

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

2006 OCT 31 AM 10:12

U.S. DISTRICT COURT
N.D. OF ALABAMA

REUBEN S. CURB,

Plaintiff,

v.

TRANSUNION, LLC; EXPERIAN
INFORMATION SOLUTIONS, INC.;
EQUIFAX INFORMATION SERVICES,
LLC; CAPITAL ONE BANK; HSBC
BANK OF NEVADA; and
AMERIQUEST MORTGAGE
COMPANY,

Defendants.

Civil Action No.:

CV-06-P-2301-W

COMPLAINT

COMES NOW the Plaintiff, by and through counsel, in the above styled cause, and for his Complaint against the Defendants¹ states as follows:

Jurisdiction & Venue

1. This is an action brought by a consumer for violations of the Fair Credit Reporting Act (15 U.S.C. § 1681 et seq. [hereinafter "FCRA"])² regarding inaccurate entries on Plaintiff's credit reports. Therefore, subject matter jurisdiction exists under 28 U.S.C. Section 1331.
2. This action is also brought under Alabama state law. These claims are brought under 28 U.S.C. Section 1332 as there exists complete diversity and

¹ Any reference to Defendant or Defendants refers to both singular and plural.

² Any reference the Fair Credit Reporting Act or any part thereof encompasses all relevant parts and subparts thereto.

the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000), exclusive of costs and interests.

3. Venue is proper in this Court under 28 U.S.C. Section 1391(b) as the events took place in this Judicial District and all Defendants reside in this Judicial District as all Defendants are subject to personal jurisdiction in this Judicial District.

Parties

4. The Plaintiff, REUBEN CURB ["Plaintiff"], is a natural person who resides within this Judicial District.
5. Defendant TRANSUNION, LLC ["TransUnion"] is a foreign company that engages in the business of maintaining and reporting consumer credit information and does business in this Judicial District.
6. Defendant EXPERIAN INFORMATION SOLUTIONS, INC. ["Experian"] is a foreign company that engages in the business of maintaining and reporting consumer credit information and does business in this Judicial District.
7. Defendant EQUIFAX INFORMATION SERVICES, LLC ["Equifax"] is a foreign company that engages in the business of maintaining and reporting consumer credit information and does business in this Judicial District.
8. Defendant HSBC BANK OF NEVADA ["HSBC"] is a foreign company that furnishes consumer credit information about the Plaintiff and engages in business in this Judicial District.

9. Defendant AMERIQUEST MORTGAGE COMPANY, INC. ["Ameriquest"] is a foreign company that furnishes consumer credit information about the Plaintiff and engages in business in this Judicial District.
10. Defendant CAPITAL ONE BANK ["CapOne"] is a foreign company that furnishes consumer credit information about the Plaintiff and engages in business in this Judicial District.

Factual Allegations

11. Plaintiff had numerous errors on his credit reports with Experian, Equifax, and TransUnion concerning two accounts under his name from CapOne, one of his HSBC accounts, and his Ameriquest account.
12. Plaintiff began disputing with the Defendants in or around January 2006 and these disputes continued through disputes online and by mail that Plaintiff made to the Defendants, various governmental agencies, and the Better Business Bureau of Virginia.
13. The incorrect accounts/trade lines in question include the following: CapOne account 4862xxxx; CapOne account 4388xxxx; HSBC account 5489xxxx; and Ameriquest 8740xxxx.
14. Defendants CapOne and Equifax improperly caused and/or allowed an impermissible pull on or about December 16, 2005, of Plaintiff's Equifax credit report violating the FCRA.
15. The Defendants failed to maintain Plaintiff's accounts with maximum accuracy and failed to properly investigate the accounts in response to the disputes made by Plaintiff.

16. Plaintiff has suffered through paying higher interest rates than he would have if the Defendants would have promptly conducted a reasonable investigation and had maintained the accounts on the credit reports with maximum accuracy. Plaintiff also suffered through credit denials due to the misconduct of the Defendants.
17. The conduct of the Defendants has proximately caused Plaintiff past and future monetary loss, past and future damage to Plaintiff's credit and credit worthiness, past and future mental distress and emotional anguish, and other damages that will be presented to the trier of fact.
18. It is a practice of all of the Defendants to maliciously, willfully, recklessly, wantonly and/or negligently ignore and refuse to follow the requirements of the FCRA and state law.
19. All actions taken by employees, agents, servants, or representatives of any type for the Defendants were taken in the line and scope of such individuals (or entities') employment, agency or representation.
20. All actions taken by the Defendants were done with malice, were done willfully, and were done with either the desire to harm Plaintiff and/or with the knowledge that their actions would very likely harm Plaintiff and/or that their actions were taken in violation of the FCRA and state law and/or that they knew or should have known that their actions were in reckless disregard of the FCRA and state law.
21. All Defendants have engaged in a pattern and practice of wrongful and unlawful behavior with respect to accounts and consumer reports and as such

all Defendants are subject to punitive damages and statutory damages and all other appropriate measures to punish and deter similar future conduct by these Defendants and similar companies.

FIRST CLAIM FOR RELIEF
Violating the Fair Credit Reporting Act

22. All paragraphs of this Complaint are expressly adopted and incorporated herein as if fully set forth herein.
23. Plaintiff is a “consumer,” as codified at 15 U.S.C. § 1681a(c).
24. Equifax, Experian, and TransUnion are each a “consumer reporting agency,” as codified at 15 U.S.C. § 1681a(e).
25. CapOne, HSBC, and Ameriquest are entities who, regularly and in the course of business, furnish information to one or more consumer reporting agencies about its transactions or experiences with any consumer and constitute a “furnisher,” as codified at 15 U.S.C. § 1681s-2.
26. Plaintiff notified Equifax, Experian, and TransUnion directly of a dispute on the CapOne, HSBC, and Ameriquest accounts’ completeness and/or accuracy, as reported.
27. The credit reporting agencies either failed to delete information found to be inaccurate or reinserted the information without following the dictates of the FCRA.
28. Plaintiff alleges that at all relevant times Defendants failed to maintain and failed to follow reasonable procedures to assure maximum possible accuracy of his credit report, concerning the accounts in question, violating 15 U.S.C. § 1681e(b).

29. Plaintiff alleges that all Defendants failed to conduct a proper and lawful reinvestigation.
30. The Defendants CapOne and Equifax improperly caused and/or allowed an impermissible pull on or about December 16, 2005, of Plaintiff's Equifax credit report violating the FCRA.
31. All actions taken by the Defendants were done with malice, were done willfully, and were done with either the desire to harm Plaintiff and/or with the knowledge that their actions would very likely harm Plaintiff and/or that their actions were taken in violation of the FCRA and state law and/or that they knew or should have known that their actions were in reckless disregard of the FCRA and state law.
32. All of the violations of the FCRA proximately caused the injuries and damages set forth in this Complaint.

SECOND CLAIM FOR RELIEF
State Law Claims

33. All paragraphs of this Complaint are expressly adopted and incorporated herein as if fully set forth herein.
34. Defendants published false information about Plaintiff by reporting the accounts in question with false information listed on the accounts.
35. Plaintiff alleges that the publication was done maliciously, without privilege, and with a willful intent to injure Plaintiff.
36. Such publication constitutes defamation under Alabama law.

37. The Defendants invaded the privacy of Plaintiff as set forth in Alabama law. This was accomplished by the improper credit pull described in this Complaint as well as the other conduct set forth herein.
38. The Defendants acted with negligence, malice, wantonness, recklessness, and/or intentional conduct in their dealings with and about Plaintiff as set forth in this complaint. This includes the initial reporting of the accounts in question; the handling of the investigations on the account; and all other aspects as set forth in this Complaint.
39. Such negligence, malice, wantonness, recklessness, and/or intentional conduct proximately caused the damages set forth in this complaint.

RELIEF SOUGHT

40. An award of statutory, actual, compensatory and punitive damages, and costs of the action including expenses, together with reasonable attorney's fees.
41. Plaintiff also requests all further relief to which he is entitled under Federal or State law, whether of a legal or equitable nature.

Respectfully Submitted,



John G. Watts ASB-5819-T82J
Attorney for Plaintiff

OF COUNSEL:

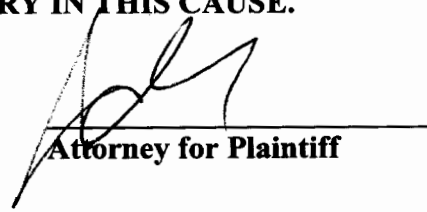
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PLAINTIFF DEMANDS A TRIAL BY JURY IN THIS CAUSE.



Attorney for Plaintiff

Serve defendants via certified mail at the following addresses.:

TransUnion, LLC
Prentice-Hall Corporation System Inc
150 S. Perry St.
Montgomery, AL 36104

Experian Information Solutions, Inc.
c/o The Corporation Company
2000 Interstate Park Drive
Suite 204
Montgomery, Alabama 36109

Equifax Information Services, LLC
c/o CSC Lawyers Incorporating Services, Inc.
150 South Perry Street
Montgomery, Alabama 36104

Capital One Bank
6356 Corley Road
Norcross, Georgia 30091

HSBC Bank of Nevada
Attention Executive Services
1441 Schilling Place
Salinas, CA 93901

Ameriquest Mortgage Company, Inc.
c/o National Registered Agents Inc
150 South Perry Street
Montgomery, Alabama 36104