

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Case No. 21-cv-00511-RM-SKC

DIANNA ANGELES,

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS INC. and
EQUIFAX INFORMATION SERVICES LLC,

Defendants.

ORDER

Plaintiff's action, between private parties, alleges Defendants violate the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 et seq. (ECF No. 1.) This matter is now before the Court *sua sponte* after reviewing Defendant Equifax Information Services LLC's Answer where its Third Defense alleges that the FCRA, facially and as applied, violates the First Amendment to the United States Constitution and is unconstitutionally vague and overbroad. (ECF No. 23, p. 27.) In light of this challenge, Equifax was required to file a notice of constitutional question with this Court and serve the Attorney General of the United States with the notice and the paper in which the FCRA's constitutionality was raised.

Specifically, Fed. R. Civ. P. 5.1(a)(1) provides, as relevant here, that a party who files a pleading drawing into question the constitutionality of a federal or state statute must:

- (1) file a notice of constitutional question stating the question and identifying the paper that raises it, if:
 - (A) a federal statute is questioned and the parties do not include the United States, one of its agencies, or one of its officers or employees in an official capacity;

That party must also properly serve the notice and the paper on the appropriate person. *See* Fed. R. Civ. P. 5.1(a)(2). The Court's review of the record, however, shows this has not occurred. Accordingly, it is

ORDERED that by **Friday, June 11, 2021**, Equifax shall file a notice either in compliance with Fed. R. Civ. P. 5.1 or showing that compliance is not required.

DATED this 7th day of June, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge