UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

CORINE O'DELL, on behalf of herself and all others similarly situated, Plaintiff, vs. NATIONAL RECOVERY AGENCY, Defendant.	Case No.: CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Corine O'Dell, ("Plaintiff"), by and through undersigned counsel, hereby sues Defendant, National Recovery Agency, ("NRA" or "Defendant"), and alleges as follows:

PRELIMINARY STATEMENT

1. This is an action for damages arising from Defendant's violations of the Fair Credit Reporting Act,15 U.S.C. § 1681 *et seq*. (the "FCRA")

JURSIDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and §1692.

3. Venue is proper in this district under 28 U.S.C §1191(b).

PARTIES

4. Plaintiff, Corine O'Dell, is a natural person, whom resides in Columbia, Pennsylvania.

5. Defendant National Recovery Agency is a business with its principal place of business as 2491 Paxton St, Harrisburg, Pennsylvania 17111. Defendant is a "debt collector" as that term is used and defined under the FDCPA.

FACTUAL STATEMENT

6. NRA has attempted to collect a number of debts from Plaintiff through placement of numerous trade lines on her Trans Union credit report.

7. The debts in question stem from medical bills from Lancaster General Health ("Lancaster").

8. In 2014, on a date better known by Defendant, NRA placed approximately 8 trade lines on Plaintiff's credit report seeking to collect said medical debts.

9. The debts in question were listed within Plaintiff's August 2014 credit report as follows:

a. 3030****

1. Placed for collection: 12/12/2012
2. Balance: $109
3. Creditor: Lancaster General
4. Month and year of removal: 05/2019

b. 3082****

1. Placed for collection: 5/5/2013
2. Balance: $310
3. Creditor: Lancaster General
4. Month and year of removal: 08/2019

c. 3100****

1. Placed for collection: 3/25/2013
2. Balance: $110
3. Creditor: Lancaster General
4. Month and year of removal: 07/2019

d. 3113****

1. Placed for collection: 4/8/2013
2. Balance: $356
3. Creditor: Lancaster General
4. Month and year of removal: 9/2019

e. 3276****

1. Placed for collection: 10/28/2013
2. Balance: $2,021
3. Creditor: Lancaster General
4. Month and year of removal: 01/2020

f. 3276****

1. Placed for collection: 10/28/2013
2. Balance: $1378
3. Creditor: Lancaster General
4. Month and year of removal: 01/2020

g. 3312****

1. Placed for collection: 12/24/2013
2. Balance: $125
3. Creditor: Lancaster General
4. Month and year of removal: 04/2020

h. 3168****

1. Placed for collection: 06/24/2013
2. Balance: $248

3. Creditor: Lancaster General

4. Month and year of removal: 12/2019

10. On or about April 3, 2015, all accounts placed by Defendant on Plaintiff's Trans Union credit report were removed from the report.

11. After conducting a deposition of Defendant's corporate representative in a related case between the parties, 5:16-cv-05211, it appears these accounts were removed because the original creditor, Lancaster, pulled back the accounts from National Recovery Agency. In total, over 63,000 accounts were pulled back. According to Defendant's corporate representative, Lancaster pulled back the accounts because it was undergoing a change in their computer system, and wanted the accounts placed with Defendant to be re-marked in their Lancaster's new system.

12. On or about December 12, 2015, Lancaster returned the approximately 63,000 accounts to Defendant to continue its collection efforts. A number of these accounts belonged to Plaintiff.

13. On or about March 2016, Defendant placed these accounts on Plaintiff's credit report.

14. The newly placed accounts were put on Plaintiff's Trans Union credit report with the following information:

a. 42778**

1. Placed for collection: 12/12/2015

2. Balance: $108

3. Creditor: Lancaster General

4. Month and year of removal: 11/2022

b. 42807**

1. Placed for collection: 12/12/2015

2. Balance: $309

3. Creditor: Lancaster General

4. Month and year of removal: 11/2022

c. 42796**

1. Placed for collection: 12/12/2015

2. Balance: $110

3. Creditor: Lancaster General

4. Month and year of removal: 11/2022

d. 42822**

1. Placed for collection: 12/12/2015

2. Balance: $355

3. Creditor: Lancaster General

4. Month and year of removal: 11/2022

e. 42862**

1. Placed for collection: 12/12/2015

2. Balance: $247

3. Creditor: Lancaster General

4. Month and year of removal: 11/2022

f. 42865**

1. Placed for collection: 12/12/2015

2. Balance: $2,020

3. Creditor: Lancaster General

4. Month and year of removal: 11/2022

g. 42869**

1. Placed for collection: 12/12/2015
2. Balance: $1,377
3. Creditor: Lancaster General
4. Month and year of removal: 11/2022

h. 42924**

1. Placed for collection: 12/12/2015
2. Balance: $125
3. Creditor: Lancaster General
4. Month and year of removal: 11/2022

15. Account numbers 42778**, 42807**, 42796**, 42822**, 42862**, 42865**, 42869**, 42924** which were placed on Plaintiff's credit report by Defendant in 2016, directly correspond to account numbers 3030***, 3082***, 3100***, 3113***, 3168***, 3276***, 3276***, 3312*** respectively, which had previously been placed on Plaintiff's credit report back in 2013.

16. After Plaintiff's first dispute to Trans Union in 2016, Defendant deleted all trade lines except for 4286544 and 4286941.

17. On or about April 25, 2016, Defendant received a letter disputing account numbers 4286544 and 4286941.

18. In response to Plaintiff's dispute, Defendant sent Plaintiff a collection letter on or about April 26, 2016 providing proof of the debt by attaching bills of the debts in question.

19. Thereafter, on or about July 8, 2016, Plaintiff again disputed account numbers 4286544 and 4286941 with Trans Union. The dispute stated Plaintiff disagreed with the age of the account

and specifically the date by which the accounts could no longer credit report, i.e. the date of first delinquency. Exhibit A. Accompanying Plaintiff's dispute letter, Trans Union also provided its own dispute to Defendant, which is known as an ACDV. Exhibit B. Trans Union's dispute instructed Defendant to verify the "date of last payment, date opened/date of first delinquency/billing date/date closed. Verify all dates."

20. In response to the July 8, 2016 dispute and Trans Union's ACDV, Defendant failed to conduct a reasonable investigation and verified to Trans Union all of the dates previously reported for accounts 4286544 and 4286941 as accurate, despite being off by two years.

21. In fact, based on deposition testimony of an employee in Defendant's dispute department, it is evident that Defendant continuously fails to conduct reasonable investigations in response to consumer disputes. Specifically, Defendant's employee provided testimony that whenever Defendant receives a first consumer dispute about its credit reporting, Defendant's employees are instructed to send out proof of the debt and otherwise verify the information as accurate. This does not constitute any investigation, let alone a reasonable investigation. Thereafter, in the event there are subsequent disputes concerning the same consumer, Defendant's employees simply check whether the proof of the debt was previously sent. If it was, than the debt is verified to the credit bureaus; if it was not sent, than proof of the debt is sent.

22. In other words, Defendant's dispute agents do not read the disputes made by consumers and therefore recklessly fail to conduct any reasonable investigation.

23. Given this testimony, it is clear that any of the 63,000 consumer accounts which were disputed were also verified erroneously by Defendant.

COUNT I
VIOLATIONS OF THE FAIR CREDIT REPORTING ACT

24. Plaintiff repeats the allegations contained in the above paragraphs and incorporates them as if specifically set forth at length herein.

25. At all times pertinent hereto, NRA was a "person" as that term is used and defined under 15 U.S.C. § 1681a.

26. NRA willfully and negligently supplied Trans Union with information about Plaintiff that was false, misleading, and inaccurate.

27. NRA willfully and negligently failed to conduct an investigation of the inaccurate information that Plaintiff disputed.

28. NRA willfully and negligently failed to report the results of its investigation to the relevant consumer reporting agencies.

29. NRA willfully and negligently failed to properly participate, investigate, and comply with the reinvestigations that were conducted by any and all credit reporting agencies, concerning the inaccurate information disputed by Plaintiff.

30. NRA willfully and negligently continued to furnish and disseminate inaccurate and derogatory credit, account, and other information concerning Plaintiff to credit reporting agencies.

31. NRA willfully and negligently failed to comply with the requirements imposed on furnishers of information pursuant to 15 U.S.C. § 1681s-2(b).

32. NRA's conduct, action and inaction was willful, rendering it liable for actual and statutory damages, and punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n. In the alternative, NRA was negligent entitling the Plaintiff to recover actual damages under 15 U.S.C. § 1681o.

CLASS ACTION ALLEGATIONS

The Class

33. Plaintiff brings this case as an FCRA class action pursuant to Fed. R. Civ. P. 23 on behalf of herself and all others similarly situated who have been subject to false credit reporting from Defendant which, as alleged herein, are in violation of the FCRA.

34. With respect to the Plaintiff's Class, this claim is brought on behalf of the following class:

> (a) all consumers with a Pennsylvania address; (b) that incurred a debt from Lancaster General Health; (c) for which Defendant placed a trade line on the consumers' credit reports; (d) for which Defendant received a dispute letter concerning the consumer's account(s) (e) and subsequently verified the information as accurate (e) during a period beginning two years prior to the filing of this initial action and ending 21 days after the service of the initial complaint filed in this action.

35. Excluded from the Class is Defendant herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the defendant, including, without limitation, persons who are officers, directors, employees, associates or partners of Defendant.

Numerosity

36. Upon information and belief, of the 63,000 accounts that were being reported inaccurately, at least forty consumers sent disputes to Defendant concerning these accounts. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

37. The exact number and identities of the Class members are unknown at this time and can only be ascertained through discovery. Identification of the Class members is a matter capable of ministerial determination from either Defendant's records, the records of Lancaster, or both.

Common Questions of Law and Fact

38. There are questions of law and fact common to the class that predominates over any questions affecting only individual Class members. These common questions of law and fact

include, without limitation: (i) whether Defendant violated the FCRA; (ii) whether Plaintiff and the Class have been injured by Defendant's conduct; (iii) whether Plaintiff and the Class have sustained damages and are entitled to restitution as a result of Defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and (iv) whether Plaintiff and the Class are entitled to declaratory and/or injunctive relief.

Typicality

39. The Plaintiff's claims are typical of the claims of the class members. Plaintiff and all members of the Plaintiff's Class defined in this complaint have claims arising out of the Defendant's common uniform course of conduct complained of herein. Plaintiff's claims are typical of the claims of the Class, and Plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

Protecting the Interests of the Class Members

40. Plaintiff will fairly and adequately represent the Class members' interests, in that the Plaintiff's counsel is experienced and, further, anticipates no impediments in the pursuit and maintenance of the class action as sought herein.

41. Neither the Plaintiff nor her counsel have any interests, which might cause them not to vigorously pursue the instant class action lawsuit.

Proceeding Via Class Action is Superior and Advisable

42. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted.

43. The members of the Class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class action.

44. Prosecution of separate actions by individual members of the Class would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties.

45. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is also appropriate in that the questions of law and fact common to members of the Plaintiff's Class predominate over any questions affecting an individual member, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

46. Depending on the outcome of further investigation and discovery, Plaintiff may, at the time of class certification motion, seek to certify one or more classes only as to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).

47. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein.

48. Absent a class action, the Class members will continue to suffer losses borne from Defendant's breaches of Class members' statutorily protected rights as well as monetary damages, thus allowing and enabling: (a) Defendant's conduct to proceed and; (b) Defendant to further enjoy the benefit of its ill-gotten gains.

49. Defendant has acted, and will act, on grounds generally applicable to the entire Class, thereby making appropriate a final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

WHEREFORE, Plaintiff, Corine O'Dell, respectfully requests that this Court do the following for the benefit of Plaintiff:

a. Enter an Order declaring Defendant's actions, as described above, in violation of the FCRA;

b. Appoint Plaintiff as the Class Representative, and appoint Plaintiff's Counsel as Lead Counsel for the Class;

c. Enter a judgment against Defendant for statutory and punitive damages for willful violation of the FCRA;

d. Award costs and reasonable attorneys' fees; and

e. Grant such other and further relief as may be just and proper.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

Dated this 13th day of February, 2018.

Nicholas Linker, Esq.
Zemel Law LLC
78 John Miller Way, Suite 430
Kearny, NJ 07032
(P) (862) 227-3106
nl@zemellawllc.com
Attorney for Plaintiff

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

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 the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

CORINE O'DELL

(b) County of Residence of First Listed Plaintiff Lancaster
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Zemel Law LLC
78 John Miller Way, Suite 430
Kearny, NJ 07032

DEFENDANTS

NATIONAL RECOVERY AGENCY

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys *(If Known)*

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 III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☒ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

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 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
15 U.S.C. 1681

Brief description of cause:
Illegal credit reporting

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Hon. Edward G. Smith DOCKET NUMBER 5:16-cv-05211

DATE 2/13/18

SIGNATURE OF ATTORNEY OF RECORD M Zemel

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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 the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 214 4th Street, Columbia, Pennsylvania 17512

Address of Defendant: 2491 Paxton Street, Harrisburg, Pennsylvania 17111

Place of Accident, Incident or Transaction: Columbia, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes☐ No☒

Does this case involve multidistrict litigation possibilities? Yes☐ No☒

RELATED CASE, IF ANY:

Case Number: 5:16-CV-05211 Judge Hon. Edward G. Smith Date Terminated: Still active

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes☐ No☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes☒ No☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes☐ No☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes☐ No☒

CIVIL: (Place ✔ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
    (Please specify) 15 U.S.C. 1681 et seq.

B. *Diversity Jurisdiction Cases:*

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
   (Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Nicholas Linker, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of $150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 2/13/18 _____ Attorney-at-Law 321521 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____ _____ Attorney-at-Law 321521 Attorney I.D.#

CIV. 609 (5/2012)

EGS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

CORINE O'DELL

v.

NATIONAL RECOVERY AGENCY

CIVIL ACTION

NO. 18 743

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

2/6/2018	Nicholas Linker	Plaintiff, Corine O'Dell
Date	**Attorney-at-law**	**Attorney for**
862-227-3106	973-282-8603	NL@zemellawllc.com
Telephone	**FAX Number**	**E-Mail Address**

(Civ. 660) 10/02

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