction exists pursuant to 28 U.S.C. §1367.

24 7. Venue is proper in this District pursuant to 28 U.S.C. §1391(b), in that
25 Defendant transacts business here and a substantial portion of the acts giving rise
26 to this action occurred here.
27
28

THE PARTIES

8. Plaintiff, William Norman Brooks, III, is an adult individual residing in San Diego County, California.

9. Defendant, Bank of America (“BofA” or “Defendant”), is a national bank with over 4,500 retail branches. Bank of America has its headquarters and principal place of business in Charlotte, North Carolina. Bank of America operates banking centers and conducts business within this judicial district and throughout the State of California.

10. BofA is a furnisher of information as contemplated by CCRAA §1785.25 and FCRA §§1681s-2(a) & (b), which regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies (“CRAs”), about consumer transactions or experiences with any consumer.

11. The causes of action herein also pertain to Plaintiff’s “consumer credit report” as that term is defined by Cal. Civ. Code §1785.3(d), in that inaccurate representations of Plaintiff’s credit worthiness, credit standing, and credit capacity were made via written, oral, or other communication of information by a consumer credit reporting agency, which is used or is expected to be used, or collected in whole or in part, for the purposes of serving as a factor in establishing Plaintiff’s eligibility for, among other things, credit to be used primarily for personal, family, household and employment purposes.

FACTUAL ALLEGATIONS

Defendant’s Use and Furnishing of Bankruptcy Information

12. Defendant regularly and in the course of its business obtains information regarding individuals who have filed for bankruptcy, in order to determine whether

1 any individuals with credit accounts or lines of credit with BofA have filed for
2 bankruptcy and included some credit accounts or lines of credit in the bankruptcy.

3 13. When BofA determines, according to its standardized internal
4 procedures, that an individual account holder has included an account in
5 bankruptcy, it closes such account.

6 14. Furthermore, BofA reports to each consumer credit reporting agencies
7 with which it does business that the account has been included in a bankruptcy.

8 15. However, BofA routinely and as a matter of standardized practice
9 fails to obtain sufficient identifying information to adequately distinguish between
10 an individual who has filed for bankruptcy and an individual who has not.

11 16. Specifically, BofA disregards conflicting middle name and
12 generational suffix information which is available on the face of public records.

13 17. As a result of this failure to obtain and use sufficient personal
14 identifying information related to bankruptcies, BofA will falsely report to
15 consumer credit reporting agencies (and thus, to an individual's other creditors)
16 that a credit account has been included in bankruptcy.
17

18 ***The Experience of Plaintiff William Norman Brooks, III***

19 18. Plaintiff had several accounts with BofA, including a personal line of
20 credit. At all times mentioned herein, all of Plaintiff's accounts with BofA and
21 other creditors were timely paid and remained in good standing.

22 19. On January 8, 2020, BofA sent a form letter to Plaintiff advising him,
23 among other things, that it had "received notification of a bankruptcy filing by or
24 against [him]" and that it was suspending [his] access to [his] funds from [his] line
25 of credit" as of 01/06/2020" (the January 8 Letter").

26 20. BofA further communicated that it "was required to discontinue
27 access to his account based on the terms of his line of credit." However, BofA
28 erroneously attributed the bankruptcy to Plaintiff according to its standardized

1 policies and procedures for obtaining and using bankruptcy information, and
2 deprived him of his credit line funds and credit privileges without any basis in
3 contract or law.

4 21. Plaintiff has never filed for bankruptcy.

5 22. On or around January 13, 2020, Plaintiff contacted BofA to dispute
6 that he had filed for bankruptcy. Through the call to BofA, Plaintiff learned that
7 BofA had matched him to a bankruptcy filed in Mobile, Alabama by a William E.
8 Brooks, with a social security number matching the last four digits of Plaintiff's
9 social security number.

10 23. Plaintiff has never lived in Alabama. Furthermore, his middle name is
11 "Norman," and he consistently uses the generational suffix "III."

12 24. The public record of the Alabama bankruptcy that BofA attributed to
13 Plaintiff plainly shows that the filer used the full middle name "Eugene."

14 25. Based on the differences between his personal identifying information
15 and that of the individual who filed the bankruptcy, Plaintiff disputed the accuracy
16 of BofA's association of the Alabama bankruptcy with him and his credit accounts.

17 26. BofA nevertheless reported to the consumer credit reporting agencies
18 that Plaintiff had filed for bankruptcy.

19 27. As a result of BofA's inaccurate reporting of the bankruptcy, BofA
20 defamed Plaintiff and his credit score dropped substantially. Plaintiff took great
21 pride in having earned a high credit score, and the decrease in his credit score
22 caused him great distress.

23 28. On or around January 16, 2020, Plaintiff sent a certified letter to each
24 of the consumer credit reporting agencies and directly to BofA, explaining that he
25 had not filed for bankruptcy, and including supporting documentation. Plaintiff
26 requested in the letters that the inaccurate information on his credit report be
27 removed.
28

1 29. In response to Plaintiff's dispute letter, each of the consumer credit
2 reporting agencies in turn communicated the dispute to BoA in accordance with
3 section 1681i of the FCRA. Notwithstanding the disputes, BofA failed to
4 investigate Plaintiff's disputes as required by both the FCRA and the CCCRA,
5 failed to remove the bankruptcy from Plaintiff's credit reports, and continued
6 reporting the defamatory information via the Metro 2 reporting format.

7 30. On January 27, 2020, BofA sent Plaintiff a letter responding to his
8 dispute. BofA told Plaintiff in the letter that it had accurately reported the
9 bankruptcy.

10 31. Plaintiff thereafter spoke to BofA representatives many times in an
11 effort to clear up the inaccurate reporting.

12 32. Despite these efforts, and representations by BofA that it would
13 correct its misreporting, BofA continued to inaccurately report to consumer credit
14 reporting agencies that Plaintiff had filed for bankruptcy.

15 33. Based upon BofA's representations that the inaccurate reporting had
16 been rectified, Plaintiff applied for a personal loan. However, on March 16, 2020,
17 Plaintiff was denied financing solely because BofA continued to inaccurately
18 report the bankruptcy.

19 34. BofA repeatedly and continuously acted, and continues to act, in
20 reckless or conscious disregard of Plaintiff's rights. BofA's actions, and its
21 inaction, continue to cause great distress to Plaintiff. As a direct result of BofA
22 conduct, Plaintiff suffered anguish, embarrassment, anxiety, distress, feelings of
23 hopelessness, and sleepless nights.

24
25
26 **CLASS ACTION ALLEGATIONS**

27 35. Plaintiff brings this action on behalf of the following Classes:
28

1 (a) For Defendant's violations of Cal. Bus. & Prof. Code § 17200
 2 (the "UCL Class"):

3 All persons residing in the State of California, during the
 4 period beginning four (4) years prior to the filing of this
 5 Complaint and continuing through the resolution of the
 6 case, to whom Defendant sent a letter substantially in the
 7 form of the January 8th Letter or for whom Defendant
 8 suspended and/or otherwise deprived funds or credit
 9 privileges due to misattribution of another individual's
 10 bankruptcy or material change in financial circumstances.

11 (b) For Defendant's violations of CAL. CIV. CODE § 1785.25(a) (the
 12 "CCRAA Class"):

13 All persons residing in the State of California, during the
 14 period beginning five (5) years prior to the filing of this
 15 Complaint and continuing through the resolution of the
 16 case, about whom Defendant reported a bankruptcy
 17 notation to one or more consumer credit reporting
 18 agencies, though the person did not file for bankruptcy
 19 and/or for whom the personal identifying information
 20 available in the public record of the bankruptcy does not
 21 match the account holder's personal identifying
 22 information.

23 36. Plaintiff seeks certification of the UCL Class pursuant to Rule
 24 23(b)(2) and (3), and certification of the CCRAA Class to Rule 23(b)(2) and (3).

25 37. The Classes are so numerous that joinder of all members is
 26 impracticable. Although the precise number of Class members is known only to
 27 Defendants, Plaintiff avers upon information and belief that the Classes number in
 28 the hundreds or thousands.

38. There are questions of law and fact common to the Classes that
 predominate over any questions affecting only individual Class members. The
 principal questions concern whether Defendant's practices with respect to
 obtaining and using bankruptcy information constituted unlawful, unfair, or

1 fraudulent business practices, and whether the Defendant willfully and/or
2 negligently violated the CCRAA by furnishing credit information to consumer
3 credit reporting agencies despite having reason to know it was inaccurate.

4 39. Plaintiff's claims are typical of the claims of the Classes, which all
5 arise from the same operative facts and are based on the same legal theories.

6 40. Plaintiff will fairly and adequately protect the interests of the Classes.
7 Plaintiff is committed to vigorously litigating this matter. Further, Plaintiff has
8 secured counsel who are very experienced in handling consumer class actions.
9 Neither Plaintiff nor his counsel have any interests which might cause them not to
10 vigorously pursue this claim.

11 41. This action should be maintained as a class action because the
12 prosecution of separate actions by individual members of the Classes would create
13 a risk of inconsistent or varying adjudications with respect to individual members
14 which would establish incompatible standards of conduct for the parties opposing
15 the Classes, as well as a risk of adjudications with respect to individual members
16 which would as a practical matter be dispositive of the interests of other members
17 not parties to the adjudications or substantially impair or impede their ability to
18 protect their interests.

19 42. Defendant has acted or refused to act on grounds generally applicable
20 to the Classes, thereby making appropriate final injunctive relief or corresponding
21 declaratory relief with respect to the CCRAA Class.

22 43. Whether Defendant violated the UCL and/or CCRAA can be easily
23 determined by Defendant's policies and a ministerial inspection of Defendant's
24 business records.

25 44. A class action is a superior method for the fair and efficient
26 adjudication of this controversy. Management of the Classes' claims is likely to
27 present significantly fewer difficulties than those presented in many individual
28

1 claims. The identities of the Class members may be derived from Defendant's
2 records and publicly available records.

3 4 **COUNT I**

5 **Cal. Bus & Prof. Code § 17200**

6 **(Plaintiff Brooks Individually and on behalf of the UCL Class)**

7 45. Plaintiff incorporates by reference all of the above paragraphs of this
8 Complaint as though fully stated herein.

9 46. Defendant was required to adhere to the requirements of the
10 California Unfair Competition Law (UCL).

11 47. Defendant's inaccurate reporting and inaccurate disclosures
12 constituted unlawful, unfair and fraudulent business practices.

13 48. Defendant's practices were unfair because it is unethical, immoral,
14 unscrupulous, oppressive, and substantially injurious to consumers to match them
15 to records of bankruptcy based on insufficient criteria, and to disseminate
16 inaccurate bankruptcy information to third parties.

17 49. Defendant's practices were fraudulent because the recipients of
18 consumer credit reports prepared based upon Defendant's inaccurate bankruptcy
19 information were deceived and/or were likely to be deceived by Defendant's
20 inaccurate representations that Plaintiff and others similarly situated had filed for
21 bankruptcy.

22 50. The harm caused by these business practices vastly outweighs any
23 legitimate utility they possibly could have.

24 51. Because Plaintiff and the Class will seek credit in the future, there is a
25 real and immediate threat that Plaintiff will suffer the same injury in the future.
26
27
28

52. Plaintiff and the UCL Class are entitled to injunctive relief, restitution of their account funds and credit privileges, and to the recovery of attorneys' fees and costs.

COUNT II

Cal. Civ. Code § 1785.25(a)

(Plaintiff Brooks – Individually and on behalf of the CCRAA Class)

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

54. Defendant is a furnisher of consumer credit information as defined by the CCRAA, and Defendant was required to adhere to the requirements of the CCRAA.

55. The CCRAA prohibited Defendant from furnishing information about consumers to consumer credit reporting agencies which Defendant knew or had reason to know was inaccurate or incomplete. Cal. Civ. Code §1785.22(a).

56. Defendant violated this provision by furnishing information to consumer credit reporting agencies indicating that a credit account had been included in bankruptcy, despite having reason to know that the alleged bankruptcy was filed by a person other than the consumer account holder. Specifically, the publicly available personal identifying information on bankruptcy records gives Defendant reason to know that its attribution of bankruptcy records without reference to middle names and/or generational suffixes is inaccurate. Moreover, Defendant for years has received many consumer disputes regarding its inaccurate reporting of bankruptcy history information.

57. Because Plaintiff and the Class will seek credit in the future, and because Defendant's inaccurate reporting of bankruptcy information is communicated to other potential creditors on consumer credit reports, there is a

1 real and immediate threat that Plaintiff and the Class will suffer the same injury
2 with respect to future credit applications.

3 58. Accordingly, Plaintiff is entitled to injunctive relief and to the
4 recovery of attorneys' fees and costs.

5
6 **COUNT III**
7 **15 U.S.C. § 1681s-2(b)**
8 **(Plaintiff Brooks – Individually)**

9 59. Plaintiff incorporates by reference all of the above paragraphs of this
10 Complaint as though fully stated herein.

11 60. Defendant is a person as defined by FCRA § 1681a(b), and is a
12 “furnisher” of credit information as defined by the FCRA.

13 61. After receiving notice of the inaccurate reporting, Defendant failed
14 and continues to fail to correct the error in violation of 15 U.S.C. § 1681s-2(b).

15 62. Plaintiff is therefore entitled to recover from BofA the full amount of
16 statutory, actual and punitive damages, along with the attorneys' fees and the costs
17 of litigation, as well as such further relief, as may be permitted by law.

18
19 **COUNT IV**
20 **Cal. Civ. Code § 1785.25(f)**
21 **(Plaintiff Brooks – Individually)**

22 63. Plaintiff incorporates by reference all of the above paragraphs of this
23 Complaint as though fully stated herein.

24 64. Defendant is a furnisher of consumer credit information as defined by
25 the CCRAA, and Defendant was required to adhere to the requirements of the
26 CCRAA.
27
28

65. After receiving notice of the inaccurate reporting, Defendant failed to properly and adequately conduct an investigation and/or review all relevant information provided in the dispute, in violation of Cal. Civ. Code § 1785.25(f).

66. Plaintiff is therefore entitled to recover from BofA the full amount of actual and punitive damages, along with the attorneys' fees and the costs of litigation, as well as such further relief, as may be permitted by law.

PRAYER FOR RELIEF:

WHEREFORE, the Plaintiff seeks relief as follows:

A. An order certifying the Classes pursuant to Fed. R. Civ. P. 23;

B. An award of damages for denial of a loan pursuant to 15 U.S.C. §1681n(a)(1)(A), §1681o(a)(1), Cal. Civ. Code §§ 1785.31(a)(1) and 1785.31(a)(2)(A);

C. An award of actual damages for mental anguish, emotional distress, inconvenience, frustration, embarrassment, and despair, or as the jury may allow at trial, pursuant to 15 U.S.C. §§1681n(a)(1)(A) and 1681o(a)(1), and CAL. CIV. CODE §§ 1785.31(a)(1) and 1785.31(a)(2)(A);

D. An award of punitive damages, as the Court may allow pursuant to 15 U.S.C. §1681n(a)(1)(A), 15 U.S.C. §1681n(a)(2), and CAL. CIV. CODE §1785.25(a) and §1785.31(a)(2)(B);

E. Restitution of all funds suspended and the value of credit privileges revoked or terminated;

F. Injunctive relief ordering BofA to rectify the credit reporting errors and change its procedures for attributing bankruptcy information;

G. An award for reasonable attorneys' fees and costs to maintain the instant action pursuant to 15 U.S.C. §§1681n and 1681o, and CAL. CIV. CODE §§1785.31; and

1 H. Any other equitable relief deemed appropriate.
2

3 Dated this 14th day of July
4

5 /s/ Tammy Hussin
6

7 Tammy Hussin, Esq.
8 HUSSIN LAW FIRM
9

10 /s/ James Francis
11

12 James A. Francis, Esq.
13 FRANCIS MAILMAN
14 SOUMILAS
15

16 **Attorneys for Plaintiff**
17 **WILLIAM NORMAN BROOKS, III**
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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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

WILLIAM NORMAN BROOKS, III, on behalf of himself and all others similarly situated

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

(c) Attorney's (Firm Name, Address, and Telephone Number)

Tammy Hussin, Esq., Hussin Law Firm, 1596 N. Coast Hwy 101, Encinitas, CA 92024 (tel. 877.677.5397)

DEFENDANTS

BANK OF AMERICA, N.A.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

'20CV1348 BAS LL

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)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | ☒ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☒ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 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 PERSONAL INJURY ☐ 362 Personal Injury - Med. Malpractice ☐ 365 Personal Injury - Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs. ☐ 660 Occupational Safety/Health ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 463 Habeas Corpus - Alien Detainee ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☒ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities/Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Information Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 444 Welfare ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 440 Other Civil Rights	PRISONER PETITIONS ☐ 510 Motions to Vacate Sentence Habeas Corpus: ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition		

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
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Cal Civ Code Section 1785.3(d)

Brief description of cause:
Consumer credit

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/16/2020

SIGNATURE OF ATTORNEY OF RECORD

s/ Tammy Hussin

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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.C.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; 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 clerks 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 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. (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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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 dollar amount (in thousands of dollars) 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.