

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

**IN RE: TransUnion Rental Screening
Solutions, Inc. FCRA Litigation**

**No. 1:20-md-02933-JPB
ALL CLASS CASES**

CONSOLIDATED AMENDED CLASS ACTION COMPLAINT

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COME NOW, Plaintiffs William R. Hall, Jr., Chris Robinson, Jonathan Wright, Michael Reid Lewis, Patricia McIntyre, Kaila Hector, William Aird, Christopher W. Brown, Jennifer Lee Brown, Richard Adam Beard, Ramona Belluccia, Tracy Turner, Jack Hernandez, and Stephanie Heinsman (“Plaintiffs”) and state as follows:

INTRODUCTION

1. This is a coordinated multi-district litigation class action for damages and injunctive relief against Defendants TransUnion Rental Screening Solutions, Inc. (“TURSS”) and its parent, TransUnion, LLC (“TU”), pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (“FCRA”), the California Consumer Credit Reporting Agencies Act, CAL. CIV. CODE § 1785, *et seq.* (“CCRAA”), and the California Unfair Competition Law, CAL. BUS. & PROF. CODE § 17200, *et seq.* (“UCL”).

2. This Consolidated Amended Class Action Complaint brings together, for ease of pre-trial coordination, the claims of all but one of the coordinated Plaintiffs who are presently asserting allegations on behalf of a class. ¹

¹ The consolidating Plaintiffs do not by this filing waive their right to remand for trial in the jurisdictions in which they originally filed their cases. Rather, they are filing the consolidated complaint in order to ease the administrative burden on the Court.

3. Recognizing the important role in our economy played by consumer reports—which either empower or impair an individual’s access to housing, credit, employment, and more—Congress passed the FCRA in 1970 to regulate consumer reporting agencies’ (“CRAs”) collection, maintenance, and disclosure of consumer credit report information, including criminal and eviction records. In doing so, Congress insisted that CRAs “exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer’s right to privacy” and “adopt reasonable procedures” that are “fair and equitable to the consumer.” 15 U.S.C. § 1681; *see also Yang v. Gov’t Emps. Ins. Co.*, 146 F.3d 1320, 1322 (11th Cir. 1998) (“When Congress enacted the FCRA in 1970, it recognized the ‘vital role’ that credit reporting agencies assume in our economic system.”).

4. The FCRA was enacted specifically because CRAs had *not* been exercising their grave responsibilities with the necessary fairness, impartiality, and respect for consumers. *See Guimond v. Trans Union Credit Info. Co.*, 45 F.3d 1329, 1333 (9th Cir. 1995) (“The FCRA was the product of congressional concern over abuses in the credit reporting industry.”). In particular, and as the legislative history reveals, the FCRA “was crafted to protect consumers from the transmission of inaccurate information about them and to establish credit reporting practices that utilize accurate, relevant, and current information in a confidential and responsible

manner.” *Id.* (internal citations omitted). Thus, “[t]he FCRA seeks to promote the credit reporting industry’s responsible dissemination of accurate and relevant information.” *Yang*, 146 F.3d at 1322.

5. In enacting the FCRA, Congress also sought to address “the inability at times of the consumer to know he is being damaged by an adverse credit report,” the lack of “access to the information in [his] file,” the “difficulty in correcting inaccurate information,” and “getting [his] version of a legitimate dispute recorded in ... [his] credit file.” *Cortez v. Trans Union, LLC*, 617 F.3d 688, 706 (3d Cir. 2010) (internal citations omitted).

6. Accordingly, given its genesis, clear intent, and “consumer-oriented objectives,” the FCRA is to be liberally construed. *Guimond*, 45 F.3d at 1333.

7. Defendants’ procedures described herein—and the inaccurate and harmful consumer reports that they produce—violate the FCRA and related state laws. The core rights protected by the FCRA and the state laws prosecuted herein are: (1) consumers’ right to have only accurate, complete, and relevant information included in their consumer reports, and (2) consumers’ related right to discover and dispute all information about them maintained by CRAs.

8. Defendants systemically deprive Plaintiffs and Putative Class Members of these rights in at least three ways:

- a. **Inaccurate criminal records:** TURSS obtains and then relies on incomplete parts of criminal records. TURSS then uses unlawfully lax automated algorithms to attribute those incomplete records to individual consumers. TURSS' systematic failure to adopt reasonable procedures to ensure maximum possible accuracy when reporting and matching consumers to criminal records predictably and repeatedly results in TURSS falsely labeling people as having committed crimes they did not commit. TURSS also continued to report certain adverse information after it became too old to legally include. (*see* Section I);
- b. **Inaccurate eviction records:** Despite the public availability of court records that conclusively demonstrate that eviction cases have been dismissed, withdrawn, vacated, satisfied, or resulted in judgments in tenants' favor, TURSS systemically fails to obtain up-to-date information about eviction cases before it sells them to landlords. This results in TURSS publishing harmful, misleading, and out-of-date information about consumers' civil eviction cases (*see* Section II);
- c. **Inadequate disclosures:** When consumers seek to determine what is being reported about them (and by whom) in order to correct TURSS' reporting errors, TURSS' parent company, TU, provides inadequate

and misleading disclosures that thwart consumers' efforts (*see* Section III).

9. Defendants' practices harm consumers by misleading their potential landlords with inaccurate, adverse information and by depriving those consumers of valuable, congressionally mandated information that would allow them to correct and prevent the further dissemination of such inaccurate information.

10. In order to obtain redress for consumers harmed by Defendants' practices, Plaintiffs assert claims under the FCRA and California law on behalf of themselves and several Classes defined herein. Appended hereto is a chart summarizing the claims asserted, and on behalf of which Class the claims are brought.

JURISDICTION

11. The Court has jurisdiction over these coordinated actions up through the time of trial as a result of MDL transfer order. ECF No. 1.

12. This Court has jurisdiction over this action pursuant to 15 U.S.C. § 1681p and CAL. CIV. CODE § 410.10.

PARTIES

A. Consolidated Plaintiffs

13. Plaintiffs are each natural persons and "consumers" as protected and

governed by the FCRA and corresponding state law.

14. Plaintiff William R. Hall, Jr. (“Plaintiff Hall”) is a resident of Canton, Georgia. His case was originally filed in this Court. After pretrial proceedings, Plaintiff Hall will remain in this Court, as this Court has personal jurisdiction over his claims.

15. Plaintiff Chris Robinson’s (“Plaintiff Robinson”) complaint was originally filed in the Central District of California. That Court has personal jurisdiction over his claims because, at all times relevant to this matter, Plaintiff Robinson resided in Orange County, California.

16. Plaintiff Jonathan Wright’s (“Plaintiff Wright”) complaint was originally filed in the Central District of California. That Court has personal jurisdiction over his claims because at all times relevant to this matter, Plaintiff Wright resided in Thousand Oaks, California.

17. Plaintiff Michael Lewis’s (“Plaintiff Lewis”) complaint was originally filed in Los Angeles County Superior Court, and was removed to the Central District of California. Those Courts have personal jurisdiction over his claims, because at all times relevant to this matter, Plaintiff Lewis resided San Pedro, California.

18. Plaintiff Kaila Hector’s (“Plaintiff Hector”) complaint was originally filed in the Eastern District of Virginia. That Court has personal jurisdiction over

her claims, because a substantial part of the events or omissions giving rise to her claim occurred in that District.

19. Plaintiff William Aird's ("Plaintiff Aird") complaint was originally filed in the Eastern District of Virginia. That Court has personal jurisdiction over her claims, because at all times relevant to this matter, Plaintiff Aird resided in Chesapeake, Virginia.

20. Plaintiff Patricia McIntyre's ("Plaintiff McIntyre") complaint was originally filed in the Eastern District of Pennsylvania. That Court has personal jurisdiction over her claims, because at all times relevant to this matter, Plaintiff McIntyre resided in Philadelphia, Pennsylvania.

21. Plaintiff Richard Beard's ("Plaintiff Beard") complaint was originally filed in the Western District of Virginia. That Court has personal jurisdiction over his claims, because at all times relevant to this matter, Plaintiff Beard resided in that District.

22. Plaintiff Christopher W. Brown's ("Plaintiff Christopher Brown") complaint was originally filed in the District of Maryland. That Court has personal jurisdiction over his claims, because a substantial part of the events or omissions giving rise to his claim occurred in that District.

23. Plaintiff Jennifer Brown's ("Plaintiff Jennifer Brown") complaint was

originally filed in the Eastern District of Virginia. That Court has personal jurisdiction over her claims, because at all times relevant to this matter, Plaintiff Jennifer Brown resided in that District.

24. Plaintiff Ramona Belluccia's ("Plaintiff Belluccia") complaint was originally filed in the Middle District of Florida. That Court has personal jurisdiction over her claims, because at all times relevant to this matter, Plaintiff Belluccia resided in Tampa, Florida.

25. Plaintiff Stephanie Heinsman's ("Plaintiff Heinsman") claims are filed for the first time in this Complaint. After pretrial proceedings in this Court, Plaintiff Heinsman will remain in this Court, as this Court has personal jurisdiction over her claims, because at all times relevant to this matter, Plaintiff Heinsman resided in this District.

26. Plaintiff Tracy Turner's ("Plaintiff Turner") complaint was originally filed in this Court. After pretrial proceedings in this Court, Plaintiff Turner will remain in this Court, as this Court has personal jurisdiction over her claims, because at all times relevant to this matter, Plaintiff Turner resided in this District.

27. Plaintiff Jack Hernandez's ("Plaintiff Hernandez") complaint was originally filed in the Southern District of Florida. Although Plaintiff Hernandez now resides in Maryland, the Southern District of Florida has personal jurisdiction

over his claims, because he resided in that District at all times relevant to this matter.

B. Defendants TransUnion and TransUnion Rental Screening

28. Both Defendants in this case are consumer reporting agencies, as the bulk of their business is selling consumer reports.

29. Because Defendants are CRAs selling consumer reports, they are subject to the requirements of the FCRA and similar state statutes.

30. Defendant TransUnion, LLC is a consumer reporting agency and foreign limited liability company.

31. Defendant TU is one of the “Big 3” consumer reporting agencies. TU maintains consumer files on virtually the entire US adult population.

32. Defendant TransUnion Rental Screening Solutions, Inc. is TU’s subsidiary, and is one of the largest rental screening agencies in the United States. TURSS provides rental screening reports on prospective tenants that include, among other things, criminal history, credit history, civil/eviction history, and rental recommendations, i.e., a recommendation as to whether the landlord should rent to the prospective tenant. TURSS provides reports to both landlords and other CRAs, who then resell the data purchased from TURSS to landlords.

33. TURSS also sells employment screening reports to employers.

34. TURSS is a consumer reporting agency as defined by the FCRA, 15

U.S.C. § 1681a. TURSS is regularly engaged in the business of assembling, evaluating, and publishing information concerning consumers for the purpose of furnishing consumer reports to third parties.

35. Among other things, TURSS provides background checks and credit reports to landlords and employers for their use in deciding whether to rent to a prospective tenant, or employ a prospective employee. These reports are provided in connection with a business transaction initiated by the consumer, or in conjunction with employment.

36. The consumer reports that TURSS about thousands of consumers each year are “consumer reports” within the meaning of 15 U.S.C. § 1681a(d) because they are used and expected to be used for multiple purposes governed by 15 U.S.C. § 1681b and the information included within bears on the reputation, personal characteristics, and mode of living of the subjects of the reports.

37. Likewise, TURSS’ reports are “consumer credit reports,” as defined in the California Consumer Credit Reporting Agencies Act (“CCRAA”) at CAL. CIV. CODE 1785.3, because the information contained therein bears upon consumers’ credit worthiness, credit standing, or credit capacity, and is used or expected to be used as a factor in establishing the consumer’s eligibility for the hiring of a dwelling unit.

38. TURSS markets its services to landlords by noting that it can provide “accurate credit, criminal and eviction histories on renters.” It purports to offer “more accurate matching” using “[a]dvanced matching logic to match your rental applicants to our report histories.”² TURSS further claims that its background screening products’ “[b]road coverage and more precise matching capabilities provide comprehensive, targeted and filtered screening results.”³ This is not to be the case.

39. Landlords and employers that purchase TURSS’ services rely on the information in TURSS’ reports to make eligibility decisions. Many landlords and employers base rental and employment decisions on TURSS’ reporting of criminal and eviction records.

40. TURSS is aware of the detrimental impact that misattributing a criminal record to a prospective tenant has on that person’s ability to obtain housing. TURSS provides “custom leasing recommendations” in connection with its reports, advising landlords whether to accept or reject an applicant based upon the information in the

² *SmartMove* | *Product* *Highlights*, <https://www.transunion.com/product/smartmove> (last visited May 14, 2021).

³ *Background* *Data* *Solutions*, <https://www.transunion.com/product/background-data-solutions> (last visited May 14, 2021).

report.⁴ These non-binding recommendations are frequently followed by landlords, and are often based on criminal and eviction records like those misattributed to Plaintiffs.

I. CRIMINAL RECORDS CLAIMS

A. TURSS's Flawed Data Acquisition and Matching Procedures

41. TURSS sells and includes criminal public records information – purportedly about tenant applicants – in the rental screening reports it sells to landlords.

42. Despite the high stakes involved in criminal record reporting, TURSS (1) fails to obtain complete and up-to-date criminal records information from the original source (*i.e.*, the courthouse), and (2) relies on flawed automated matching procedures that misattribute crimes to innocent individuals.

43. TURSS does not always obtain complete and up-to-date public records from the source. For many years, TURSS has purchased records of civil and criminal cases from one or more private sources known as “vendors,” rather than retrieving for itself the actual underlying court records. TURSS also relies heavily on information that is available online, and that can be retrieved through the use of automated procedures. TURSS frequently fails to obtain data that could be obtained

⁴ See fn. 2, *supra*.

through an in-person or telephonic visit to a courthouse, and also fails to obtain data that exists online, but that requires a user to advance beyond an initial summary screen. TURSS also relies on old data, meaning that it fails to catch changes to public records, such as expungements or notations that a criminal charge has been dismissed or reduced.

44. Regardless of whether data comes from a vendor or directly from a jurisdiction, TURSS does not obtain complete records, often obtaining only summary data available online or in bulk. For criminal records, TURSS' procedures result in data that does not include sufficient information to positively identify the criminal defendant, such as SSN, date of birth, middle name, and address. Relying on the sparse data points it does collect leads TURSS to erroneously match criminal records with innocent individuals to whom they do not belong.

45. In addition to relying on out-of-date, incomplete information, TURSS employs unreasonably loose matching logic when matching consumers with criminal records.

46. TURSS does not involve actual human beings in the process of matching consumers to criminal records.

47. Instead, TURSS has developed a proprietary automated algorithmic "match logic" that determines whether a given criminal record will be included on

an individual's consumer report. This logic, which exists as computer code in TURSS' system, is applied in an automated fashion in the creation of all reports.

48.

[REDACTED]

49.

[REDACTED]

50.

[REDACTED]

[REDACTED]

51. [REDACTED]

[REDACTED]

52. [REDACTED]

[REDACTED]

53. [REDACTED]

[REDACTED]

[REDACTED]

54. [REDACTED]

[REDACTED]

[REDACTED]

55. [REDACTED]

[REDACTED]

56. [REDACTED]

[REDACTED]

57. [REDACTED]

[REDACTED]

58. In addition to employing matching criteria that are obviously flawed, TURSS also fails to fully and accurately report the criminal records it includes in its reports, including so little information about the underlying criminal record itself as to make the reports misleading. For example, TURSS' report on Plaintiff Wright not only includes a *misattributed* record, it also fails to include even basic information about what the reported record entails. It does not show what the charges were, what the disposition was (if any), or what fine or sentence was imposed (if any). It does not even clearly indicate whether the record at issue is criminal, traffic, or both:

Summary			
Incident(s):	0	Booking(s):	0
Court Action(s):	1	Sentencing(s):	0
		Arrest(s):	0
		Supervision(s):	0
Comments			
Court Action			
Activity Type:	CRIMINAL/TRAFFIC		
Court Record Id:	14F04623		
Court			
Organization Jurisdiction			
Jurisdiction Description:	CA SACRAMENTO SUPERIOR COURT		
Court Charge			
Charge Sequence Id:	1		
Charge Filing Date:	2014-07-09		
Appealed From Lower Court:	false		
Case Filing			
Activity Date:	2014-07-09		

59. Including this kind of vague innuendo about potential criminal activity is wholly inconsistent with the FCRA's requirement of "maximum possible" accuracy.

60. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. TURSS's Criminal Record Inaccuracies Harmed Class Members

61. TURSS's materially flawed practices and procedures for reporting criminal record information, including the failure to obtain, use, and report sufficient identifying information and information about the record at issue, cause widespread harm to consumers and to interstate commerce as a whole.

62. The criminal record inaccuracies alleged in this action were each material and harmful. In each instance, the Plaintiff and/or class member was falsely reported as having committed a crime or suffered a conviction.

63. Where, as here, "Plaintiff has pled that Trans Union has disseminated false information, or in the alternative, the alleged inaccuracy gives rise to a risk of the dissemination of false information, which is the harm that Congress sought to

protect against by enacting the procedural requirements of Sections 1681e(b)” such “allegations of harm are sufficiently concrete to satisfy Article III’s injury in fact requirement.” *Burrow v. Equifax Info. Servs., LLC*, No. 118CV05134JPBLTW, 2019 WL 5417147, at *7 (N.D. Ga. Aug. 5, 2019), *report and recommendation adopted*, No. 1:18-CV-05134-JPB, 2019 WL 5410067 (N.D. Ga. Aug. 26, 2019).

64. This is in part because “the harm of reporting inaccurate information has a close relationship to the harm caused by publication of defamatory information, which provides another basis for holding that a violation that creates an increased risk of that harm states a concrete injury.” *Id.* (citing *Pedro v. Equifax, Inc.*, 868 F.3d 1275, 1280 (11th Cir. 2017)). *See also Losch v. Nationstar Mortg. LLC*, No. 20-10695, 2021 WL 1653016, at *3 (11th Cir. Apr. 28, 2021) (“[T]he false reporting itself was the injury.”).

65. TURSS’s reporting of outdated information also harms consumers. The requirement that outdated information be purged was included in the FCRA to ensure that consumers had an opportunity to improve their reports over time. *See S. Rep. No. 91-517* (1969).

66. Congress has made a policy determination that adverse information older than seven years, other than criminal convictions, should not be provided by consumer reporting agencies. 15 U.S.C. § 1681c(a). Numerous states have

recognized that the reporting of old adverse information harms consumers and imposed similar bans. *See, e.g.* N.Y. Gen. Bus. Law § 380-j; Tex. Bus. & Com. Code Ann. § 20.05; California Civil Code § 1786.18(a)(7); N.H. Rev. Stat. Ann. § 359-B:5. By failing to provide consumers with the “fresh start” mandated by Congress, TURSS did concrete harm.

67. By reporting outdated adverse information which Congress has deemed unreportable, TURSS also invaded consumers’ privacy. This invasion of privacy was a concrete harm. In passing 15 U.S.C. § 1681c, Congress recognized a privacy right that is attached to old information, even information that exists in public records. The connection between forbidding the reporting of old information and protecting consumers’ privacy rights is well-established. *See King v. General Information Services Inc.*, 2:10-cv-06850, ECF No. 52 at 14 (E.D. Pa.) (Brief of the United States, arguing that “Section 1681c’s restrictions on disclosing older adverse information serve the governmental interest in protecting individuals’ privacy.”).

68. TURSS’s inclusion of outdated information on its reports also harms consumers because TURSS presents outdated information about civil violations under headings that lead the reader to believe the information reported therein is criminal in nature. For example, TURSS uses a heading of “criminal/traffic” above certain records. For records older than seven years, the clear implication is that the

violations are criminal in nature, because if they were not, they would have been excluded. Hence, TURSS's inclusion of the obsolete information also harms consumers by falsely implying they committed crimes.

69. Not only does TURSS' publication of inaccurate criminal record information to prospective landlords violate the FCRA, but it is also defamation *per se* which causes consumers serious and cognizable actual damages. *See* Restatement (2d) of Torts, §§ 570-574 (a statement is defamatory per se when it falsely imputes a criminal offense to the plaintiff); *Patel v. Trans Union, LLC*, No. 14-cv-00522-LB, 2016 WL 614191, at *3 (N.D. Cal. Oct. 21, 2016) (recognizing the inherently harmful nature of sharing "erroneous and inherently damning information" in the form of inaccurate criminal records included on tenant screening reports).

C. TURSS Willfully Violates the Law

70. By relying on incomplete, out-of-date criminal record information, and using a faulty, overinclusive match logic in preparing its consumer reports, TURSS has failed to "follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates," as required by both state and federal law. 15 U.S.C. § 1681e(b); CAL. CIV. CODE §§ 1786.14(b); 1786.20(b).

71. By following unreasonable procedures and thus preparing inaccurate

reports, TURSS engaged in unlawful, unfair, and fraudulent business practices, thus also violating the California Unfair Competition Law (“UCL”).

72. Worse yet, because TURSS knows that its procedures are unreasonable, it negligently and willfully violated the FCRA. *See* 15 U.S.C. §§ 1681n; 1681o.

73. TURSS seeks to mask the basis for its criminal record attribution by formatting its reports to makes it appear as though the match was based on more elements of the applicant’s personally identifying information than it really was. In an effort to bolster the apparent strength of its matches, TURSS repeats the applicant’s personally identifying information above *every* record on the report, including the records that do not belong to the applicant. For example, on page 1 of the report about Plaintiff Robinson, and page 4 of the report about Plaintiff Lewis, TURSS listed the Plaintiff’s date of birth and address in the upper right corner of the page, but the remainder of the pages are devoted to records that were neither Plaintiffs’ records nor associated with either the listed address or the listed date of birth.

74. This tactic is misleading, as it makes it appear to the reader as though the information in the public criminal records matched Plaintiff Robinson’s and Plaintiff Lewis’s dates of birth and addresses when in reality the records were matched to *neither* personal identifier.

75. As discussed above, TURSS' data acquisition and match logic policies are self-evidently flawed. [REDACTED]

76. TURSS' failures are the direct result of intentional business decisions. Obtaining the actual and complete public record can be more expensive and resource-intensive than conducting an automated webscrape. Asking vendors to retrieve complete records can be more expensive than accepting incomplete data. Rather than spend the time or money to obtain and consider the actual criminal record, TURSS chose to obtain only webscrapes or other automated renditions of the summary docket sheets otherwise available over the Internet, and then held these incomplete renditions out as the actual public record. These summary records did not include all of the information (particularly identifying information) or the most up-to-date information dispositions that would have been available at the courthouses or government offices where the records themselves are housed.

77. TURSS knows that the information it purchases from its vendor(s) routinely does not contain basic personal identifying information such as date of

birth, Social Security Number, or middle name, and that this information routinely does not include an accurate description of the charge or disposition.

78. TURSS is aware that other tenant screening agencies have faced repercussions for substantially similar activities. *See, e.g., FTC v. Realpage, Inc.*, No 3:18-cv-2737 (N.D. Tex.) (FTC settlement with tenant screening agency which failed to comply with 15 U.S.C. § 1681e(b) because it used loose matching criteria to link potential tenants with criminal records).

79. TURSS is also aware that its practices violate the law. Purchasing distilled, incomplete public records information was the impetus for regulatory investigations of its corporate parent and partner, TU, and other consumer reporting agencies, and dozens of FCRA class action lawsuits throughout the United States, which ultimately resulted in a nationwide settlement with TU. *Clark v. Trans Union, LLC*, No. 3:15-cv-00391-MHL, ECF No. 272 (E.D. Va. Aug. 29, 2018).

80. Further, in 2015, the Consumer Financial Protection Bureau (“CFPB”) noted that consumer reporting agencies did not adequately oversee their public records vendors:

Examiners found that the oversight of public records providers by one or more CRAs was weak and required corrective action. For example, one or more CRAs had never conducted a formal audit of their public records providers. In addition, one or more CRAs did not have defined processes to verify the accuracy of public record information provided by their public records providers. In light of such weaknesses,

Supervision directed one or more CRAs to establish and implement suitable and effective oversight of public records providers.⁵

81. Further, the CFPB expressed concern about the accuracy of public records information that the CRAs imported into their consumer databases:

Examiners reviewed quality control processes with respect to the accuracy of consumer reports produced by one or more CRAs and found that, with certain exceptions, there were no quality control policies and procedures to test compiled consumer reports for accuracy. While processes existed to analyze and improve the quality of incoming data, there was no post-compilation report review or sampling to test the accuracy of consumer reports. In light of these weaknesses, Supervision directed one or more CRAs to develop a plan with implementation timelines to establish quality controls that regularly assess the accuracy and integrity of the consumer reports and consumer file disclosures produced.⁶

82. TU and its subsidiary TURSS have long been the leaders in inaccurate reporting, accounting for over 10% – 239,346 out of 2,077,307 – of the complaints made to the CFPB.⁷

⁵ CFPB, *Supervisory Highlights*, 2.1.1 (Summer 2015), available at http://files.consumerfinance.gov/f/201506_cfpb_supervisory-highlights.pdf (last visited May 14, 2021).

⁶ *Id.* at 2.1.2.

⁷ https://www.consumerfinance.gov/data-research/consumer-complaints/search/?company=TRANSUNION%20INTERMEDIATE%20HOLDINGS%2C%20INC.&dataNormalization=None&dateRange=All&date_received_max=2021-05-12&date_received_min=2011-12-01&searchField=all&tab=Map (last visited May 14, 2021).

83. Despite the fact that it is fully aware of the problems associated with incomplete information purchased from vendors, TURSS has not stopped acquiring and profiting from the cheap acquisition of incomplete and inaccurate information. Thus, at all times relevant hereto, TURSS' conduct was willful and carried out in knowing or reckless disregard for consumers' rights under the FCRA. TURSS' conduct was intentionally accomplished through its intended procedures; these procedures have continued despite the fact that other CRAs have been subject to court decisions and consumer complaints critical of similar conduct; and TURSS will continue to engage in this conduct because it believes there is greater economic value in selling over-inclusive consumer reports than in producing accurate reports.

D. TURSS Willfully Reports Outdated Non-Conviction Information

84. In addition to inaccurate reporting, because TURSS does not appropriately sort criminal convictions from non-criminal civil violations (such as traffic offenses), TURSS reports such non-criminal violations for longer than the allowable seven-year period allowed by the FCRA.

85. Under 15 U.S.C. § 1681c(a), a report may not include dismissed or amended charges, "records of arrest," or "any other adverse item of information, other than the records of convictions of crime," that antedate the report by more than seven years. 15 U.S.C. §§ 1681c(a)(2), (5).

86. This prohibition includes the reporting of non-conviction information that antedates the report by more than seven years. For example, dismissed criminal charges may not be reported, nor may non-criminal tickets or other civil violations. *See* 15 U.S.C. §§ 1681c(a)(2), (a)(5); *see also* *Avila v. NOW Health Grp., Inc.*, No. 14 C 1551, 2014 WL 3537825, at *3-*4 (N.D. Ill. July 17, 2014); *Haley v. Talentwise, Inc.*, 9 F. Supp. 3d 1188, 1192-95 (W.D. Wash. 2014); *Dunford v. Am. DataBank, LLC*, 64 F. Supp. 3d 1378, 1394 (N.D. Cal. 2014); *Moran v. Screening Pros, LLC*, No. 12-57246, 2019 WL 2094300, at *7 (9th Cir. May 14, 2019).

87. Civil ordinance violations are not crimes and are not criminal convictions. TURSS is thus prohibited from reporting information related to civil violations when the violation antedates the report by more than seven years.

88. Despite this clear statutory prohibition, TURSS's reports contain non-convictions older than seven years, including records of non-criminal traffic violations.

89. TURSS's practices violate a fundamental protection afforded to consumers under the FCRA, are contrary to the unambiguous language of the statute, and are counter to longstanding judicial and regulatory guidance. *See, e.g.*, FTC, *Forty Years of Experience with the Fair Credit Reporting Act, An FTC Staff Report with Summary of Interpretations*, July 2011, at 55 ("Even if no specific adverse item

is reported, a CRA may not furnish a consumer report referencing the existence of adverse information that predates the times set forth in this subsection.”).

90. It is standard practice for consumer reporting agencies to write algorithms “to filter out obsolete credit information.” *See* <https://www.consumeradvocates.org/issues/credit-reporting-problems> (last visited June 17, 2019).

91. TURSS is aware of the power of algorithms, and their usefulness in structuring consumer reports. TURSS, consistent with standard industry practices, easily could have written an algorithm to ensure that all of its reports would exclude non-criminal violation information older than seven years.

92. TURSS failed to use an appropriate algorithm to exclude non-convictions, such as the non-criminal violation at issue here, in spite of the fact that it easily could have done so and that these types of algorithms are standard in the credit reporting industry.

93. It is also standard in the consumer reporting industry for CRAs to have a purge date for information in their systems that has become outdated. *See Gillespie v. Trans Union Corp.*, 482 F.3d 907, 908 (7th Cir. 2007). By failing to utilize a purge date for outdated information related to probation violations and other non-

criminal events, TURSS's practices and procedures fall far below industry standards and constitute recklessness.

E. Allegations of the Named Plaintiffs

1. The Experience of Plaintiff William Hall, Jr.

94. In early 2018, Plaintiff Hall was hired as the manager of an auto dealership in Newnan, Georgia, to start work in August 2018. Because his new job was over an hour away from the home he owns with his family in Canton, Georgia, Plaintiff Hall sought to rent a property in Newnan to use during the work week.

95. Plaintiff Hall has a preference for renting newly-constructed property. In looking for such properties in Newnan, he found only one that met his needs, owned by non-party Gabriel Calderon. Ms. Calderon arranged for her daughter to show Plaintiff Hall the property, and Plaintiff Hall sought to rent the property for \$1500 a month.

96. On July 6, 2018, Ms. Calderon obtained a report from TURSS about Plaintiff Hall.

97. On that report, TURSS indicated that Plaintiff Hall had been subject to one criminal "court action:" a charge of "CRIM SEX COND W/MINOR(1ST)" in Aiken County, South Carolina.

98. TURSS's reporting was false. Plaintiff Hall has no criminal record – and certainly has never been convicted of a sexual offense.

99. After receiving TURSS's report, Ms. Calderon cut off contact with Plaintiff Hall and refused to rent to him.

100. TURSS also sent a copy of the report to Plaintiff Hall. The report was received by mail and opened by Plaintiff Hall's wife, causing Plaintiff Hall considerable embarrassment and confusion.

101. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

102. The other William Hall, besides having the same first and last name, has virtually no other links with Plaintiff Hall. In addition to being born over 30 years after the other William Hall, Plaintiff is William Hall, *Jr.*, while the other William Hall is not. Further, TURSS reported a number of physical characteristics of the other William Hall, including a height of 5'8", a weight of 150 pounds, hazel eyes, grey hair and an olive complexion. None of these descriptors fits Plaintiff Hall, and simply consulting his driver's license would confirm this.

103. Plaintiff Hall was mortified that his potential landlord now thought he was a sex offender. He was further mortified when he considered that his potential landlord had arranged for their young daughter to give him a tour of the property.

104. In his position as the general manager of an auto dealership, Plaintiff Hall is the face of the business, including appearing in advertising. Plaintiff was very concerned that the false perception that he is a sex offender would damage his effectiveness in his new job. Newnan, Georgia, is a small community, and Plaintiff Hall had a real concern that false rumors, initiated by TURSS's erroneous reporting, could damage his standing in the community.

105. Having been denied the ability to rent his desired property, Plaintiff Hall faced limited time to find a new rental before his employment began. He ended up renting a unit which is less desirable to him, because it is not new construction, which costs considerably more (\$2100 per month), and which is further from his work.

106. If TURSS had reasonable procedures to ensure maximum possible accuracy, it would have determined that the sexual offense it reported did not belong to Plaintiff Hall.

107. [REDACTED]
[REDACTED]
[REDACTED].

108. [REDACTED]
[REDACTED]
[REDACTED].

109. Instead, TURSS chose to rely on Department of Corrections data, which included [REDACTED]
[REDACTED]. TURSS likely did this because this data was easier to access in bulk and/or more affordable than the court data.

110. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

111. [REDACTED]
[REDACTED]
[REDACTED].

112. TURSS also failed to obtain sufficient data about the conviction record. TURSS's report makes clear that it did not have the convicted William Hall's date of birth, social security number or address. If TURSS had obtained any of those data fields, it would have discovered that Plaintiff Hall was not a match.

113. If TURSS had even carefully considered the name, it would have discovered that Plaintiff Hall was not a match: Plaintiff is William R. Hall, **Jr.**, and the convicted William R. Hall is not. It is also likely that Plaintiff Hall and the convicted William R. Hall do not have the same middle name, only the same middle initial.

114. TURSS also ran a search which found that Plaintiff Hall was not on any sex offender registry, a finding that contradicts TURSS's own reporting. This contradiction, however, did not cause TURSS to reevaluate its erroneous reporting.

2. The Experience of Plaintiff Chris Robinson

115. In June 2018, Plaintiff Robinson applied to rent a condo at Laguna Woods Village, a senior residential community for active adults over the age of 55. Excited about the amenities, conveniences, and facilities of Laguna Woods Village, Plaintiff Robinson applied and put down a \$1,650 deposit.

116. On or around June 23, 2018, Laguna Woods Village conducted a background check on Plaintiff Robinson by ordering his TURSS background report.

117. TURSS furnished a consumer report to Laguna Woods Village that indicated Plaintiff Robinson had a criminal history, including a conviction for illegal dumping, *i.e.*, littering.

118. As a result of the information in the TURSS report, Laguna Woods Village denied Plaintiff Robinson's application, and Plaintiff Robinson lost his \$1,650 deposit.

119. After Plaintiff Robinson was denied the opportunity to rent the condo, he obtained a copy of the report that TURSS sold to Laguna Woods Village, and was shocked to see that it contained a criminal conviction for a person named "Christopher A. Robinson" who was over six feet tall, was 33 years old, and who had committed the offense in Texas.

120. Plaintiff Robinson does not have a middle name.

121. He has also never lived in Texas nor been convicted of a crime there.

122. Additionally, Plaintiff Robinson's height is less than six feet tall, and he was 75 years old when TURSS prepared his report.

123. Because Plaintiff Robinson does not have a middle name and is more than 40 years older than the Christopher Robinson who littered in Texas, it should have been immediately obvious to TURSS that this criminal record did not belong to Plaintiff Robinson. TURSS also could have cross-checked Plaintiff Robinson's

height, date of birth, and residence – none of which matched the criminal record it reported about him.

124. Plaintiff Robinson disputed this record with TURSS, and after a reinvestigation, TURSS created a revised report which removed the conviction from Plaintiff Robinson's report.

125. However, Plaintiff Robinson had already lost the opportunity to rent his preferred housing, and despite a request, he was unable to receive a refund of his application fee.

126. Plaintiff Robinson aspired to live in a senior housing community, but his application to live in this community was denied because of TURSS' reporting.

127. Plaintiff Robinson is not a homeowner, and he still wants to live in a senior housing community. Therefore, he is likely to apply for senior rental housing in the future.

128. Tenant screening background checks in general, and TURSS' background checks in particular, are ubiquitous.⁸

129. If TURSS' procedures are not corrected, Plaintiff Robinson is likely to encounter the same error on future reports.

⁸ See <https://www.mysmartmove.com> (noting that TURSS' checks are used by over 400 companies and 3.7 million landlords) (last visited May 13, 2021).

3. The Experience of Plaintiff Jonathan Wright

130. On or about April 3, 2019, Plaintiff Wright applied to rent an apartment at Bella Vista at Warner Ridge (“Bella Vista”), an apartment complex in Woodland Hills, California. Plaintiff Wright provided the accurate spelling of his name, complete date of birth, full Social Security number, and current address in connection with his application.

131. Plaintiff Wright has never lived in or near Sacramento, California, and has no criminal record.

132. In connection with his application, Bella Vista obtained a tenant screening report from TURSS on or about April 3, 2019. Bella Vista provided TURSS with Plaintiff Wright’s full date of birth, full Social Security number, and address, and TURSS provided Bella Vista with a consumer report purportedly about Plaintiff Wright, for a fee.

133. The April 3, 2019 report TURSS prepared and sold to Bella Vista about Plaintiff Wright contained a criminal record which was inaccurate in numerous respects.

134. The criminal record TURSS attributed to Plaintiff Wright was a “CRIMINAL/TRAFFIC” offense, with Case No. 14F04623, allegedly obtained from the “CA Sacramento Superior Court.” The TURSS report falsely attributing

this information to Plaintiff Wright does not contain any details about the nature of the charges, nor does it contain any disposition information – it simply shows a case filing date of July 9, 2014.

Court Action	
Activity Type:	CRIMINAL/TRAFFIC
Court Record ID	
Id:	14F04623
Court	
Organization Jurisdiction	
Jurisdiction Description:	CA SACRAMENTO SUPERIOR COURT
Court Charge	
Charge Sequence ID	
Id:	1
Charge Filing Date:	2014-07-09
Appealed From Lower Court:	false
Case Filing	
Activity Date:	2014-07-09

135. TURSS’ April 3, 2019 report represents that this offense pertains to an individual named “**Jonathan C. Wright,**” and suggests that no additional personal identifying information is available in the public record, by stating “N/A” in the fields on the report for “DOB,” “Age,” “SSN,” and “Residence:”

JONATHAN C WRIGHT	Dataset: CA Sacramento Superior Court
	Last Updated Date: 2019-04-03
	DOB: N/A Age: N/A SSN: N/A
	Residence: N/A
Aliases	
No aliases found	
Physical Features	
Physical Details	
Sex: U	
Person Physical Features	
No physical features listed	

136. In reality, the publicly available records for Case No. 14F04623 in the Superior Court of Sacramento include substantial personal identifying information. Most importantly, they identify the criminal as “**Johnathon** Calvin Wright,” different first and middle names from Plaintiff Wright’s, and a different first name than the offender name contained on a subsequent report TURSS issued on April 12, 2019.

137. Furthermore, the public record of Case No. 14F04623 contains the true criminal’s full date of birth, which is completely different from Plaintiff Wright’s.

138. Additionally, the underlying records include the details of the nature of the charges, which were for felony kidnapping, felony criminal threats, and misdemeanor resisting arrest. Furthermore, the records show that the charges were disposed of on May 26, 2017, and were no longer pending at the time of the report.

139. TURSS failed to obtain sufficient information, available in the public record, to accurately attribute this record, or even to provide basic information such as the nature of the charges and the existence of a disposition.

140. Pursuant to its agreement with Bella Vista, and solely as a result of the inclusion of the inaccurate criminal record on the report, TURSS recommended that Bella Vista deny Plaintiff Wright’s rental application.

141. Bella Vista denied Plaintiff Wright's rental application as a result of TURSS' inaccurate and derogatory reporting.

142. TURSS' inaccurate and derogatory reporting caused Plaintiff Wright actual and monetary harm. Due to the denial, he had to make additional trips from San Diego (where he lived at the time of the application) to Los Angeles (where he was relocating to for employment), with associated expense and inconvenience. In addition, the apartment Plaintiff Wright eventually secured after TURSS' erroneous reporting was considerably further from his work, leading to further lost time and commuting expenses.

143. Plaintiff Wright is not a homeowner, and is therefore likely to be applying for rental housing in the future.

144. If TURSS' procedures are not corrected, Plaintiff Wright is likely to encounter the same error on future reports.

4. The Experience of Plaintiff Michael Lewis

145. In June 2019, Plaintiff Lewis and his wife were seeking new housing. Having located a property they wanted to rent in Pine Mountain Club, California, they quickly moved to apply. Plaintiff Lewis paid a fee to their broker for the rental application and associated background check.

146. Plaintiff Lewis and his wife were surprised to receive an email on June 14, 2019, which stated their application was being denied “based in whole, or in part, on the information in your Screening Report provided by TransUnion, the Credit Reporting Agency.”⁹

147. Plaintiff Lewis obtained a copy of the report TURSS prepared about him and was shocked to see that it contained criminal convictions from areas of California where he had never lived, specifically Glenn County, Orange County, Sacramento, and Contra Costa County. Plaintiff Lewis was never convicted of any of the offenses listed on the report, and none of the reported records actually related to him.

148. In fact, in a brief call to some of the courthouses where some of the associated records were kept, Plaintiff Lewis was able to discover that the records related to other individual(s). Notably, Michael Lewis is an exceedingly common name.

149. Importantly, at least one of these individual(s) did not share Plaintiff Lewis’ middle name, which is Reid, and one of them had a suffix in their name that

⁹ The email’s reference to TransUnion, the Credit Reporting Agency, was a reference to Defendant TURSS. Subsequent portions of the email indicate that if the consumer has questions, they should contact “the Credit Reporting Agency” by contacting “TransUnion Rental Screening Solutions.”

Plaintiff does not. For example, the Sacramento record relates to someone named Michael Rachmon Lewis, and the Glenn County record relates to a Michael R. Lewis, Junior.

150. Based on the fact that the middle names on the records reported by TURSS did not match Plaintiff Lewis' middle name, it should have been immediately obvious to TURSS that the criminal offenders in the reported criminal cases were not Plaintiff Lewis. Had TURSS obtained the underlying records, it almost certainly would have discovered that these individuals did not share dates of birth with Plaintiff Lewis as well.

151. TURSS also failed to report all available information about the convictions on Plaintiff Lewis' report. Specifically:

- a. The Glenn County record erroneously included on the report fails to include basic information that is available from the court's website, including the disposition, the disposition date or the case type. It also fails to correctly and accurately list all of the charges.
- b. The Contra Costa County record erroneously included on the report fails to include basic information, including any information whatsoever about what the charge was, what the disposition was, and when, how, and/or whether the case was resolved.
- c. The Orange County record erroneously included on the report fails to include basic information that is available from the court's website, including any information whatsoever about the charges and their disposition.
- d. The Sacramento record erroneously included on the report fails to include

basic information that is available from the court's website, including the defendant's middle name (which does not match Plaintiff Lewis' middle name) or any information whatsoever about the charges and their disposition.

Including this kind of vague innuendo about supposed criminal activity is wholly inconsistent with the FCRA's requirement of maximum possible accuracy.

152. Plaintiff Lewis disputed these results with TURSS, and after a reinvestigation, TURSS created a revised report which removed all of the convictions. However, Plaintiff Lewis had already lost the opportunity to rent his preferred housing, and despite a request, he was unable to receive a refund of his application fee, causing monetary harm.

153. Plaintiff Lewis and his wife are continuing to seek new housing and are therefore likely to be applying for rental housing in the future.

154. If TURSS' procedures are not corrected, Plaintiff Lewis is likely to encounter the same errors on future reports.

5. The Experience of Plaintiffs Christopher & Jennifer Brown

155. In or around February 2020, Plaintiffs Christopher Brown and Jennifer Brown, a married couple, applied to rent a larger single-family home for their blended family of five children and dog in Loudoun County, Virginia.

156. The property manager for the desired housing obtained separate consumer reports from TURSS about each of the Browns in its consideration of their rental application on February 22, 2020.

157. Both reports contained serious errors, which caused their potential landlord to deny their application.

158. As a direct result of TURSS' conduct, the Browns suffered harm, including but not limited to the inability to rent the house they desired, and expenditure of time and money looking for another unit and disputing TURSS' flawed reporting.

a. Christopher Brown's Erroneous Report

159. The report about Plaintiff Christopher Brown included an expunged criminal case, which should not have been included on the report.

160. Specifically, the report included information regarding case number 6D00343573 in the District Court for Montgomery County-Criminal System.

161. TURSS' report listed three charges associated with this case, including two charges for violation of a protective order and one charge for destruction of property.

162. However, all records relating to case number 6D00343573 were expunged. Thus, TURSS should not have included any information about this case

or the related charges in Plaintiff Christopher Brown's report, and its reporting of the expunged criminal charges was both false and incomplete.

163. Indeed, a simple search of the Maryland Judiciary Case Search utility, which is available online, confirms that case number 6D00343573 no longer exists.

164. Additionally, a search of Plaintiff Christopher Brown's name on the Maryland Judiciary Case Search also establishes that no such charges are associated with Plaintiff Christopher Brown in Maryland's judicial records.

165. Accordingly, any member of the public who conducted even a five-minute cursory review of the public records available regarding Plaintiff Christopher Brown could confirm the flaws in the TURSS report.

166. Prior to supplying the report about Plaintiff Christopher Brown, TURSS failed to consult current public records in Montgomery County, Maryland. Had TURSS actually consulted or obtained the underlying court records, it would have seen an obvious discrepancy between its outdated records and the current judicial records.

b. Jennifer Brown's Erroneous Report

167. Plaintiff Jennifer Brown's TURSS report also contained serious errors.

168. The report attributed at least 16 criminal cases from California to Plaintiff Jennifer Brown, including multiple convictions for petty theft, shoplifting, and taking a vehicle without the owner's consent.

169. These criminal charges and guilty dispositions should not have been included in Plaintiff Jennifer Brown's report because they did not belong to her.

170. Indeed, Plaintiff Jennifer Brown has never lived in California and has never been charged, let alone convicted, of any of the criminal offenses included in her report.

171. Any member of the public who conducted even a five-minute cursory review of the public records could confirm the flaw in the TURSS report because, all of the original public records contained a date of birth, and each of these dates of birth was different from Plaintiff Jennifer Brown's actual date of birth.

172. TURSS knew Plaintiff Jennifer Brown's actual date of birth because her potential landlord provided it to TURSS when ordering her report.

173. Prior to supplying Plaintiff Jennifer Brown's report to her prospective landlord, TURSS failed to consult current public records available in California, which would have indicated that these criminal cases did not belong to her.

174. This inaccurate information caused Plaintiff Jennifer Brown's potential landlord to deny her application.

175. After learning that the landlord's background check indicated that Plaintiff Jennifer Brown had a significant criminal record, Plaintiff Jennifer Brown was humiliated that her potential landlord now thought she was a serial criminal.

176. As a result, Plaintiff Jennifer Brown disputed the false information with TURSS.

177. Plaintiff Jennifer Brown received correspondence from TURSS confirming that the information included in her report did "not match" her "personal identifying information" and that the information would be suppressed from her file. But, of course, the damage was already done.

178. As a direct result of TURSS' conduct, Plaintiff Jennifer Brown suffered harm, including the inability to rent the home she selected to accommodate her large family, the expenditure of time and money looking for alternate housing and trying to correct TURSS' erroneous report, damage to her reputation, and other losses that are continuing in nature.

6. The Experience of Plaintiff Richard Adam Beard

179. On August 5, 2020, Plaintiff Beard applied to rent an apartment and, as part of the application process, was required to undergo a background check. Part of the background check process was the submission of his personal identifiers to

TURSS so that TURSS could ascertain whether Plaintiff Beard had a criminal history and report the results of its findings to Plaintiff Beard's prospective landlord.

180. In order for his landlord to obtain his background report, Plaintiff Beard provided his full name, social security number, and date of birth.

181. Plaintiff Beard's landlord ordered the background report from TURSS. In requesting the background report, the potential landlord provided TURSS with all of Plaintiff Beard's personal identifying information.

182. TURSS provided Plaintiff Beard's background report to his prospective landlord on August 5, 2020.

183. The report that TURSS provided to Plaintiff Beard's potential landlord was grossly inaccurate.

184. The report stated that Plaintiff Beard was listed on the National Sex Offender Registry as a registered sex offender in Virginia for attempted for use of a communications systems to contact a minor child in violation of Va. Code §18.2-374.3.

185. This sex offender notation was falsely attributed to Plaintiff Beard.

186. Plaintiff Beard is not a registered sex offender in Virginia or any other jurisdiction, nor has he ever been charged with the crime described on the TURSS report.

187. In fact, Plaintiff Beard has no criminal history and honorably served his country for over 18 years in the United States Marine Corps.

188. TURSS knew or should have known that this information did not belong to Plaintiff Beard because it did not match his personal identifying information.

189. For example, the sex offender's middle name is Gary.

190. Plaintiff Beard's middle name is Adam.

191. In addition, the sex offender's date of birth is December 30, 1953.

192. Plaintiff Beard was born 24 years later, in a different month, and on a different day.

193. As a direct result of TURSS' conduct, Plaintiff Beard has suffered harm, including the inability to rent the unit he desired, the expenditure of time and money looking for another unit and trying to correct TURSS' erroneous report, damage to his reputation, and other losses that are continuing in nature.

7. The Experience of Plaintiff Tracy Turner

194. In July 2020, Plaintiff Turner applied for an apartment at the Greenwood Communities apartment complex in Atlanta, Georgia.

195. The property manager for Greenwood Communities ordered a consumer tenant screening report on Plaintiff Turner from TURSS. The property

manager supplied Plaintiff Turner's name, address, social security number, and date of birth to TURSS.

196. On July 21, 2020, TURSS sold Greenwood Communities a consumer report about Plaintiff Turner for a fee.

197. The report inaccurately stated that Ms. Turner was charged with a number of misdemeanors and traffic violations in California Kern County Superior Court, including possession of controlled substance paraphernalia, driving with a suspended license, and driving an unregistered vehicle based solely on a first and last name match. In reality, these records belong to an unrelated person with a different middle name and date of birth. Ms. Turner has no criminal record or traffic court record in California.

198. The report also inaccurately stated that Ms. Turner was charged with a number of misdemeanors and traffic violations in Chatham County, Georgia, including speeding, expired license and no seatbelt traffic misdemeanors, as well as charges for disorderly conduct and possession of marijuana. In reality, these records belong to an unrelated person with a different middle name, date of birth, and gender. Ms. Turner has no criminal record or traffic court record in Chatham County.

199. The inclusion of inaccurate record was the result of TURSS' use of imprecise name matching procedure to attribute public records to rental applicants, such as Plaintiff Turner.

200. Plaintiff Turner subsequently disputed the accuracy of TURSS' report about her. Plaintiff Turner disputed via telephone on July 22, 2020.

201. Plaintiff Turner's report was corrected on August 20, 2020.

202. But by then it was a too late – Ms. Turner had already lost the rental opportunity with Greenwood Communities.

203. Plaintiff Turner had her good reputation tarnished and lost the opportunity to rent an apartment at Greenwood Communities as a result of TURSS' inaccurate reporting.

204. As of result of TURSS' conduct, Plaintiff has suffered harm in the form of: a lost rental opportunity, harm to her reputation, emotional distress, and time spent to resolve the problem.

8. The Experience of Plaintiff Jack Hernandez

205. In or about June 2020, Plaintiff Hernandez applied to rent a house in Gaithersburg, Maryland.

206. On or about June 23, 2020 a real estate broker or landlord sought a consumer report from tenant screening service and report re-seller RentSpree for information in connection with Plaintiff Hernandez's application for rental housing.

207. RentSpree sold the real estate broker or landlord a consumer report purportedly about Plaintiff Hernandez. The report contained information provided "directly" from Defendant TURSS on the same day for a fee.

208. The first page of the report, dated June 23, 2020, stated that "All of the information on the screening reports comes directly from TransUnion SmartMove." SmartMove is a product sold by TURSS to other tenant screening companies.

209. Under the report's "Summary" it showed that a "Court Action" had been found in Plaintiff Hernandez's background.

210. The "Court Action" section of the report stated that a charge of "TRESPASS STRUCTURE OR CONVEYANCE" under Florida criminal statute 810.08(2)(a) had been filed on October 13, 2015.

211. Under "Charge Disposition" it stated "NOLLE PROSSE," indicating that the prosecutor had voluntarily withdrawn the charge, and a "Charge Disposition Date" of January 25, 2016.

212. The report was defamatory and inaccurate.

213. In truth, Plaintiff Hernandez's criminal charge had been expunged and therefore should not have been reported.

214. In February 2018, Plaintiff Hernandez sought and received an expungement of the charge under Fla. Stat. § 943.0585. Thereafter, the record regarding Plaintiff Hernandez was removed from publicly accessible records, and ceased to exist.

215. At all times thereafter, there has been no criminal records associated with Plaintiff Hernandez.

216. At all times relevant to Plaintiff Hernandez's allegations, full case dockets and digital representations of all documents in criminal cases in Palm Beach County, Florida, were available online at no charge.

217. TURSS failed to search for updated public record information on the expunged offense. If it had, it would have become aware of the fact that the charge had been expunged and Plaintiff Hernandez therefore should not have any criminal charges on his background report.

218. However, TURSS did not conduct any independent search of criminal court records, but rather purchased the data it included in the report from a third-party vendor which it did not review or verify.

219. RentSpree notified the real estate broker or landlord and Plaintiff Hernandez that Plaintiff Hernandez's application should be rejected. As a result of the derogatory inaccurate information on TURSS' report, Plaintiff Hernandez's rental application was denied.

220. TURSS knew or should have known that its actions violated the FCRA. Additionally, TURSS could have taken the steps necessary to bring its agent's actions within compliance of these statutes but neglected to do so and failed to adequately review those actions to ensure compliance with said laws.

221. Plaintiff Hernandez has suffered harm, including tangible injuries, and intangible injuries as a result of TURSS' false, inaccurate, and wrongful tenant screening report.

222. As a result of TURSS' conduct, Plaintiff Hernandez was harmed. Plaintiff Hernandez was denied housing; incurred monetary losses including application fees; had spent time on multiple phone calls, text messages, and correspondence with the representative for the apartment; had spent time reviewing his apartment records, court records, emails, and credit reports; and suffered emotional distress.

9. The Experience of Plaintiff Stephanie Heinsman

223. On or around May 24, 2021, TURSS created a background check regarding Plaintiff Heinsman in conjunction with an employment application.

224. That report indicated that Plaintiff Heinsman had been found “guilty” of “operate w/o carrying license” in the state of Wisconsin in January of 2010. The report indicated that the “charge degree” was “forfeiture forb. U.” The report also indicated that the statute violated was “343.18(1).”

225. Wisconsin law defines a “crime” as “conduct which is prohibited by state law and punishable by fine or imprisonment or both. **Conduct punishable only by a forfeiture is not a crime.**” Wis. Stat. Ann. § 939.12 (emphasis added).

226. The Wisconsin statute at issue in Plaintiff Heinsman’s case provides that anyone who drives without carrying a license “shall **forfeit** not more than \$200.” Wis. Stat. § 343.18(3)(a) (emphasis added).

227. In fact, in her case, Plaintiff Heinsman was ordered to “pay a **forfeiture** of \$143.80,” (emphasis added) which she did.

228. Because Plaintiff Heinsman’s violation was punishable only by a forfeiture, it was not criminal conviction under the laws of Wisconsin.

229. Because Plaintiff Heinsman’s case was not a conviction for a crime, it could not be included on a consumer report after 7 years. 15 U.S.C. § 1681c(a).

230. By including Plaintiff Heinsman's non-criminal case on a consumer report over 11 years after the fact, TURSS violated 15 U.S.C. § 1681c(a).

F. Class Action Allegations

231. The Criminal Record Plaintiffs bring this action on behalf of the following Classes (Collectively, with each Class and Sub-Class, the "**Criminal Records Classes**"). All classes cover the Class Period from October 18, 2014 to the present:

a. The **Age-Based Inaccuracy Class**, to be represented by Plaintiff Hall:

All natural persons in the United States on whom TURSS prepared erroneous consumer reports including criminal records, where the criminal record was included on the report despite the fact that age data in TURSS's possession is inconsistent with the offender's date of birth.

b. The **National Inaccurate Criminal Records Class**, to be represented by Plaintiffs Beard, Jennifer Brown, Wright, Lewis, Robinson and Turner:

All natural persons in the United States who (a.) were the subject of a consumer report (i.) that TURSS furnished to a third party for which that party had provided TURSS a full date of birth and/or at least the last four digits of the consumer's social security number, and (ii) that contained one or more criminal or sex offender records where (a.) the corresponding record in TURSS' file did not include a full date of birth or social security number that matched the same inquiry identifiers, and (b.) where the consumer's full date of birth is different from the date of birth in the subject record.

b.1. The **Virginia, Texas, Utah Inaccurate Criminal Records Sub-Class**, to be represented by Plaintiffs Beard and Jennifer Brown:

All members of the National Inaccurate Criminal Records Class who had at least one record qualifying under part (ii.) of the National Inaccurate Criminal Records Class definition that was from any jurisdiction in Virginia, Texas, Utah, or a public Sex Offender registry.

- b.2. The **California Counties Inaccurate Criminal Records Sub-Class**, to be represented by Plaintiffs Wright, Lewis, and Jennifer Brown:

All members of the National Inaccurate Criminal Records Class who had at least one record qualifying under part (ii.) of the National Inaccurate Criminal Records Class definition that was from Orange, Fresno, Los Angeles, Stanislaus, Santa Clara, Imperial, Placer, Tulare, San Bernardino, or Santa Barbara Counties in California.

- b.3. The **California Inaccurate Criminal Records Sub-Class**, to be represented by Plaintiffs Robinson, Wright, and Lewis:

All members of the National Inaccurate Criminal Records Class who resided in California at the time the TURSS report that meets the class criteria was furnished to a third party.

- b.4. The **National Criminal Records Disputes Sub-Class**, to be represented by Plaintiffs Robinson, Lewis, Jennifer Brown, and Turner:

All members of the National Inaccurate Criminal Records Class who disputed at least one TURSS record that meets the class criteria to TURSS and where, in response to such dispute, TURSS suppressed or deleted such record.

- b.5. The **California Criminal Disputes Sub-Class**, to be represented by Plaintiffs Robinson and Lewis:

All members of the National Criminal Records Disputes Sub-Class who resided in California at the time the TURSS report that meets the class criteria was furnished to a third party.

- c. The **Expungement Class**, to be represented by Plaintiffs Christopher Brown and Hernandez:

All natural persons in the United States who were the subject of a consumer report (i.) that TURSS furnished to a third party, and (ii) that contained at least one Maryland or Florida state court record of a criminal conviction, and (ii) where the court record had been expunged prior to TURSS' publication of the consumer report.

- d. The **Outdated Records Class**, to be represented by Plaintiff Heinsman:

All natural persons in the United States who were the subject of a consumer report that TURSS furnished to a third party which contained record(s) that were not records of criminal convictions which were older than seven years as of the date of the report.

232. Plaintiffs seek certification pursuant to Fed. R. Civ. P. 23(b)(2) and Rule 23(b)(3).

233. The Criminal Records Classes are so numerous that joinder of all members is impracticable. Although the precise number of class members is known only to TURSS, the Criminal Record Plaintiffs aver that the Criminal Records Classes number in the thousands. For the Rule 23(b)(3) classes, the Criminal Record Plaintiffs have selected class membership criteria that will allow class members to be easily identified – either because they have already identified themselves by filing a dispute, or because the record at issue is originated from a jurisdiction where the

Criminal Record Plaintiffs can easily obtain the identifying information that TURSS failed to obtain, and will be able to identify erroneous reports.

234. The Criminal Record Plaintiffs' claims are typical of the claims of the Criminal Records Classes, which all arise from the same operative facts and are based on the same legal theories. It is typical of TURSS to match consumers to criminal records using insufficient information, and to report outdated non-conviction information. The violations suffered by the Criminal Record Plaintiffs are typical of those suffered by other class members, and TURSS treated the Criminal Record Plaintiffs consistently with other class members in accordance with its standard practices and procedures. The Criminal Record Plaintiffs' harms are likewise typical of the harms suffered by other class members. All class members experienced the same damages as the Criminal Record Plaintiffs when TURSS published inaccurate and derogatory criminal record information to a third party.

235. The Criminal Record Plaintiffs will fairly and adequately protect the interests of the Criminal Records Classes. The Criminal Record Plaintiffs are committed to vigorously litigating this matter. Further, the Criminal Record Plaintiffs have secured counsel who are very experienced in handling consumer class actions. Neither the Criminal Record Plaintiffs nor their counsel have any interests which might cause them not to vigorously pursue this claim.

236. This case presents common questions of law and fact, including but not limited to:

- a. Whether TURSS violated the FCRA by failing to follow reasonable procedures to ensure maximum possible accuracy in reporting criminal convictions;
- b. Whether TURSS violated the FCRA by reporting outdated non-conviction information older than seven years;
- c. Whether TURSS violated the CCRA by failing to follow reasonable procedures to ensure maximum possible accuracy in reporting criminal convictions;
- d. Whether TURSS violated the UCL by failing to follow reasonable procedures to ensure maximum possible accuracy in reporting criminal convictions;
- e. Whether TURSS' violations were willful;
- f. The proper measure of damages; and
- g. The proper injunctive relief.

237. This action should be maintained as a class action because the prosecution of separate actions by individual members of the Criminal Records Classes would create a risk of inconsistent or varying adjudications with respect to

individual members which would establish incompatible standards of conduct for the parties opposing the Classes, as well as a risk of adjudications with respect to individual members which would as a practical matter be dispositive of the interests of other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

238. TURSS has acted or refused to act on grounds generally applicable to the Criminal Records Classes, thereby making appropriate final injunctive relief or corresponding declaratory relief.

239. Whether TURSS violated the FCRA can be determined by a ministerial review of TURSS' business records and/or a ministerial review of public records.

240. A class action is a superior method for the fair and efficient adjudication of this controversy. Management of the claims of the Criminal Records Classes is likely to present significantly fewer difficulties than those presented in many individual claims. The identities of the class members may be derived from TURSS' records and publicly available records.

G. Claims for Relief

- 1. Count I - 15 U.S.C. § 1681e(b), Against TURSS, brought by Inaccurate Criminal Record Plaintiffs, individually, and on behalf of the Inaccurate Criminal Records Classes**

241. TURSS violated 15 U.S.C. § 1681e(b) by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the consumer reports it furnished regarding Inaccurate Criminal Record Plaintiffs and the Inaccurate Criminal Record Classes by furnishing criminal record information without obtaining sufficient personal identifying information to adequately attribute the records, and without ascertaining whether the records had been expunged.

242. The foregoing violations were negligent and/or willful. TURSS acted in knowing or reckless disregard of its obligations and the rights of the Inaccurate Criminal Record Plaintiffs and the members of the Inaccurate Criminal Records Classes, under 15 U.S.C. § 1681e(b).

243. As a result of TURSS's conduct, the Inaccurate Criminal Record Plaintiffs and members of the Inaccurate Criminal Records Classes suffered harm and injury including but not limited to: denial of a rental opportunity, forfeiture of deposit funds, damage to reputation, embarrassment, humiliation, and other mental and emotional distress.

244. The Inaccurate Criminal Record Plaintiffs and members of the Inaccurate Criminal Records Classes are entitled to recover statutory damages,

punitive damages, costs, and attorneys' fees from TURSS in an amount to be determined by the Court pursuant to 15 U.S.C. §§ 1681n and 1681o.

245. In the alternative, the Inaccurate Criminal Record Plaintiffs and members of the Inaccurate Criminal Records Classes are entitled to a declaration and/or a liability determination that TURSS negligently and/or willfully violated the FCRA, § 1681e(b).

2. Count II - CAL. CIV. CODE § 1785.14(b) Against TURSS, brought by Plaintiffs Lewis, Robinson, and Wright, individually, and on behalf of the California Inaccurate Criminal Records Sub-Class and the California Criminal Records Disputes Sub-Class

246. TURSS is a consumer credit reporting agency as defined by the CCRAA, and TURSS was required to adhere to the requirements of the CCRAA.

247. The CCRAA required TURSS to follow reasonable procedures to assure maximum possible accuracy of the information it reported. Cal. Civ. Code § 1785.14(b).

248. TURSS violated this provision by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the consumer reports it furnished regarding the California Inaccurate Criminal Records Sub-Class and California Criminal Records Disputes Sub-Class members. Specifically, TURSS misidentified the California Criminal Record Plaintiffs and the

California Inaccurate Criminal Records Sub-Class and California Criminal Records Disputes Sub-Class members as criminals based only on limited information due to inadequate procedures for obtaining criminal record information and matching it to consumers. TURSS could and should have determined that the California Criminal Record Plaintiffs were not criminals by comparing their full names and/or dates of birth to the information in the criminal records.

249. Because the California Criminal Record Plaintiffs will seek housing in the future, and because of the ubiquity of pre-rental background checks, there is a real and immediate threat that the California Criminal Record Plaintiffs will suffer the same injury with respect to future rental applications.

250. Accordingly, the California Criminal Record Plaintiffs and the California Inaccurate Criminal Records Sub-Class and California Criminal Records Disputes Sub-Class members are entitled to an injunction, declaration, and/or a liability determination that TURSS negligently and/or willfully violated Cal. Civ. Code § 1785.14(b) and to the recovery of attorneys' fees and costs.

3. Count III – Cal. Bus. & Prof. Code § 17200, Against TURSS, brought by Plaintiffs Lewis and Robinson, individually, and on behalf of the California Inaccurate Criminal Records Sub-Class and the California Criminal Records Disputes Sub-Class

251. TURSS was required to adhere to the requirements of the California Unfair Competition Law (“UCL”).

252. By asserting that the California Criminal Record Plaintiffs were criminals, TURSS diminished the California Criminal Record Plaintiffs’ housing opportunities.

253. TURSS’ inaccurate reporting and inaccurate disclosures constituted unlawful, unfair, and fraudulent business practices.

254. TURSS’ practices were unlawful because they violate the FCRA, ICRAA and/or the CCRAA.

- a. Specifically, both the ICRAA and CCRAA required TURSS to follow reasonable procedures to assure maximum possible accuracy of the information it reported. CAL. CIV. CODE §§ 1785.14(b); 1786.20(b).
- b. TURSS violated these provisions by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the consumer reports it furnished regarding the California Criminal Record Plaintiffs and members of the California Inaccurate Criminal Records Sub-Class and members of the California Criminal Records Disputes Sub-Class. Specifically, TURSS misidentified the California Criminal Record Plaintiffs as criminals based only on limited

information due to inadequate procedures for obtaining criminal record information and matching it to consumers.

255. TURSS' practices were unfair because it is unethical, immoral, unscrupulous, oppressive, and substantially injurious to consumers to match them to criminal records based on insufficient criteria.

256. TURSS' practices were fraudulent because the report recipients were deceived or were likely to be deceived by TURSS' inaccurate representations that the California Criminal Record Plaintiffs and members of the California Inaccurate Criminal Records Sub-Class and California Criminal Records Disputes Sub-Class were likely criminals.

257. The harm caused by these business practices vastly outweighs any legitimate utility they possible could have.

258. Because the California Criminal Record Plaintiffs will seek housing in the future, and because of the ubiquity of tenant background checks, there is a real and immediate threat that the California Criminal Record Plaintiffs and members of the California Inaccurate Criminal Records Sub-Class and California Criminal Records Disputes Sub-Class will suffer the same injury with respect to future rental applications.

259. The California Criminal Record Plaintiffs and the California Inaccurate Criminal Records Sub-Class members and the California Criminal Records Disputes Sub-Class members are entitled to an injunction, declaration, and/or a liability determination that TURSS negligently and/or willfully violated § 17200 and to the recovery of attorneys' fees and costs.

4. Count IV - 15 U.S.C. § 1681c(a), Against TURSS, brought by, Plaintiff Heinsman, individually, and on behalf of the Outdated Records Class

260. TURSS violated 15 U.S.C. § 1681c(a) by reporting adverse non-conviction information older than seven years on its consumer reports.

261. The foregoing violations were negligent and/or willful. TURSS acted in knowing or reckless disregard of its obligations and the rights of Plaintiff Heinsman and the members of the Outdated Records Class, under 15 U.S.C. § 1681c(a).

262. As a result of TURSS's conduct, Plaintiff Heinsman and the members of the Outdated Records Class, suffered harm and injury including but not limited to: denial of rental and employment opportunities, forfeiture of deposit funds, damage to reputation, embarrassment, humiliation, and other mental and emotional distress.

263. Plaintiff Heinsman and the members of the Outdated Records Class are entitled to recover statutory damages, punitive damages, costs, and attorneys' fees from TURSS in an amount to be determined by the Court pursuant to 15 U.S.C. §§ 1681n and 1681o.

264. In the alternative, Plaintiff Heinsman and the members of the Outdated Records Class are entitled to a declaration and/or a liability determination that TURSS negligently and/or willfully violated the FCRA, § 1681e(b).

II. EVICTION RECORDS CLAIMS

A. The Importance of Accurate Eviction Record Reporting

265. Landlords that purchase TURSS' services rely on the information in TURSS' reports to make eligibility decisions. Indeed, many landlords refuse to rent to people who have eviction records.

266. TURSS is aware of the detrimental impact that providing inaccurate or out-of-date eviction information has on an individual's ability to obtain housing.

267. In fact, TURSS provides "custom leasing recommendations" in connection with its reports which advise landlords whether to accept or reject an applicant based upon the information in the report.¹⁰ These non-binding

¹⁰ See fn. 2, *supra*.

recommendations are frequently based on eviction records like those at issue in this case.

B. TURSS’s Flawed Reporting Procedures for Eviction Records

268. Similar to the criminal records it obtains and uses in its reports, as discussed in Section I, TURSS often relies on inaccurate, out-of-date records of eviction cases that it purchases from private vendors. *See* ¶¶ 76-77 (detailing TURSS’ practice of purchasing incomplete, summary criminal and civil records from vendors, rather than retrieving the underlying court records); 70 (discussing litigation against TU and other CRAs for their reliance on distilled, incomplete civil public records information purchased from vendors); 71 (discussing CFPB’s finding that CRAs’ oversight of their public records vendors are generally inadequate and “require[] corrective action”); 72 (discussing CFPB’s concern that “with certain exceptions,” CRAs like TURSS have “no quality control policies and procedures to test compiled consumer reports for accuracy”).

269. For many years, TURSS has purchased public records information pertaining to residential eviction litigation from one or more private vendors instead of retrieving the actual underlying court records themselves—or even more manageable digital representations—for purposes of creating and selling tenant screening reports to landlords and rental property managers.

270. Despite the public availability of court records that conclusively demonstrate that eviction cases have been dismissed, withdrawn, vacated, satisfied, or resulted in judgments for tenants, TURSS and its vendors routinely fail to obtain up-to-date information pertaining to the disposition of those cases. Thus, TURSS publishes harmful, misleading, and inaccurate tenant screening consumer reports to landlords and property managers, regularly and illegally reporting eviction information pertaining to cases and judgments that have been dismissed, withdrawn, satisfied, or have resulted in a judgment for the tenant.

271. TURSS' practices and procedures regarding the reporting of eviction information, specifically the failure to report the most up-to-date status of eviction cases, causes widespread harm to consumers and interstate commerce as a whole.

272. This phenomenon is the result of TURSS' intentional decisions. TURSS knows that the eviction information it purchases is merely a summary that does not include the most up-to-date information available at the courthouses or government offices where the records themselves are housed.

C. Through Its Unreasonable Eviction Record Procedures, TURSS Violates the Law

273. By including out-of-date, incomplete, and/or duplicate information regarding eviction records in its consumer reports, TURSS failed to "follow

reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates,” as required by the FCRA. 15 U.S.C. § 1681e(b).

D. TURSS’s Conduct is Willful

274. Moreover, TURSS’ violations of the FCRA are negligent and willful. *See* 15 U.S.C. §§ 1681n and 1681o.

275. TURSS knows that the civil and eviction records it purchases are infrequently updated and frequently incomplete. Each of the allegations of notice and willfulness made as to TURSS’ criminal records apply equally here for eviction records. *See* ¶¶ 70-83, *supra*.

276. In addition, TURSS is more than aware of the inaccuracy of its public eviction records information, as a claim related to civil records was extensively litigated in at numerous state-by-state class actions and one national case, *Clark v. TransUnion*, which collectively settled with a national injunction barring the inclusion of incomplete civil court records in TU reports.

277. Yet, fully aware of the problems associated with the incomplete and inaccurate information purchased from vendors, TURSS has not stopped acquiring, using, and profiting from inaccurate and out-of-date eviction information.

278. Thus, TURSS’ use of outdated, incomplete eviction record information in its reports comprises a willful violation of the FCRA, because TURSS knowingly and willfully chose this course of action, knowing that it would lead to inaccurate reporting and harm to consumers.

E. Allegations of the Named Plaintiffs

1. The Experience of Plaintiff Patricia McIntyre

279. On August 18, 2016, Plaintiff McIntyre applied to rent an apartment at Duffield House, an apartment complex in Philadelphia, Pennsylvania. A Duffield House representative, Noreen Lyons, obtained a tenant screening report from TURSS about Plaintiff McIntyre for a fee which was passed along to Plaintiff McIntyre.

280. Under the heading “Eviction Results,” the August 18, 2016 TURSS report included seven inaccurate and out-of-date entries of eviction information.

281. The first inaccurate and out-of-date entry appeared, in relevant part, as follows:

1. McIntyre, Patricia	Dataset: Pennsylvania Evictions(PAEVN)
Address: 4401 Conshohocken Ave #C3 Philadelphia Pa 19131	Action Date: 5/16/2011
County: Philadelphia County Muni Court	Case Type: Civil Judgment
Record ID: MP60906646	Plaintiff: Kinsale Partners L P
File Number 1104275672	Judgment Amount: \$1,290

282. This information was inaccurate and out-of-date because the judgment entered against Plaintiff McIntyre in case LT-11-04-27-5672 on May 16, 2011 was *satisfied* on August 3, 2011, when an entry reflecting that updated disposition was filed on the publicly available case docket.

283. The TURSS report contained no reference to the August 3, 2011 satisfaction.

284. As of the date of the report, August 18, 2016, TURSS had failed to update the status of the May 6, 2011 judgment for more than five years.

285. The second inaccurate and out-of-date entry, which referenced the same case, appeared, in relevant part, as follows:

2. McIntyre, Patricia	Dataset: Pennsylvania Evictions(PAEVN)
Address: 4401 Conshohocken Ave #C3 Philadelphia Pa 19131	Action Date: 4/27/2011
County: Philadelphia County Muni Court	Case Type: Civil New Filing
Record ID: MP50928569	Plaintiff: Kinsale Partners L P
File Number 1104275672	Judgment Amount: \$1,058

286. This information was inaccurate and out-of-date because the complaint filed against Plaintiff McIntyre on April 27, 2011 was a nullity, having merged with the May 6, 2011 judgment in that case, which was *satisfied* on August 3, 2011. *See* ¶¶ 282-283, *supra*.

287. Moreover, no judgment was entered on April 27, 2011 as the entry's

reference to a “Judgment Amount” indicated. Rather, a complaint was filed.

288. The third inaccurate and out-of-date entry appeared, in relevant part, as follows:

3. McIntyre, Patricia	Dataset: Pennsylvania Evictions(PAEVN)
Address: 4401 Conshohocken Ave #C3 Philadelphia Pa 19131	Action Date: 11/5/2010
County: Philadelphia County Muni Court	Case Type: Civil Judgment
Record ID: MP42527173	Plaintiff: Kinsale Partners Lp
File Number 1010084331	Judgment Amount: \$2,396

289. This information was inaccurate and out-of-date because the judgment entered against Plaintiff McIntyre in case LT-10-10-08-4331 on November 5, 2010 was *satisfied* on April 6, 2011, when an entry reflecting that updated disposition was filed on the publicly available case docket.

290. The TURSS report contained no reference to the April 6, 2011 satisfaction.

291. As of the date of the report, August 18, 2016, TURSS had failed to update the status of the November 5, 2010 judgment for nearly five-and-a-half years.

292. The fourth inaccurate and out-of-date entry, which referenced the same case, appeared, in relevant part, as follows:

4. McIntyre, Patricia	Dataset: Pennsylvania Evictions(PAEVN)
Address: 4401 Conshohocken Ave #C3 Philadelphia Pa 19131	Action Date: 10/8/2010
County: Philadelphia County Muni Court	Case Type: Civil New Filing
Record ID: MP39228667	Plaintiff: Kinsale Partners Lp
File Number 1010084331	Judgment Amount: \$1,791

293. This information was inaccurate and out-of-date because the complaint filed against Plaintiff McIntyre on October 8, 2010 was a nullity, having merged with the November 5, 2010 judgment in that case, which was *satisfied* on April 6, 2011. *See* ¶¶ 289-290, *supra*.

294. Moreover, no judgment was entered on October 8, 2010 as the entry's reference to a "Judgment Amount" indicated. Rather, a complaint was filed.

295. The fifth inaccurate and out-of-date entry appeared, in relevant part, as follows:

5. McIntyre, Patricia	Dataset: Pennsylvania Evictions(PAEVN)
Address: 3902 City Ave #B1223 Philadelphia Pa 19131	Action Date: 10/5/2012
County: Philadelphia County Muni Court	Case Type: Civil New Filing
Record ID: MP80537285	Plaintiff: Bldg Philadelphia Lp
File Number 1210053884	Judgment Amount: \$3,712

296. This information was inaccurate and out-of-date because the complaint filed against Plaintiff McIntyre in case LT-12-10-05-3884 on October 5, 2012 was a nullity, having merged with the judgment entered in that case on November 6,

2012, which was *satisfied* on May 14, 2015.

297. Moreover, no judgment was entered on October 5, 2012 as the entry's reference to a "Judgment Amount" indicated. Rather, a complaint was filed.

298. The sixth inaccurate and out-of-date entry appeared, in relevant part, as follows:

6. McIntyre, Patricia	Dataset: Pennsylvania Evictions(PAEVN)
Address: 3902 City Ave #B1223 Philadelphia Pa 19131	Action Date: 1/18/2012
County: Philadelphia County Muni Court	Case Type: Civil New Filing
Record ID: MP65555473	Plaintiff: Bldg Philadelphia Lp
File Number 1201185230	Judgment Amount: \$3,211

299. This information was inaccurate and out-of-date because the complaint filed against Plaintiff McIntyre in case LT-12-01-18-5230 on January 18, 2012 was *withdrawn* on February 17, 2012, when an entry reflecting that updated disposition was filed on the publicly available case docket.

300. The TURSS report contained no reference to the February 17, 2012 withdrawal.

301. Moreover, no judgment was entered on January 18, 2012 as the entry's reference to a "Judgment Amount" indicated. Rather, a complaint was filed.

302. As of the date of the report, August 18, 2016, TURSS had failed to update the status of the January 18, 2012 filing for approximately four-and-a-half

years.

303. The seventh inaccurate and out-of-date entry appeared, in relevant part, as follows:

7. McIntyre, Patricia	Dataset: Pennsylvania Evictions(PAEVN)
Address: 3902 City Ave #B1223 Philadelphia Pa 19131	Action Date: 11/6/2012
County: Philadelphia County Muni Court	Case Type: Civil Judgment
Record ID: MP84746151	Plaintiff: Bldg Philadelphia Lp
File Number 1210053884	Judgment Amount: \$5,728

304. This information was inaccurate and out-of-date because the judgment entered against Plaintiff McIntyre in case LT-12-10-05-3884 on November 6, 2012 was *satisfied* on May 14, 2015, when an entry reflecting that updated disposition was filed on the publicly available case docket.

305. The TURSS report contained no reference to the May 14, 2015 satisfaction.

306. As of the date of the report, August 18, 2016, TURSS had failed to update the status of the November 6, 2012 judgment for more than a year.

307. As a result of the inaccuracies, Plaintiff McIntyre's application was denied.

308. On or about July 27, 2017, Plaintiff McIntyre applied to rent an apartment at Alden Park, an apartment complex in Philadelphia, Pennsylvania and

TURSS provided eviction information about Plaintiff McIntyre to RentGrow, Inc., d/b/a Yardi Resident Screening (“RentGrow”) upon request of one Lisa Legere and for a fee which was passed along to Plaintiff McIntyre.

309. The information TURSS provided to RentGrow on July 27, 2017 included eleven inaccurate and out-of-date entries of eviction information.

310. The first inaccurate and out-of-date entry appeared, in relevant part, as follows:

1. McIntyre, Patricia	Dataset: Pennsylvania Evictions(PAEVN)
Address: 3701 Conshohocken Av #31 921 Philadelphia PA 19131	Action Date: 12/6/2016
County: Philadelphia County Muni Court	Case Type: Civil New Filing
Record ID: MY59115837	Plaintiff: Duffield House Assoc
File Number 1612063568	Judgment Amount: \$1,366

311. This information was inaccurate and out-of-date because the complaint filed against Plaintiff McIntyre in case LT-16-12-06-3568 on December 6, 2016 was a nullity, having merged with the judgment entered on February 15, 2017, which was *vacated* on May 18, 2017 when an entry reflecting that updated disposition was filed on the publicly available case docket.

312. The TURSS report contained no reference to the May 18, 2017 vacatur.

313. As of the date of the report, July 27, 2017, TURSS had failed to update the status of the December 6, 2016 filing for more than two months.

314. The second inaccurate and out-of-date entry appeared, in relevant part, as follows:

2. McIntyre, Patricia	Dataset: Pennsylvania Evictions(PAEVN)
Address: 4401 Conshohocken Ave #C3 Philadelphia Pa 19131	Action Date: 4/6/2011
County: Philadelphia County Muni Court	Case Type: Civil Judgment
Record ID: MY59264240	Plaintiff: Kinsale Partners Lp
File Number 1010084331	Judgment Amount: \$2,396

315. This information was inaccurate and out-of-date because no “civil judgment” was entered against Plaintiff McIntyre in case LT-10-10-08-4311 on April 6, 2011, let alone one for \$2,396. Rather, the entry regarding Plaintiff McIntyre’s *satisfaction* of the November 5, 2010 judgment was filed on the publicly available case docket that day. *See* ¶ 289, *supra*.

316. The TURSS report contained no reference to the April 6, 2011 satisfaction, instead inaccurately casting it as an *additional* judgment entered against Plaintiff McIntyre, doubling the negative impact of the inaccurate information.

317. As of the date of the report, July 27, 2017, TURSS had failed to update the status of the November 5, 2010 judgment for more than six years.

318. The third inaccurate and out-of-date entry was a recapitulation of the erroneous August 18, 2016 entry regarding the May 16, 2011 judgment in case LT-

11-04-27-5672, which Plaintiff McIntyre *satisfied* on August 3, 2011. See ¶¶ 282-283, *supra*.

319. Relatedly, the fourth inaccurate and out-of-date entry was a recapitulation of the erroneous August 18, 2016 entry regarding the April 27, 2011 filing of case LT-11-04-27-5672, which was *satisfied* on August 3, 2011. See ¶¶ 286-287, *supra*.

320. The TURSS report contained no reference to the August 3, 2011 satisfaction.

321. As of the date of the report, July 27, 2017, TURSS had failed to update the status of the May 16, 2011 judgment for more than six years.

322. The fifth inaccurate and out-of-date entry was a recapitulation of the erroneous August 18, 2016 entry regarding the November 5, 2010 judgment in case LT-10-10-08-4331, was Plaintiff McIntyre *satisfied* on April 6, 2011. See ¶¶ 289-290, *supra*.

323. Relatedly, the sixth inaccurate and out-of-date entry was a recapitulation of the erroneous August 18, 2016 entry regarding the October 8, 2010 filing of case LT-10-10-08-4331, the November 5, 2010 judgment in which Plaintiff McIntyre *satisfied* on April 6, 2011. See ¶¶ 293-294, *supra*.

324. The TURSS report contained no reference to the April 6, 2011

satisfaction.

325. As of the date of the report, July 27, 2017, TURSS had failed to update the status of the November 5, 2010 judgment for nearly six-and-a-half years.

326. The seventh inaccurate and out-of-date entry appeared, in relevant part, as follows:

7. McIntyre, Patricia		Dataset: Pennsylvania Evictions(PAEVN)	
Address:	4401 Conshohocken Ave #C3 Philadelphia Pa 19131	Action Date:	8/3/2011
County:	Philadelphia County Muni Court	Case Type:	Civil Judgment
Record ID:	MY59749883	Plaintiff:	Kinsale Partners Lp
File Number	1104275672	Judgment Amount:	\$1,290

327. This information was inaccurate and out-of-date because no “civil judgment” was entered against Plaintiff McIntyre in case LT-11-04-27-5672 on August 3, 2011, let alone one for \$1,290. Rather, the entry regarding Plaintiff McIntyre’s *satisfaction* of the May 16, 2011 judgment was filed on the publicly available case docket that day. *See* ¶ 282, *supra*.

328. The TURSS report contained no reference to the August 3, 2011 satisfaction, instead inaccurately casting it as an *additional* judgment entered against Plaintiff McIntyre, doubling the negative impact of the inaccurate information.

329. As of the date of the report, July 27, 2017, TURSS had failed to update

the status of the May 16, 2011 judgment for nearly six years.

330. The eighth inaccurate and out-of-date entry was a recapitulation of the erroneous August 18, 2016 entry regarding the October 5, 2012 filing of case LT-12-10-05-3884, the November 6, 2012 judgment in which Plaintiff McIntyre *satisfied* on May 14, 2015. *See* ¶ 304, *supra*.

331. The TURSS report contained no reference to the May 14, 2015 satisfaction.

332. As of the date of the report, July 27, 2017, TURSS had failed to update the status of the November 6, 2012 judgment for more than two years.

333. The ninth inaccurate and out-of-date entry was a recapitulation of the erroneous August 18, 2016 entry regarding the January 18, 2012 filing of case LT-12-01-18-5230, which case was *withdrawn* on February 17, 2012.

334. The TURSS report contained no reference to the February 17, 2012 withdrawal.

335. Moreover, no judgment was entered on January 18, 2012 as the entry's reference to a "Judgment Amount" indicated. Rather, a complaint was filed.

336. As of the date of the report, July 27, 2017, TURSS had failed to update the status of the January 18, 2012 filing for approximately five-and-a-half years.

337. The tenth inaccurate and out-of-date entry was a recapitulation of the

erroneous August 18, 2016 entry regarding the November 6, 2012 judgment in case LT-12-10-05-3884 which case *satisfied* on May 14, 2015. See ¶ 304, *supra*.

338. Relatedly, the eleventh inaccurate and out-of-date entry appeared, in relevant part, as follows:

11. McIntyre, Patricia		Dataset: Pennsylvania Evictions(PAEVN)	
Address:	3902 City Ave #B1223 Philadelphia PA 19131	Action Date:	5/14/2015
County:	Philadelphia County Muni Court	Case Type:	Civil Judgment
Record ID:	MY69476513	Plaintiff:	Bldg Philadelphia Lp
File Number	1210053884	Judgment Amount:	\$5,728

339. This information was inaccurate and out-of-date because no “civil judgment” was entered against Plaintiff McIntyre in case LT-12-10-05-3884 on May 14, 2015, let alone one for \$5,728. Rather, the entry regarding Plaintiff McIntyre’s *satisfaction* of the November 6, 2012 judgment was filed on the publicly available case docket that day.

340. The TURSS report contained no reference to the May 14, 2015 satisfaction, instead inaccurately casting it as an additional judgment entered against Plaintiff McIntyre, doubling the negative impact of the inaccurate information.

341. As of the date of the report, July 27, 2017, TURSS had failed to update the status of the November 6, 2012 judgment for more than two years.

342. At all times relevant to Plaintiff McIntyre's allegations, full case dockets and digital representations of all documents filed in landlord tenant actions in the Philadelphia Municipal Court, including, but not limited to complaints, judgments, vacatur, withdrawals, and satisfactions of judgment, were available online at no charge. Defendant simply failed to consult them.

343. Because her previous lease at another location expired and her most recent attempts to secure rental housing have been unsuccessful, Plaintiff McIntyre was forced to live in much more expensive extended-stay housing for many months.

2. The Experience of Plaintiff Kaila Hector

344. On or about November 2017, Plaintiff Hector identified a house that she wanted to lease.

345. Plaintiff Hector contacted the owner, who indicated that the monthly rent was approximately \$1,300.00 per month.

346. Plaintiff Hector completed an application and paid an application fee of \$100.00. Plaintiff Hector also paid \$50.00 in additional fees.

347. As a part of her application, the owner obtained a SmartMove report about Plaintiff Hector. Plaintiff Hector was required to pay for the cost of this report, approximately \$50.00. TURSS created and sold the owner a SmartMove report about Plaintiff Hector that same day for a fee.

348. Upon meeting with the owner of the house, Plaintiff Hector told the owner about her previous eviction in Virginia, as well as the fact that she had paid any obligation associated with the eviction. The owner told Plaintiff Hector she wanted Plaintiff Hector to be her tenant and would be willing to give her the keys early. The owner advised Plaintiff Hector that the house was hers to rent, once the TURSS report came back consistent with their conversation.

349. The report that TURSS provided regarding Plaintiff Hector was inaccurate and incorrectly double reported the same judgment under the heading “Eviction records.”

350. The two TURSS “eviction records” stated, in relevant part, as follows:

Name	HECTOR, KAILA S
Address¹¹	XXXX Goldsboro Dr #2 Hampton VA 23605
County	Hampton District Court
Record ID	MP45064565
File Number	650GV1001921000
Action Date	1/11/2011
Case Type	Civil Judgment
Plaintiff	Cambridge Apartments LC
Judgment Amount	\$879

¹¹ The full address was included in Plaintiff Hector’s TURSS report, but has been redacted for purposes of this publicly filed Complaint.

Name	HECTOR, KAILA S
Address	XXXX Goldsboro Dr #2 Hampton VA 23605
County	Hampton District Court
Record ID	MP93521309
File Number	650GV1001921000
Action Date	6/6/2013
Case Type	Civil Judgment
Plaintiff	Cambridge Apartments LC
Judgment Amount	\$879

351. This information was inaccurate because the information was reported as if Plaintiff Hector had two evictions that were unpaid two years apart in the amount of \$879 each.

352. In fact, the two reported evictions were actually the same case.

353. Publicly available records clearly show that only one case was initiated against Plaintiff Hector. The case was initiated on December 16, 2010. A default judgment was entered on January 11, 2011, and a notice of satisfaction was filed on June 6, 2013. No second case was ever brought against Plaintiff Hector.

354. As a result of TURSS reporting two eviction judgments that were unpaid, and because this was contrary to what Plaintiff Hector had represented to the

owner, the owner denied Plaintiff Hector's application. The owner told Plaintiff Hector that the existence of two judgments, as opposed to only one, was the reason she was denied.

355. As a result of TURSS' double reporting of evictions and reporting of inaccurate information, Plaintiff Hector was required to rent a less desirable apartment at the High Ridge Landing Complex in Boynton Beach, Florida. This apartment had a monthly rent of \$1,700.00, approximately \$400 higher per month than the house she wanted to lease. She lost the application fees paid to the owner, and she had to live with her mother for approximately one month while she sought new housing.

356. Plaintiff Hector filed a dispute with TURSS regarding the erroneous reporting, and, after an investigation, TURSS removed the disputed information in January 2018. This result was too late, however, to avoid the adverse consequences described above.

3. The Experience of Plaintiff William Aird

357. On or about June 8, 2018, Plaintiff Aird applied to rent a home in Chesapeake, Virginia, where he planned to live with his wife and their grandson.

358. As a part of his application, the rental property manager of the home obtained a SmartMove report about Plaintiff Aird. TURSS created and sold the property manager a SmartMove report about Plaintiff Aird that same day for a fee.

359. The SmartMove report was inaccurate and incorrectly associated two judgments with Plaintiff Aird under the heading “Eviction records.”

360. The first TURSS “eviction record” stated, in relevant part, as follows:

Name	WILLIAM AIRD
Address	220B OAK LAKE RUN CRES CHESAPEAKE, VA 23320
Description	Virginia Evictions
Record ID	MP87845257
File Number	550GV1300287700
County	Chesapeake City District Court
Action Date	2/20/2013
Case Type	Civil New Filing
Plaintiff	Oak Lake Apartments
Judgment Amount	\$635

361. This information was inaccurate because no judgment was ever entered against Plaintiff Aird in case GV13-2877, let alone one for \$635.

362. Publicly available records clearly show that the case was *dismissed* on March 3, 2013.

363. The second TURSS “eviction record” stated, in relevant part, as

follows:

Name	WILLIAM AIRD
Address	220B OAK LAKE RUN CRES CHESAPEAKE, VA 23320
Description	Virginia Evictions
Record ID	MP85471440
File Number	550GV1300144800
County	Chesapeake City District Court
Action Date	1/25/2013
Case Type	Civil New Filing
Plaintiff	Oak Lake Apartments
Judgment Amount	\$314

364. This information was inaccurate because no judgment was ever entered against Plaintiff Aird in case GV13-1448, let alone one for \$314.

365. Publicly available records clearly show that the case was *dismissed* on February 8, 2013.

366. Plaintiff Aird was never evicted from Oak Lake Apartments. He lived there until the expiration of his one-year lease in or about August 2013.

367. Nevertheless, pursuant to its automated programing and processes, TURSS recommended that the property manager reject Plaintiff Aird's rental application.

368. Solely as a result of the derogatory, inaccurate eviction information on the TURSS report, the property manager denied Plaintiff Aird's rental application.

369. Because their previous lease at another location expired and the new housing application was not approved, Plaintiff Aird, his wife, and his grandson were forced to depend upon the kindness of friends for housing for a period of time beginning in May 2018.

4. The Experience of Plaintiff Ramona Belluccia

370. In October, 2020, Plaintiff Belluccia applied for a new apartment in Tampa, Florida. Plaintiff Belluccia's prospective landlord sought a tenant screening report from non-party Rentgrow, Inc. Rentgrow, in turn sought eviction data from TURSS.

371. TURSS reported to Rentgrow information regarding a 2016 eviction action that had been filed against Plaintiff Belluccia in Hillsborough County Circuit Court, Florida. TURSS reported only the fact of the filing, and not the fact that the matter had been dismissed by stipulation in early 2017.

372. RentGrow, in turn, provided TURSS' incomplete reporting to Plaintiff Belluccia's prospective landlord, who denied her rental application.

373. Plaintiff Belluccia disputed the results with RentGrow, which provided the dispute information to TURSS. TURSS removed the eviction from its reporting, and provided a revised report to RentGrow.

374. Plaintiff Belluccia suffered harm from TURSS' misreporting, including but not limited to a denied rental application, and time and inconvenience required to fix TURSS' errors.

F. Class Action Allegations

375. Eviction Records Plaintiffs bring this action on behalf of the following Classes (Collectively, with each Class and Sub-Class, the "**Eviction Records Classes**"). All Classes and Sub-Classes here cover the Class Period from April 28, 2015 (five years prior to the filing of the original *McIntyre* complaint) to the present.

- a. The **National Outdated Eviction Records Class**, to be represented by Plaintiffs Aird, Hector, McIntyre, and Belluccia:

All natural persons in the United States:

- (i) about whom TURSS furnished a consumer report to a third party on or after April 28, 2015;
- (ii) to whom TURSS attributed a civil judgment or other eviction record without noting a satisfaction, withdrawal, vacatur, or dismissal of the reported judgment or action;
- (iii) where the report was furnished at least sixty (60) days after the date that a satisfaction, withdrawal, vacatur or dismissal of the reported judgment or action had been filed in the respective court.

- a.1. The **Virginia Outdated Eviction Records Sub-Class**, to be

represented by Plaintiffs Aird and Hector:

All members of the National Outdated Eviction Records Class who had at least one record that meets the class definition where the record was from a Virginia court.

- a.2. The **Pennsylvania Outdated Eviction Records Sub-Class**, to be represented by Plaintiff McIntyre:

All members of the National Outdated Eviction Records Class who had at least one record that meets the class definition where the record was from a Pennsylvania court.

- a.3. The **Florida Outdated Eviction Records Sub-Class**, to be represented by Plaintiff Belluccia:

All members of the National Outdated Eviction Records Class who had at least one record that meets the class definition where the record was from a Florida court.

- a.4. The **Eviction Records Disputes Sub-Class**, to be represented by Plaintiffs Hector and Belluccia:

All members of the National Outdated Eviction Records Class who disputed at least one record meeting the class definition and where, in response to such dispute, TURSS suppressed or deleted the record or corrected it.

- b. The **Duplicate Eviction Records Class**, to be represented by Plaintiff Hector:

All natural persons in the United States about whom TURSS furnished a consumer report on or after April 28, 2015 that included two or more separate report tradelines for the same unpaid civil judgment or eviction

record from a court.

376. The members of the Eviction Records Classes are so numerous that joinder of all members is impracticable. Although the precise number of class members is known only to TURSS, the members of the Eviction Records Classes number in the thousands. TURSS sells eviction information to thousands of businesses throughout the country, and its reports to such businesses are standardized, form documents, produced by the same practices and procedures applicable to all subjects of the reports.

377. There are questions of law and fact common to the Eviction Records Classes that predominate over any questions affecting only individual class members. The principal questions concern whether TURSS willfully and/or negligently violated the FCRA by failing to follow reasonable procedures to assure the maximum possible accuracy of the information contained in consumers' reports with respect to eviction cases.

378. The Eviction Records Plaintiffs' claims are typical of the claims of the members of the Eviction Records Classes which all arise from the same operative facts and are based on the same legal theories.

379. The Eviction Records Plaintiffs will fairly and adequately protect the interests of the members of the Eviction Records Classes. The Eviction Records

Plaintiffs are committed to vigorously litigating this matter and have retained counsel experienced in handling consumer class actions. None of the Eviction Records Plaintiffs nor their counsel have any interests which might cause them not to vigorously pursue this claim.

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

381. Whether TURSS violated the FCRA can be determined by examination of TURSS' policies and conduct and a ministerial inspection of TURSS' business records and/or publicly available eviction litigation records.

382. A class action is a superior method for the fair and efficient adjudication of this controversy. The interest of the members of the Eviction Records Classes in individually controlling the prosecution of separate claims against TURSS is slight because the maximum statutory damages are limited to

between \$100.00 and \$1,000.00 under the FCRA. Management of the Eviction Records Classes' claims is likely to present significantly fewer difficulties than those presented in many individual claims. The identities of the members of the Eviction Records Classes may be derived from TURSS' records.

G. Claims for Relief

1. Count V - 15 U.S.C. § 1681e(b), Against TURSS, brought by Eviction Records Plaintiffs, individually, and on behalf of the Eviction Records Classes

383. TURSS violated 15 U.S.C. § 1681e(b) by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the consumer reports it furnished regarding Eviction Records Plaintiffs and the Eviction Records Classes by furnishing eviction record information without determining whether the civil case had been dismissed or otherwise disposed, and by furnishing reports containing multiple iterations of the same single civil record.

384. TURSS failed to follow reasonable procedures to assure maximum accuracy of eviction information contained in tenant screening reports prepared about the Eviction Records Plaintiffs and members of the Eviction Records Classes, thereby publishing inaccurate and outdated eviction information to their potential landlords and property managers.

385. The foregoing violations were negligent and/or willful. TURSS acted in knowing or reckless disregard of its obligations and the rights of Eviction Records Plaintiffs and the members of the Eviction Records Classes, under 15 U.S.C. § 1681e(b).

386. As a result of TURSS' conduct, the Eviction Records Plaintiffs and members of the Eviction Records Classes suffered harm and injury including but not limited to: denial of a rental opportunity, forfeiture of deposit funds, damage to reputation, embarrassment, humiliation and other mental and emotional.

387. The Eviction Records Plaintiffs and members of the Eviction Records Classes are entitled to recover statutory damages, punitive damages, costs and attorneys' fees from TURSS in an amount to be determined by the Court pursuant to 15 U.S.C. §§ 1681n and 1681o.

388. In the alternative, the Eviction Records Plaintiffs and members of the Eviction Records Classes are entitled to a declaration and/or a liability determination that TURSS negligently and/or willfully violated the FCRA, § 1681e(b).

III. DISCLOSURE CLAIMS

A. The Importance of Consumers Receiving Complete File Disclosures

389. As discussed herein, the FCRA is intended "to protect consumers from

the transmission of inaccurate information about them, and to establish credit reporting practices that utilize accurate, relevant, and current information in a confidential and responsible manner.” *Cortez*, 617 F.3d at 706.

390. In furtherance of that goal, the FCRA mandates that CRAs provide consumers with access to the information maintained about them in their consumer “file.” *See* 15 U.S.C. § 1681g(a).

391. When used in connection with information on any consumer the FCRA uses the term “file.” The consumer’s “file” means “all of the information on that consumer recorded and retained by a consumer reporting agency *regardless of how the information is stored.*” *See* 15 U.S.C. § 1681a(g) (emphasis added).

392. “File” “denotes all information . . . that *might* be furnished, or *has been* furnished, in a consumer report on that consumer.” *Cortez*, 617 F.3d at 711-12 (*citing Gillespie v. Trans Union Corp.*, 482 F.3d 907, 909 (7th Cir. 2007)) (emphasis added).

393. The FCRA has long required CRAs to provide consumers with copies of their consumer files upon request without charge at least every twelve months, after a credit denial and in other circumstances. *See* 15 U.S.C. § 1681g(a). Consumers may always request copies of their files for a fee.

394. In the wake of the COVID-19 pandemic, recognizing the importance

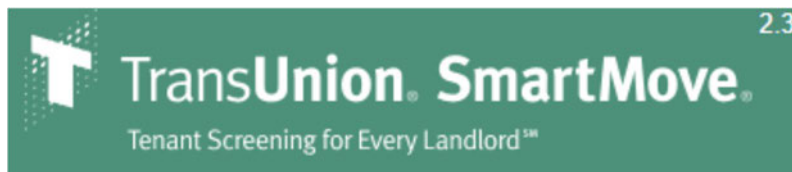
of credit information in times of financial distress, TU, along with Experian and Equifax, increased the frequency with which consumers may request their consumer disclosures free of charge, allowing consumers to obtain them on a weekly basis.

395. California law also requires TU to include all information it had on file about a consumer in response to a consumer's request. Cal. Civ. Code §§ 1785.10, 1785.15; Cal. Bus. & Prof. Code § 17200. This includes information in the possession of a corporate subsidiary.

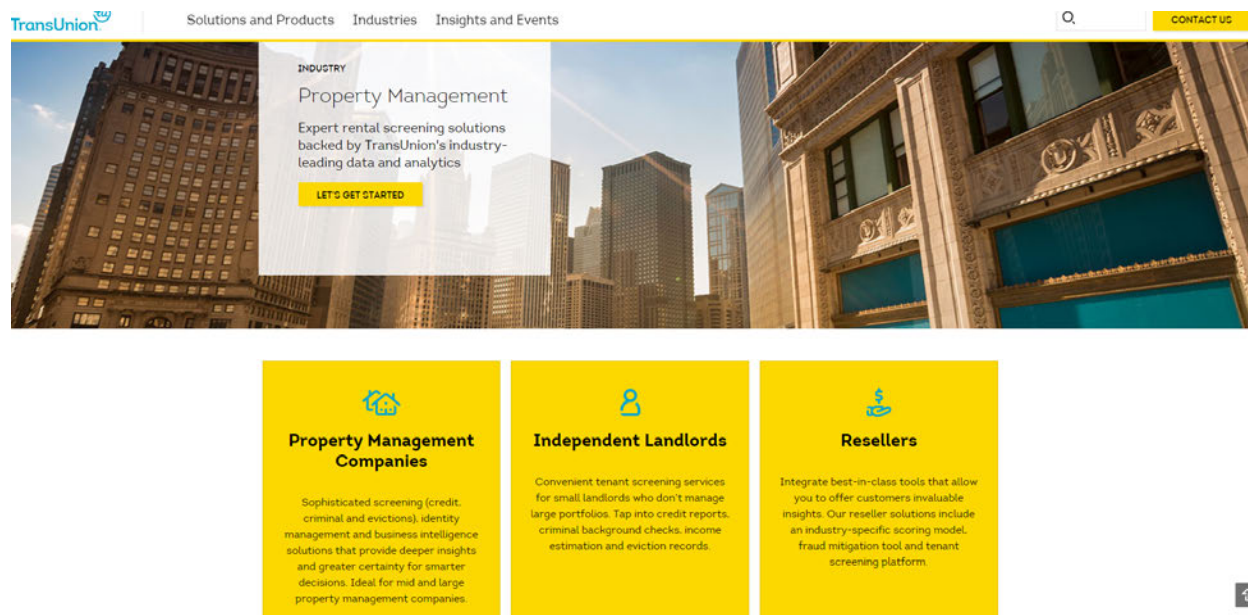
B. TU's Relationship with TURSS and its Flawed File Disclosures

396. Including through its name, TURSS capitalizes on its close relationship with its parent company, TU.

397. TURSS' reports are marked, promoted and marketed with prominent TU branding and marks, with the following appearing on TURSS reports:



398. TransUnion advertises for TURSS products on its website, touting TU’s “industry leading data and analytics”¹²



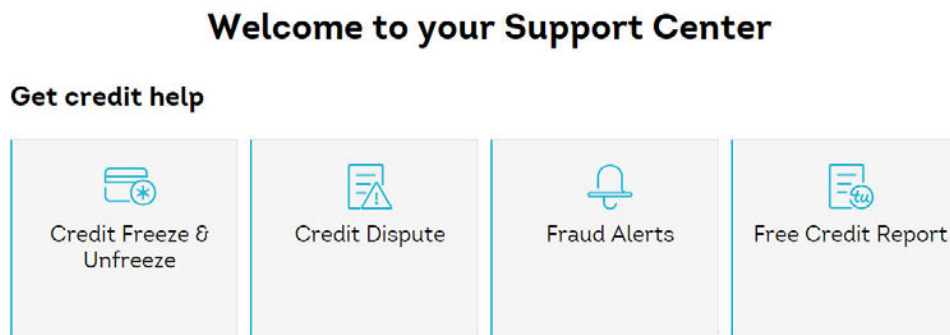
399. The “contact us” button on the rental screening product advertisement page on TU’s website yields the following pop-up:¹³

¹² <https://www.transunion.com/industry/property-management> (site last visited May 13, 2021).

¹³ *Id.*

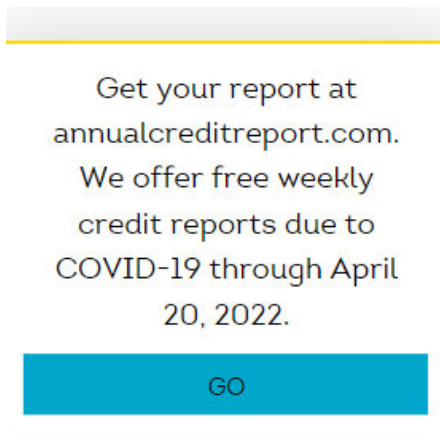


400. When a consumer clicks “yes” on the above, the consumer is directed to a page that presents as follows at the top:¹⁴



401. When a consumer selects “free credit report” the screen changes to display the following information where the “Free Credit Report” icon appeared:

¹⁴ <https://www.transunion.com/customer-support/contact-us-consumers> (last visited May 14, 2021).



402. TU heavily promotes annualcreditreport.com as the source consumers should use to obtain a free copy of their TU files.

403. When consumers go to annualcreditreport.com to request their TU file, or make requests to TU for their consumer files using other means, the report TU sends to the consumer does not include the TURSS report or information maintained by TURSS. TU does not include in its consumer disclosures information contained in reports issued by its subsidiary, TURSS. Nor does TU disclose information in TURSS' consumer files. However, the law requires that TU disclose all information it its possession, including information in the possession of its subsidiary.

404. TURSS directs consumers to direct disputes to:

TransUnion Rental Screening Solutions
Attention: Consumer Disputes
P.O. Box 800
Woodlyn, PA 19094
TURSSDispute@transunion.com.

405. Woodlyn, Pennsylvania, is the location of a TransUnion office, but not a TURSS office. Further, transunion.com is obviously the domain for TransUnion, not TURSS.

406. TU's failure to disclose TURSS reports and file contents in response to lawful requests makes it more difficult for consumers to detect and correct errors in Defendants' reporting about them. When consumers receive a TU file disclosure, they do not learn what incorrect information TURSS maintains about them.

407. Consumers who are aware that a landlord has received incorrect information about them are unable to obtain and correct such information if they request their files from TU, because when they receive their TU file disclosures, the information is not present.

408. In order for the FCRA to have its intended effect, and for consumers to have the tools necessary to detect and correct inaccurate reports when they may occur, it is essential that, upon request, CRAs provide full, accurate disclosures.

C. TU's Conduct Violates the Law

409. CRAs may not attempt to circumvent their duties to disclose imposed by the FCRA by way of corporate or technological chicanery. 15 U.S.C. § 1681x; *see also Cortez*, 617 F.3d at 711 ("We do not believe that Congress intended to allow credit reporting companies to escape the disclosure requirement in § 1681a(g)

by simply contracting with a third party to store and maintain information that would otherwise clearly be part of the consumer's file and is included in a credit report.").

410. Examples of such prohibited attempts include:

Circumvention through reorganization by data type. XYZ Inc. is a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. It restructures its operations so that public record information is assembled and maintained only by its corporate affiliate, ABC Inc. XYZ continues operating as a consumer reporting agency but ceases to comply with the FCRA obligations of a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, asserting that it no longer meets the definition found in FCRA section 603(p), because it no longer maintains public record information. XYZ's conduct is a circumvention or evasion of treatment as a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, and thus violates this section.

Circumvention by a newly formed entity. Smith Co. is a new entrant in the marketplace for consumer reports that bear on a consumer's credit worthiness, standing and capacity. Smith Co. organizes itself into two affiliated companies: Smith Credit Co. and Smith Public Records Co. Smith Credit Co. assembles and maintains credit account information from persons who furnish that information regularly and in the ordinary course of business on consumers residing nationwide. Smith Public Records Co. assembles and maintains public record information on consumers nationwide. Neither Smith Co. nor its affiliated organizations comply with FCRA obligations of consumer reporting agencies that compile and maintain files on consumers on a nationwide basis. Smith Co.'s conduct is a circumvention or evasion of treatment as a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, and thus violates this section.

12 C.F.R. part 1022.140(b)(1), (3).

411. Despite this explicit warning, this is precisely what TU has done: systematically refused to produce information in the hands of its subsidiary, TURSS, in response to file requests.

412. Thus, as a matter of common policy and procedure, Defendants TU's incomplete, misleading disclosure practices violate the FCRA.

D. TU's Conduct Harms Consumers

413. TU's failure to disclose TURSS information and reports causes consumers informational injury in the form of denial of statutorily mandated disclosure of information. This informational harm has real-world consequences, because these failures makes it difficult for individuals trying to clear their names, as the consumers cannot know if the flaw is in the public record itself (such as in a case of identity theft) or if the flaw is in the CRA's own matching criteria.

E. TU's Conduct is Willful

414. TU's conduct with respect to disclosures was a result of deliberate policies and practices, was carried out in reckless disregard for consumers' rights as set forth under sections 1681g(a) of the FCRA, and was negligent and willful. 15 U.S.C. §§ 1681n and 1681o. The requirements of the statutes are pellucid, and TU's violations are apparent on their face. In *McIntyre v. Transunion, LLC*, No. 2:18-cv-03865 (E.D. Pa. Sept 10, 2018) (ECF No. 28), the court in that case denied TU's

motion to dismiss Plaintiff's claim that TU violated the FCRA by failing to disclose TURSS information to consumers. *Id.*, ECF No. 28.

415. Yet, even after the decision in *McIntyre*, TU still has not changed its procedures. Such obstinance is evidence of willfulness. *See, e.g., Saunders v. Branch Banking And Tr. Co. Of VA*, 526 F.3d 142, 151 (4th Cir. 2008) (concluding that the fact that a credit report violation had not been corrected even through the case was evidence of willfulness).

F. Allegations of the Named Plaintiffs

1. The Experience of Plaintiff Patricia McIntyre

416. In July of 2018, Plaintiff McIntyre requested and obtained a copy of her TU credit file disclosure ("TransUnion Disclosure").

417. The TransUnion Disclosure contained no reference to any eviction information whatsoever, let alone the copious information that TURSS had provided to Plaintiff McIntyre's potential landlords and property managers and which had appeared in the reports prepared by TURSS.

418. Nevertheless, the TransUnion Disclosure included several inquiries for Plaintiff McIntyre's credit information associated with "Tenant Screening," making it clear that TU was aware of the inquires.

419. TU did not disclose Plaintiff McIntyre's complete file to her after her request, failing to disclose the eviction information that it had previously provided to third parties.

420. TU's incomplete disclosure denied Plaintiff McIntyre the opportunity to learn the extent of the eviction information TU was providing to third parties about her, despite Congress's clear mandate in FCRA section 1681g(a)(1) and its implementing regulations.

421. At all times pertinent hereto and with respect to all of the foregoing allegations, TU's conduct was a result of deliberate policies and practices, was willful, was carried out in reckless disregard for a consumers' rights as set forth under sections 1681e(b) and 1681g(a) of the FCRA, and further assumed an unjustifiably high risk of harm.

422. In April 2018, Plaintiff McIntyre requested and obtained a copy of her TURSS file ("TURSS Disclosure").

423. The TURSS Disclosure purported to contain, among other information, "the contents of a consumer report generated on 8/18/2016 and 7/27/2017 for Duffield House and RentGrow."

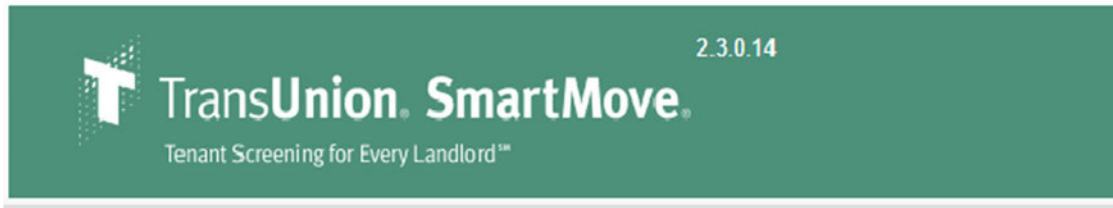
424. The TURSS Disclosure contained numerous inaccuracies, discussed *infra* at ¶¶ 279-341.

2. The Experience of Plaintiff Michael Lewis

425. The specific product TURSS produced regarding Plaintiff Lewis was called a “SmartMove” report. TU maintains a website promoting the SmartMove product at www.mysmartmove.com.

426. That site is replete with large banners containing TU’s branding, with the only reference to TURSS in tiny text at the very bottom of the page: “© 2021 TRANSUNION RENTAL SCREENING SOLUTIONS, INC.”

427. Plaintiff Lewis’ report was similarly branded, on the top of the first page, with no clear reference to TURSS:



428. Seeking to determine the reason for his denial, Plaintiff Lewis, through counsel, requested a copy of his full consumer file from Defendant TU.

429. On August 12, 2019, Defendant TU responded by providing Plaintiff Lewis with an eight-page disclosure.

430. Defendant TU’s disclosure noted the TURSS report on page 4 as an “Account Review Inquir[y],” meaning that TURSS obtained information from Defendant, but TU did not include any of the substance of what TURSS reported to

Plaintiff Lewis' prospective landlord, a copy of that report, nor any of the underlying records, despite the facts that Defendant TU owns TURSS, that the TURSS report contained nothing but Defendant TU's branding, that Defendant TU runs a website promoting the background check product at issue, or that Defendant TU administers TURSS' dispute process.

G. Class Action Allegations

431. Plaintiffs McIntyre and Lewis ("TU Disclosure Plaintiffs") bring this action on behalf of the **TU Disclosure Classes** for Defendant TU's violations of FCRA section 1681g(a)(1), and sections 1785.10 and 1785.15 of the CCRAA and Cal. Bus. & Prof. Code § 17200. The TU Disclosure Classes include two distinct classes.

b. The **TU Disclosure Class** is defined as:

All natural persons with an address in the United States and its Territories for whom Defendant TU has a record of transmitting a file disclosure in response to a request on or after April 28, 2015, which did not include any eviction information that TransUnion Resident Screening Solutions, Inc. had previously included in a consumer report it prepared about the subject of the file disclosure.

- a.1. The **California TU Disclosure Sub-Class** is defined as all members of the TU Disclosure Class who resided in California at the time of their requests.

432. TU Disclosure Plaintiffs seek certification of the TU Disclosure Classes pursuant to Fed. R. Civ. P. 23(b)(2) and Rule 23(b)(3). The TU Disclosure Classes are so numerous that joinder of all members is impracticable. Although the precise number of class members is known only to TU and TURSS, the TU Disclosure Plaintiffs aver that the TU Disclosure Classes number in the hundreds of thousands.

433. The TU Disclosure Plaintiffs' claims are typical of the claims of the TU Disclosure Classes, which all arise from the same operative facts and are based on the same legal theories. It is typical of TU to use the standardized disclosure forms, text and content. The violations suffered by the TU Disclosure Plaintiffs are typical of those suffered by other members of the TU Disclosure Classes, and TU treated the TU Disclosure Plaintiffs consistently with other members of the TU Disclosure Classes in accordance with its standard practices and procedures. The TU Disclosure Plaintiffs' harms are likewise typical of the harms suffered by other class members.

434. The TU Disclosure Plaintiffs will fairly and adequately protect the interests of the TU Disclosure Classes. TU Disclosure Plaintiffs are committed to vigorously litigating this matter. Further, the TU Disclosure Plaintiffs have secured counsel who are very experienced in handling consumer class actions. Neither the TU Disclosure Plaintiffs nor their counsel have any interests which might cause them not to vigorously pursue this claim.

435. This case presents common questions of law and fact, including but not limited to:

- a. Whether TU violated the FCRA by failing to include TURSS information in its consumer disclosures;
- b. Whether TU's violations were willful;
- c. The proper measure of damages; and
- d. The proper injunctive relief.

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

437. Defendant TU acted or refused to act on grounds generally applicable to the TU Disclosure Classes, thereby making appropriate final injunctive relief or corresponding declaratory relief.

438. Whether TU violated the FCRA can be easily determined by their policies and a ministerial inspection of TU and TURSS' business records.

439. A class action is a superior method for the fair and efficient adjudication of this controversy. Management of the claims of the TU Disclosure Classes is likely to present significantly fewer difficulties than those presented in many individual claims. The identities of the class members may be derived from Defendants' records and publicly available records.

H. Claims for Relief

1. Count VI – 15 U.S.C. § 1681g(a)(1). Against TU, brought by TU Disclosure Plaintiffs on Behalf of the TU Disclosure Class

440. Defendant TU violated FCRA section 1681g(a)(1) as to the TU Disclosure Plaintiffs and each member of the TU Disclosure Class. Specifically, TU did not disclose to TU Disclosure Plaintiffs and members of the TU Disclosure Class upon their request the eviction information it maintains and sells about them to potential landlords and other users of Defendants' products and services.

441. The foregoing violations were negligent and/or willful. TU acted in knowing or reckless disregard of its obligations and the rights of Plaintiffs and members of the TU Disclosure Class under 15 U.S.C. § 1681g(a)(1).

442. As a result of TU's conduct, TU Disclosure Plaintiffs and members of the TU Disclosure Class suffered injury and harm including but not limited to: denial of statutorily mandated disclosure of information and the economic value of such disclosure.

443. The TU Disclosure Plaintiffs and members of the TU Disclosure Class are entitled to recover statutory damages, punitive damages, costs and attorneys' fees from TU in an amount to be determined by the Court pursuant to 15 U.S.C. §§ 1681n and 1681o.

444. In the alternative, members of the Nationwide TU Disclosure Class are

entitled to a declaration and/or a liability determination that TU negligently and/or willfully violated the FCRA, § 1681g(a)(1).

2. Count VII - Cal. Civ. Code § 1786.28, California Consumer Credit Reporting Agencies Act, Against TU, brought by Plaintiff Lewis on behalf of the California TU Disclosure Sub-Class

445. The CCRAA required Defendant TU to include all information it had on file about a consumer in response to a consumer's request. Cal. Civ. Code §§ 1785.10, 1785.15. This includes information in the possession of a corporate subsidiary.

446. Defendant TU violated this provision by failing to include the reports issued by TURSS in its disclosures to Plaintiff Lewis and members of the California TU Disclosure Sub-Class.

447. Because there is no indication that TURSS is going to be improving the quality of its reporting, and because Plaintiff Lewis plans to seek housing in the future, Plaintiff Lewis has a continuing need to have access to his full file from Defendant TU.

448. Accordingly, Plaintiff Lewis and the California TU Disclosure Sub-Class are entitled to injunctive relief and to the recovery of attorneys' fees and costs.

3. Count VIII - Cal. Bus. & Prof. Code § 17200, Unlawful, Unfair, or Fraudulent Conduct, Against TU, brought by Plaintiff Lewis on behalf of the California TU Disclosure Sub-Class

449. Defendant TU was required to adhere to the requirements of the UCL.

450. By failing to provide complete responses to Plaintiff Lewis's request, Defendant TU diminished Plaintiff Lewis' abilities to correct TURSS' flawed reporting.

451. Defendant TU's incomplete disclosures constituted unlawful, unfair, and fraudulent business practices.

452. Defendant TU's practices were unlawful because they violate the FCRA and/or the CCRAA.

453. Defendant TU's practices were unfair because it is unethical, immoral, unscrupulous, oppressive, and substantially injurious to consumers to fail to disclose to them reports created by its subsidiary, TURSS.

454. The harm caused by these business practices vastly outweighs any legitimate utility they possible could have.

455. Because there is no indication that TURSS is going to be improving the quality of its reporting, and because Plaintiff Lewis plans to seek housing in the future, Plaintiff Lewis has a continuing need to have access to his full file from Defendant TU.

456. Plaintiff Lewis and the California TU Disclosure Sub-Class Class are entitled to injunctive relief and to the recovery of attorneys' fees and costs.

JURY DEMAND

All Plaintiffs on behalf of themselves and the Classes demand a trial by jury for all claims so triable.

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SUMMARY OF CLAIMS		
Claims Category	Statutory Claims	Class
Inaccurate Reporting of Criminal & Non-Conviction Records	15 U.S.C. § 1681e(b)	<ul style="list-style-type: none"> • Age-Based Inaccuracy Class • National Inaccurate Criminal Records Class • Virginia, Texas & Utah Inaccurate Criminal Records Sub-Class • California Counties Inaccurate Criminal Records Sub-Class • California Inaccurate Criminal Records Sub-Class • National Criminal Records Disputes Sub-Class • California Criminal Records Disputes Sub-Class • Expungement Class
	Cal. Civ. Code § 1785.14(b)	<ul style="list-style-type: none"> • California Inaccurate Criminal Records Sub-Class
	Cal. Bus. & Prof. Code § 17200	<ul style="list-style-type: none"> • California Criminal Records Disputes Sub-Class
	15 U.S.C. § 168c(a)	<ul style="list-style-type: none"> • Outdated Records Class

<p>Inaccurate Reporting of Eviction Records</p>	<p>15 U.S.C. § 1681e(b)</p>	<ul style="list-style-type: none"> • National Outdated Eviction Records Class • Virginia Outdated Eviction Records Sub-Class • Pennsylvania Outdated Eviction Records Sub-Class • Florida Outdated Eviction Records Sub-Class • Eviction Records Disputes Sub-Class; • Duplicate Eviction Records Class
<p>Failure to Properly Disclose Information & Full Files</p>	<p>15 U.S.C. § 1681g(a)(1)</p>	<ul style="list-style-type: none"> • TU Disclosure Class • California TU Disclosure Sub-Class
	<p>Cal. Civ. Code § 1785.18</p>	<ul style="list-style-type: none"> • California TU Disclosure Sub-Class