

Federal Judge sets hearing on Equifax data breach case for Thursday, October 19

Hearing will be the first time Equifax faces a judge since massive data breach



First hearing on Equifax data breach set for Thursday

CLEVELAND, OHIO, UNITED STATES, October 16, 2017 /EINPresswire.com/ -- On Thursday, October 12, Federal District Judge Robert B. Krugler of the Federal District Court in New Jersey set

a motion hearing on the case filed in his court for Thursday, October 19. The hearing will mark the first time Equifax has faced a judge since the massive data breach occurred. The case number is 1:17-cv-06922-RBK-AMD. The complaint filed in the case is viewable at www.dannlaweuqifaxbreach.com

Attorney Marc Dann noted that the hearing was set even though the company had sought a one-week continuance. "They asked Judge Kugler to delay the hearing because the attorney who is leading the company's outside legal team is in Europe," Atty. Dann said. "It is astounding that Equifax would try to delay our efforts to protect consumers from additional harm to accommodate someone's European vacation."

"I'm certainly not surprised that Equifax tried to put off the hearing," Attorney Dann said. "Since Day One the company has employed delaying tactics in an attempt to cover up their wrongdoing, including waiting six weeks to notify the public of the hack. During that time the sensitive personal information of more than 150 million Americans was floating around on the web where it could be stolen and used by cybercriminals and identity thieves."

"Equifax's irresponsible and unconscionable actions have put millions of people at risk--and they'll remain at risk for years because Social Security numbers are among the data that was hacked," he said. "When you consider the sheer depth and breadth of the damage the company's caused it's easy to understand why they're not anxious to face a judge," Attorney Dann said.

The suit was filed by Attorney Javier Merino, managing partner of DannLaw's New Jersey/New York office, Thomas Zimmerman of Chicago-based Zimmerman Law Office, as well as attorneys from the Haines and Krieger and Knepper and Clark law firms of Nevada. The complaint alleges that the company has violated both the federal Fair Credit Reporting Act (FCRA) and New Jersey's Consumer Fraud Act. Among the numerous allegations made in the suit, the plaintiffs assert the following:

1. Equifax's decision to wait six (6) weeks after the alleged data breach before informing all consumers of the same was willful, or at least negligent. Further, by depriving Plaintiff and Class members information about the breach in a timely manner, Equifax subjected each consumer to a concrete informational injury, as these consumers were deprived of their opportunity to meaningfully consider and address issues related to the potential fraud, as well as to avail themselves of the remedies available under the FCRA to prevent further dissemination of their private information.

2. In light of Equifax's continual failure to ensure the integrity of its file storage systems in light of known defects to the same, Equifax willfully, or at least negligently, failed to enact reasonable procedures to ensure that consumer reports would only be provided for a permissible purpose. By failing to establish reasonable procedures to safeguard individual consumer's private information, Equifax deprived millions of consumers from a benefit conferred on them by Congress, which, now lost, cannot be reclaimed.

The complaint also notes that in the period immediately following the revelation that the breach had taken place Equifax attempted to lure consumers into signing up for its "TrustedID Premier" service which required users to waive their rights to sue the firm and submit all claims to arbitration. "I wish I could say I was surprised that Equifax would attempt to bilk consumers into signing away their rights to sue," Atty. Dann said. "But after dealing with corporate fraud for more than two decades I'm shock-proof. Fact is, I would have been amazed if the company hadn't tried to minimize the consequences of the breach by swindling the victims."

During the hearing on the 19th, the plaintiffs' attorneys will ask the judge to issue a temporary restraining order (TRO) and preliminary injunction that would force Equifax to stop providing unclear and inaccurate disclosures to New Jersey's consumers, even though many of them are paying the company for that information. "That's one of the reasons we vigorously opposed the company's request for a continuance," Atty. Dann said. "Every day that passes gives the company another day to commit fraud and exploit the public. It has to end."

In addition to the TRO and preliminary injunction, the suit also seeks monetary damages under the FCRA and New Jersey's Consumer Fraud Act as well as a permanent injunction barring Equifax from engaging in bait and switch and other fraudulent acts. "Consumers will be dealing with the fallout of Equifax's failures for decades to come. The company must be held accountable for the havoc they have wreaked and the damage they've done," Atty Dann concluded.

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