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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF OREGON

14 **MATTHEW RAUSCH,**) Case No.
15 Plaintiff,) **CLASS ACTION**
16 v.) **COMPLAINT FOR VIOLATION OF**
17 **THE HARTFORD FINANCIAL SERVICES**) **FAIR CREDIT REPORTING ACT**
18 **GROUP, INC.,**) **DEMAND FOR JURY TRIAL**
19 Defendant.)

20
21 **SUMMARY AND OVERVIEW**

22 1. This is a class action on behalf of all purchasers of automobile insurance from
23 defendant's subsidiaries from January 1, 1997 to date (the "Class Period").

24 2. Defendant, through its subsidiaries, sells automobile insurance in Oregon and in
25 other states.
26

1 3. Since at least January 1, 1997, defendant and its subsidiaries have used
2 information contained in consumer reports when underwriting policies for automobile insurance.
3 Defendant has taken adverse actions with respect to plaintiff and those similarly situated based
4 on this information, but failed to provide the notification of the adverse action as required by the
5 Fair Credit Reporting Act, 15 U.S.C. §1681.

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JURISDICTION AND VENUE

8 4. Jurisdiction is conferred by 15 U.S.C. §1681. The claims asserted herein arise
9 under 15 U.S.C. §1681.

10 5. Venue is proper in this District pursuant to 15 U.S.C. §1681. Defendant does
11 business in this District and many of the insurance policies involved in this case were issued in
12 this District.

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14

BACKGROUND TO THE CLASS PERIOD

15 6. Based on information and belief, at least by January 1, 1997, defendant began
16 using consumer report information to underwrite automobile insurance policies.

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FIRST CLAIM FOR RELIEF

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For Violation of 15 U.S.C. §1681

20 7. Plaintiff incorporates paragraphs 1 through 6 by reference.

21 8. Plaintiff Matthew Rausch, and all others similarly situated, purchased automobile
22 insurance policies from defendant's subsidiaries during the Class Period. Defendant took an
23 adverse action with respect to underwriting the policies of Mr. Rausch, and all others similarly
24 situated, based on information contained in a consumer report.

25

26

1 9. 15 U.S.C. §1681(m) requires users of consumer reports to provide oral, written or
2 electronic notice of any adverse action taken with respect to any consumer that is based in whole
3 or in part on information obtained in a consumer report.

4 10. Defendant willfully failed to notify plaintiff, and all others similarly situated, of
5 the adverse action.

6 11. 15 U.S.C. §1681(n) provides that any person who willfully fails to comply with
7 any requirement imposed under §1681(n) is liable to the consumer for damages of not less than
8 \$100 and not more than \$1,000. Accordingly, plaintiff, and all those similarly situated, are
9 entitled to recover statutory damages.

10 12. Plaintiff, and all those similarly situated, are also entitled under 15 U.S.C.
11 §1681(n) to recover such amount of punitive damages as the court may allow.

12 13. 15 U.S.C. §1681(n) provides that the cost of the action together with reasonable
13 attorney fees as determined by the court are also recoverable by the plaintiff, and all others
14 similarly situated.

15

16

CLASS ACTION ALLEGATIONS

17 14. Plaintiff brings this action as a class action pursuant to Rule 23 of the Federal
18 Rules of Civil Procedure on behalf of all persons who purchased automobile insurance policies
19 from defendant's subsidiaries from January 1, 1997 to date.

20 15. The members of the Class are so numerous that joinder of all members is
21 impracticable. During the Class Period, defendant's subsidiaries issued hundreds of policies.
22 The disposition of their claims in a class action will provide substantial benefits to the parties and
23 the Court.

24 16. There is a well-defined community of interest in the questions of law and fact
25 involved in this case. Questions of law and fact common to the members of the Class which
26 predominate over questions which may affect individual Class members include:

1 (a) Whether the underwriting practices of defendant constitute adverse actions
2 under the Fair Credit Reporting Act;

3 (b) Whether 15 U.S.C. §1681 was violated by defendant;

4 17. Plaintiff's claims are typical of those of the Class because plaintiff and the Class
5 failed to receive notification of the alleged adverse actions as required by the Fair Credit
6 Reporting Act.

7 18. Plaintiff will adequately protect the interests of the Class and has retained counsel
8 who are experienced in class action securities litigation. Plaintiff has no interests which conflict
9 with those of the Class.

10 19. A class action is superior to other available methods for the fair and efficient
11 adjudication of this controversy.

12
13 **PRAYER FOR RELIEF**

14 WHEREFORE, plaintiff prays for judgment as follows:

15 A. Declaring this action to be a proper class action pursuant to Rule 23;

16 B. Awarding plaintiff and the members of the Class statutory damages, punitive
17 damages, attorney fees and costs; and

18 C. Awarding such other legal and equitable relief as the Court may deem just and
19 proper.

1 **JURY DEMAND**

2 Plaintiff demands a trial by jury.

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4 DATED this ___ day of October, 2001.

5 STOLL STOLL BERNE LOKTING &
6 SHLACHTER P.C.

7 By: _____
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