

List of class action lawsuits quickly grows vs Equifax over data breach (/stories/511212601-list-of-class-action-lawsuits-quickly-grows-vs-equifax-over-data-breach)

by Jonathan Bilyk (/author/jonathan-bilyk) | Sep. 11, 2017, 4:48pm



Class action lawsuits have begun to multiply against Equifax in recent days in the wake of news late last week the credit reporting agency had suffered a massive data breach affecting more than 140 million Americans, yet had waited at least a month to tell the public.

Nationally, nearly three dozen lawsuits have been filed in federal district courts across the country since Equifax first confirmed the breach on Sept. 7. The first class action was filed that same day in Oregon federal court.

That lawsuit was followed by two dozen more on Thursday and Friday, with more following over the weekend, from California, New Jersey, New York, Nevada, Arizona, Kansas, Indiana, Michigan, Missouri, Minnesota and others.

Two such class actions had been filed in Chicago federal court, as of late Monday afternoon.

Equifax is based in Atlanta.

Chicago law firm Barnow and Associates was the first local firm to file against Equifax, suing on behalf of named plaintiff Sean Neilan.

They were joined Monday morning, Sept. 11, by a lawsuit filed by Chicago law firms – who in a press release announcing their lawsuit described themselves as “powerhouse Chicago firms” – the Zimmerman Law Offices and the Clifford Law Offices. Also signing the complaint were attorneys from DannLaw, of Cleveland, Ohio; PaytonDann Attorneys, of Chicago; Haines & Krieger, of Henderson, Nev.; and Knepper & Clark, of Las Vegas.

Zimmerman and Clifford said they also signed on to lawsuits filed in other federal jurisdictions, including Nevada, New York and Ohio.

Named plaintiffs in the Chicago Zimmerman/Clifford suit include Dan Lang and Russell Pantek, identified as residents of Cook County.

The lawsuits center on accusations Equifax violated the federal Fair Credit Reporting Act and state consumer fraud laws by not properly safeguarding the information of people whose credit the agency reviews and scores. Hacked information allegedly included names, addresses, Social Security numbers and other identifying information. Equifax said it first discovered the breach on July 29.

Further, the lawsuits allege Equifax has further misled consumers by attempting to dupe them into signing away their rights to sue, by requiring consumers to click on a box agreeing to arbitrate their claims to check if they are among the many millions of people whose information may have been compromised in the data breach.

The lawsuits ask the court to award unspecified statutory and punitive damages, plus attorney fees. They also ask the court to invalidate arbitration requirements under Equifax's identity protection programs, and to order Equifax to stop its efforts to "bait and switch consumers into signing a class action waiver and arbitration agreement" to prevent them from suing.

"Even regulators are suggesting that Equifax customers freeze their credit reports, which for many it may be too late," Robert A. Clifford, founder and senior partner at Clifford Law Offices, said in a prepared statement. "People can only protect themselves when they are informed and where there is a failure to monitor consumers' most sensitive information, and then a lack of full disclosure for a prolonged period of time, companies have to know that that's not right and consumers won't stand by with no recourse. Equifax, of all companies, should understand the importance of the privacy of this information."

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219 S Dearborn St
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