

FAULKNER COUNTY CIVIL COURT

Complaint

CASE # _____

BETTY FIGUEROA

VS

US BANK et al.

COMPLAINT AGAINST US BANK

Oct.26,2023

I opened an account with US Bank back in September 2019. I have quite a bit of money in my account that I have no access to due to someone changing the name on my account, at first I gave them the benefit of the doubt and said someone may have hacked my account and changed the information. Now after 7 long months of trying to get into my account and being treated and talked to degrading even after the fact I proved that this is my account. One employee called the person whose name is on my account telling them they may want to change accounts and so forth. Without any investigation in to my claims.

U.S. Bank (NASDAQ:USB) is a Minneapolis-based bank with over \$559 billion in assets, making it the fifth largest bank in the U.S. It operates more than 2,800 banking branches across the nation. It offers and provides an array of financial products and services to consumers, including deposit accounts, credit cards, and lines of credit primarily used by its customers for personal, family, or household purposes.

State Consumer Protection Laws, Rules and Regulations

The Arkansas Deceptive Trade Practices Act (“ADTPA”) sets out prohibited deceptive and unconscionable trade practices and provides a private cause of action to recover damages. Ark. Code Ann. § 4-88-101, *et. seq.*

The ADTPA was substantively modified in 2017 and redefined the ADTPA’s private cause of action as available to persons suffering “an actual financial loss proximately caused by his or her reliance on the use of a practice declared unlawful under this chapter.” Ark. Code Ann. § 4-88-113(f)(2). The term “actual financial loss” is defined as “an ascertainable amount of money that is equal to the difference between the amount paid by a person for goods and services and the actual market value of the good or services provided.” Ark. Code Ann. § 4-88-102(9). The deceptive and unconscionable trade practices made unlawful under the ADTPA include, for example, taking advantage of

switch advertising; selling flood-damaged goods without identifying them as such; and using a false caller-identification name. Ark. Code Ann. § 4-88-107.

Not to long ago Consumer Financial Protection Bureau (CFPB) took action against U.S. Bank for illegally accessing its customers' credit reports and opening checking and savings accounts, credit cards, and lines of credit without customers' permission. U.S. Bank pressured and incentivized its employees to sell multiple products and services to its customers, including imposing sales goals as part of their employees' job

requirements. In response, U.S. Bank employees unlawfully accessed customers' credit reports and sensitive personal data to apply for and open unauthorized accounts. U.S. Bank must make harmed customers whole and pay a \$37.5 million penalty.

"For over a decade, U.S. Bank knew its employees were taking advantage of its customers by misappropriating consumer data to create fictitious accounts," said CFPB Director Rohit Chonra. "We all must do more to hold

lawbreaking companies accountable when they abuse and misuse our sensitive personal data.”

S. Bank’s conduct harmed its customers in the form of unwanted accounts, negative effects on their credit

profiles, and the loss of control over personally identifiable information. Customers also had to waste time and energy closing unauthorized accounts and resolving consequences stemming from them, including seeking refunds for improperly charged fees.

The CFPB found that U.S. Bank violated the Consumer Financial Protection Act, the Fair Credit Reporting Act, the Truth in Lending Act, and the Truth in Savings Act. Specifically, U.S. Bank was:

- **Exploiting personal data without authorization:** The Fair Credit Reporting Act, among other things, defines the permissible uses of credit reports, and users of credit reports may only request them if they have a permissible purpose. U.S. Bank used customers’ credit reports without a permissible purpose, and without its customers’ permission, to facilitate opening unauthorized credit cards and lines of credit

- **Opening accounts without consumer permission:** U.S. Bank opened deposit accounts, credit cards, and lines of credit without permission. This included opening Reserve and Premier lines of credit, which
- carry high interest rates and expensive fees. This behavior violated the Consumer Financial Protection Act and the Truth in Lending Act.
- **Failing to provide legally required consumer disclosures:** The Truth in Savings Act requires banks to provide certain disclosures when opening new deposit accounts. U.S. Bank violated the law when its employees opened consumer deposit accounts without permission and, in the process of doing so, failed to provide the required disclosures.

U.S. Bancorp (collectively, "US Bank") **The lawsuit, entitled Williams v. U.S. Bancorp Investments, Inc., et al., is currently pending in San Francisco County Superior Court, Case No. CGC-10-499011.**

I'm seeking a court order for them to release the funds

to me and court cost, along with any other fees that may occur during the period of this case.

I pray that the Court grants this order. As well for a speedy trial.

Respectfully submitted,

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