

Class Action Complaint Alleges Cherry Creek Mortgage Engaged in Illegal Hard Credit Pulls

Rendon et al. v. Cherry Creek Mortgage, LLC et al.

U.S.D.C., S.D. Cal., Case No. 3:22-cv-01194-BEN-MSB

SAN DIEGO, CA, UNITED STATES,
September 1, 2022 /EINPresswire.com/

-- On August 15, 2022, the Swigart Law Group, APC and the Law Offices of Daniel G. Shay filed a federal Class Action lawsuit against Cherry Creek Mortgage, LLC ("Cherry Creek") and Advantage Credit, Inc. ("Advantage Credit"), on behalf of Plaintiff Aaron Rendon. The complaint alleges violation of the Fair Credit Reporting Act ("FCRA"), and the California

Consumer Credit Reporting Agencies Act ("CCRAA") and seeks monetary damages on behalf of Plaintiff Aaron Rendon and similarly situated class members.

Around July 6, 2022, Mr. Rendon received a notice from his Credit Karma phone app that Cherry Creek and Advantage Credit engaged in conduct that resulted in a hard inquiry on Mr. Rendon's credit reports. However, at the time of the hard inquiry, Mr. Rendon had not applied for any loans or other credit from either Cherry Creek or Advantage Credit. Therefore, neither Cherry Creek nor Advantage Credit obtained Mr. Rendon's authorization or permission to access his credit reports. Mr. Rendon immediately called Cherry Creek and Advantage Credit to inform them that he did not apply for any loan or credit product and that he did not authorize either Cherry Creek or Advantage credit to conduct a hard pull of his credit.

Around July 25, 2022, Cherry Creek sent a letter to Advantage Credit and provided a copy to Mr. Rendon. The Cherry Creek letter explained that Cherry Creek discovered "a technical issue" within the Cherry Creek system which resulted in the "ordering" of Mr. Rendon's report in error.

The class complaint describes in detail that Mr. Rendon did not seek an extension of credit from



Class Action Complaint Alleges Cherry Creek Mortgage Conducted an Illegal Hard Inquiry of Mr. Rendon's Credit Reports.

Cherry Creek or Advantage Credit, and that Mr. Rendon's credit report was not furnished to Cherry Creek or Advantage Credit in connection with the extension of credit authorized by Mr. Rendon. Yet, the class complaint alleges that Cherry Creek and Advantage Credit conducted the hard inquiry anyway. As such, both Cherry Creek and Advantage Credit violated the Fair Credit Reporting Act and the California equivalent (CCRAA) which provide statutory monetary damages to harmed consumers.

As a result of Cherry Creek's and Advantage Credit's conduct, Mr. Rendon's credit score decreased, and materially misleading and incorrect information was included on Mr. Rendon's credit reports. Angry and frustrated, Mr. Rendon had no choice but to retain the Swigart Law Group, APC, a consumer rights firm practicing exclusively on behalf of aggrieved individuals to pursue legal action. This case is currently pending in the U.S. District Court for the Southern District of California.

[See a copy of the Swigart Law Group complaint here.](#)

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