

RECEIPT NUMBER

531092

ORIGINAL

7

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

CAROLYN STONIER,

Plaintiff,

-vs-

JUDGE : Tarnow, Arthur J.
DECK : S. Division Civil Deck
DATE : 09/09/2005 @ 13:06:40
CASE NUMBER : 2:05CV73480
cmp carolyn stonier v. flagstar
bank, si tam

JURY TRIAL DEMANDED

FLAGSTAR BANCORP, INC.,

Defendant.

MAGISTRATE JUDGE R. STEVEN WHALEN

Adam G. Taub (P48703)
Attorney For Plaintiff
Lyngklip & Taub Consumer Law Group, PLC
24500 Northwestern Highway, Ste. 206
Southfield, MI 48075
PHONE: (248) 746-3790 FAX: (248) 746-3790

Complaint

INTRODUCTION

1. Personal financial information may reveal the most private details of a consumer's lifestyle or mode of living, and any improper use constitutes an invasion of privacy of the consumer. As the banking and credit industries have developed systems and computer databases for legitimate, authorized and convenient access to this private, financial information, it has become, as a consequence, more convenient for people and companies with no legitimate reason to illegally invade a person's privacy by impermissible access to consumer credit histories.
2. At the heart of this lawsuit is the illegal use and access of Mrs. Stonier's credit report by Flagstar Bancorp, Inc. and the impermissible access to this private information granted to Flagstar Bancorp, Inc. by Trans Union, LLC.

3. The Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq* restricts access and use of credit reports. This statute provides an exhaustive list of the permissible purposes and prescribes criminal penalties as well as civil for the unlawful access and use of these reports.
4. Users of this credit information like Flagstar Bancorp, Inc. are subject to the FCRA when they access reports and are under the highest duty to prevent unauthorized access by their agents as well as to prevent use of the information which is obtained illegally.
5. The FCRA expressly provides consumers with a private cause of action against the party illegally accessing the private information. For violations of these privacy provisions of 15 U.S.C. § 1681b, this impermissible access provision is enforceable via 15 U.S.C. § 1681n and 15 U.S.C. § 1681o, depending on whether the violation is found to be wilful or merely negligent.

PARTIES

6. Carolyn Stonier, resides in Brighton, Michigan and is the Plaintiff to this lawsuit.
7. Carolyn Stonier is a consumer as defined by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq* ("FCRA") at §1681a(c).
8. Flagstar Bancorp, Inc. ("Flagstar") is a user of credit of information as contemplated by the Fair Credit Reporting Act ("FCRA")15 U.S.C. §1681 *et seq*.
9. Flagstar does business in Michigan at 5151 Corporate Dr., Troy, MI 48098-2639, and its resident agent The Corporation Company maintains the registered office at 30600 Telegraph Rd #2345 , Bingham Farms, MI 48025.

JURISDICTION

10. This lawsuit, being brought pursuant to 15 U.S.C. § 1681 *et seq*, presents a federal question and as such, jurisdiction arises under 28 U.S.C. §1331 and 15 U.S.C. §1681 *et seq*.

FACTUAL ALLEGATIONS

11. Mrs. Stonier obtained a copy of her Trans Union consumer report ("the consumer report") a redacted portion of which is attached.
12. That consumer report demonstrates that Flagstar accessed Mrs. Stonier's consumer report on July 27, 2005.
13. As a prerequisite to obtaining that consumer report, Flagstar was required to certify to Trans Union, LLC – the credit reporting agency from which the report was obtained – that Flagstar had a permissible purpose under the FCRA for accessing and using the consumer report.
14. Flagstar did not have a permissible purpose for the access and use of the report as set forth in 15 U.S.C. 1681b.
15. As a direct and proximate cause, Mrs. Stonier has suffered an unwarranted invasion of her privacy, which may expose her to additional improper uses of the credit report or her personal identification information.

COUNT I -- Fair Credit Reporting Act (Flagstar) – Negligent Violation

16. Mrs. Stonier incorporates the preceding allegations by reference.
17. Flagstar negligently caused the impermissible access and use of Mrs. Stonier's credit report in violation of 15 U.S.C. 1681b and 15 U.S.C. § 1681o.

COUNT II -- Fair Credit Reporting Act (Flagstar) – Willful Violation

18. Mrs. Stonier incorporates the preceding allegations by reference.
19. Upon information and belief, Flagstar intentionally caused the impermissible access and use of Mrs. Stonier's credit report in violation of 15 U.S.C. § 1681b and 15 U.S.C. § 1681o.

JURY DEMAND

20. Mrs. Stonier demands trial by jury.

RELIEF REQUESTED

21. *ACCORDINGLY, Mrs. Stonier respectfully requests that this Court Grant the following relief:*

- a. Assume jurisdiction over this case including all supplemental claims.*
- b. Grant actual damages.*
- c. Statutory damages.*
- d. Costs and attorney fees.*

Respectfully Submitted,

LYNGKLIP & TAUB
CONSUMER LAW GROUP, PLC

By:


Adam G. Taub P48703

Attorney For Carolyn Stonier
24500 Northwestern Highway, Ste. 206
Southfield, MI 48075
(248) 746-3790
AdamLaw@Pop.Net

Dated: September 8, 2005

Report for CAROLYN JILL STONIER

File Number: 141811838
Page: 9 of 12
Date issued: 08/08/2005

TransUnion



Balance:
Date Updated:
High Balance:
Terms:

Pay Status:
Account Type:
Responsibility:
Date Opened:
Date Closed:

Loan Type:
Remarks: C

Regular Inquiries

The following companies have received your credit report. This information remains on your credit report for two years.

FLAGSTAR BRIGHTON-908
9332 LEE RD
BRIGHTON, MI 48116
Phone number not available
Requested On: 07/27/2005 Inquiry Type: INDIVIDUAL

Inquiry Analysis

The companies that request your credit report must provide certain information about you. This information is commonly requested by your report. The following information is provided:

FLAGSTAR BRIGHTON-908 Requested On: 07/27/2005
Identifying information they provided:
CAROLYN JILL STONIER
8134 LEE RD
BRIGHTON, MI 48116

Account Review Inquiries

The companies listed below obtain information from you, the consumer, for the purpose of an account review or other business transaction with you. These inquiries are not disclosed to anyone but you and will not affect any creditor. Inquiries from any state except insurance companies (which are insurance company inquiries) where permitted by law.

ORIGINAL

JS 44 11/99

CIVIL COVER SHEET COUNTY IN WHICH THIS ACTION AROSE: Livingston 26093

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) PLAINTIFFS

CAROLYN STONIER

DEFENDANTS

FLAGSTAR BANCORP, INC.

(b) County of Residence of First Listed Livingston

County of Residence of First Listed _____

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
 Lyngkclip & Taub Consumer Law Group, PLC
 24500 Northwestern Hwy., Ste. 206, Southfield, MI 48075
 (248) 746-3790

Attorneys (If Known)

73480 Tarrow/RSW

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

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item 111)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PLA <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PLA <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel And Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Med. Malpractice <input type="checkbox"/> 365 Personal Inj/Pr - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21: 861 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 H IA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Com mod ities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 LISC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multi district Litigation
- 7 Appeal to District Judge from Magistrate

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Plaintiff brings this cause of action for violations of the Fair Credit Reporting Act 15 U.S.C. §1681 et seq

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 \$DEMAND _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

DATE _____ JUDGE _____ DOCKET NUMBER _____

SIGNATURE OF ATTORNEY OF RECORD
9-8-05 *[Signature]*

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes

No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes

No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
