

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WAYNE TALLEY,)	
)	
Plaintiff,)	
)	
vs.)	No. 07 CV 0705
)	
UNITED STATES DEPARTMENT OF)	Judge Andersen
AGRICULTURE)	
)	Magistrate Judge Denlow
Defendant.)	

FINDINGS OF FACT & CONCLUSIONS OF LAW

This matter was presented for bench trial on July 28, 2008 wherein the parties presented evidence for the court to decide on the merits. The following findings were made.

I. Findings of Fact

Upon hearing all of the evidence at trial, the court made the following findings of fact.

1. Plaintiff maintained a loan with Defendant and closed the loan and paid the loan in full in September of 2000.
2. At the time the loan was closed and paid, no further money was due and owing from Plaintiff to Defendant.
3. Subsequent to the payment and closure of the loan, Defendant continued to report the payment history of the loan to Trans Union, a consumer credit reporting agency.
4. Included in the payment history of the loan that was being reported was the data for each of the previous 24 months pay history.

5. Up until August of 2006, Defendant consistently reported the current 24 month payment history of the previously closed loan. The manner in which the loan was reported in the 24 month history gave the appearance that Plaintiff has been consistently and currently over 120 days late throughout the year 2004. Therefore, it appeared that even though the loan was closed and paid by September 2000, Plaintiff was over 120 days late as recently as August 2006.

6. This reporting was inaccurate and the inaccurate information negatively reflects upon the Plaintiff, Plaintiff's credit repayment history, Plaintiff's financial responsibility as a debtor and Plaintiff's credit worthiness.

7. Plaintiff disputed the inaccurate information with Trans Union by written communication to its representatives and by following the aforementioned reporting agency's established procedure for disputing consumer credit information on four occasions.

8. Defendant received each of the four dispute notifications from Trans Union and Defendant performed investigations on each occasion.

9. In each investigation, Defendant determined that Plaintiff was correct and sent notification to Trans Union to correct the credit report. However, Defendant did not change the way it internally reported the 24 month payment history. Therefore, with each monthly reporting of the account data, Defendant re-reported the 24 month late pay history to Trans Union.

10. As a direct and proximate result of the inaccurate information continuously being reported on Plaintiff's credit file, Plaintiff suffered damages which the court found amounted to \$10,000 in emotional distress and mental anguish.

II. Conclusions of Law:

Upon hearing all of the evidence and making the above findings of fact, the court makes the following conclusions of law:

1. This Defendant violated sections 1681n and 1681o of the FCRA by negligently continuing to furnish and disseminate inaccurate and derogatory credit, account and other information concerning the Plaintiff to credit reporting agencies and other entities despite knowing that said information was inaccurate after receiving notice of a dispute from a credit reporting agency in violation of 15 U.S.C. §1681s-2(b).
2. Defendant was negligent in failing to properly investigate its internal reporting of the credit data it had on Plaintiff and properly report that data to Trans Union after receiving disputes over the accuracy of the credit report and therefore failed to comply with 15 U.S.C. §1681s-2(b)(1)(D).
3. Plaintiff's damages were caused by Defendant's negligence.
4. Plaintiff is entitled to a judgment in the amount of \$10,000 plus attorneys fees and costs as determined by the court.

ENTERED:

Hon. Judge Wayne Anderson

Date: _____