

November 25, 2025

FORMAL NOTICE OF DISPUTE - Round 1

To: Experian

ACCOUNT: Multiple Accounts

[Certified Mail - Return Receipt Requested]

December 19, 2024

Experian Information Solutions, Inc. Consumer Dispute Center P.O. Box 4500 Allen, TX 75013

****RE: FORMAL FCRA DISPUTE - DEMAND FOR IMMEDIATE INVESTIGATION & CORRECTION**** **CONSUMER NAME:** Daniel Fermin **EXPERIAN FILE NUMBER:** [To be provided] **DATE OF DISPUTE:** December 19, 2024 **DISPUTE ROUND:** 1 - Initial Formal Dispute

Dear Experian:

I am writing to formally dispute inaccurate, incomplete, and unverifiable information in my consumer credit file maintained by your company. This dispute is made pursuant to my statutory rights under the Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681 et seq., and demands immediate, thorough investigation and correction of the serious violations detailed below.

****I. LEGAL BASIS FOR DISPUTE****

Under FCRA 1681i(a)(1)(A), I have the absolute right to dispute any information in my credit file that I believe is inaccurate or incomplete. Your agency is legally required to:

1. **Conduct a reasonable investigation** of my dispute within 30 days (1681i(a)(1)(A)) 2. **Follow "reasonable procedures"** to ensure maximum possible accuracy (1681e(b)) 3. **Maintain maximum possible accuracy** in my file at all times (1681e(b)) 4. **Delete unverifiable information** within 5 business days (1681i(a)(5)(A)) 5. **Notify me of investigation results** in writing with specific findings (1681i(a)(6)(A)) 6. **Provide method of verification** upon request (Cushman v. TransUnion Corp., 115 F.3d 220 (3d Cir. 1997))

****II. SPECIFIC DISPUTED ITEMS & STATUTORY VIOLATIONS****

DISPUTE #1: TBOM/MILSTNE - FALSE DEROGATORY PAYMENT HISTORY REPORTING

Account Information: - Original Creditor: The Bank of Missouri/Milestone - Account Number (masked): TBOM/MILSTNE - Your Reported Status: Past due history reported - **ACTUAL STATUS:** Payment history shows all current payments - **VIOLATION:** False derogatory information with internal contradiction

FCRA Violation Analysis: This violation constitutes a clear breach of 15 U.S.C. 1681s-2(a)(1)(A), which prohibits furnishing information "if the person knows or has reasonable cause to believe that the information is inaccurate."

How This Violates Federal Law: 1. **False derogatory reporting:** Showing past due when payments are current 2. **Internal contradiction:** Payment history contradicts reported status 3. **Failure to reconcile:** No system to detect contradictory information 4. **Continuing harm:** False information continues to damage credit profile

Specific Factual Contradiction: Your report shows past due payment history for TBOM/MILSTNE account, while the detailed payment history section shows all payments made on time. This internal contradiction proves the inaccuracy of the derogatory information.

Applicable Case Law: - **Cahlin v. General Motors Acceptance Corp., 936 F.2d 1151 (11th Cir. 1991):** False derogatory information violates FCRA accuracy requirements - **Stevenson v. TRW Inc., 987 F.2d 288 (5th Cir. 1993):** Payment history inaccuracies are particularly harmful to consumers - **Pinner v. Schmidt, 805 F.2d 1258 (5th Cir. 1986):** Internal contradictions in credit reports evidence inaccuracy - **Thompson v. San Antonio Retail Merchants Ass'n, 682 F.2d 509 (5th Cir. 1982):** Credit agencies must reconcile contradictory information

****Evidence of Willfulness:**** Your reporting of contradictory payment information demonstrates reckless disregard of basic accuracy requirements. Internal contradictions should trigger automatic review and correction.

****My Demands for This Violation:**** 1. ****Immediate deletion**** of false past due history within 5 business days 2. ****Correction**** to reflect accurate current payment status 3. ****Internal system review**** to prevent contradictory reporting 4. ****Written explanation**** of how contradictory information entered system 5. ****Notification**** to all third parties who received false derogatory information

DISPUTE #2: OPENSKY CBNK - CROSS-BUREAU INCONSISTENT REPORTING

****Account Information:**** - Original Creditor: OpenSky Secured Credit Card - Account Number (masked): OPENSKY CBNK - ****VIOLATION:**** Your report shows different information than TransUnion for identical account

****Specific Inconsistencies:**** - ****Last Reported Dates:**** Different from TransUnion reporting - ****High Credit Amounts:**** Inconsistent credit limit information - ****Account Details:**** Contradictory account status information

****FCRA Violation Analysis:**** This violates 15 U.S.C. 1681s-2(a)(1)(A) and 1681e(b) by failing to ensure consistent, accurate reporting across the credit reporting system.

****How This Violates Federal Law:**** 1. ****Systematic coordination failure**** between bureaus and furnishers 2. ****Inadequate verification procedures**** allowing contradictory information 3. ****Consumer harm**** through unpredictable credit decisions 4. ****System reliability undermined**** by inconsistent reporting

****Applicable Case Law:**** - ****Johnson v. MBNA America Bank, 357 F.3d 426 (4th Cir. 2004):**** Systematic inconsistencies evidence inadequate procedures - ****Dalton v. Capital Associated Industries, 257 F.3d 409 (4th Cir. 2001):**** Consumers entitled to consistent information across bureaus - ****Nelson v. Chase Manhattan Mortgage Corp., 282 F.3d 1057 (9th Cir. 2002):**** Systematic reporting failures evidence willfulness

****Evidence of Willfulness:**** Cross-bureau inconsistencies demonstrate systematic procedural failures and reckless disregard of coordination requirements established by industry standards.

****My Demands for This Violation:**** 1. **Coordinate with other bureaus** to ensure consistent reporting 2. **Contact furnisher** to determine accurate information 3. **Correct inconsistencies** within 30 days 4. **Establish procedures** to prevent future cross-bureau contradictions 5. **Provide documentation** of coordination efforts

****III. PATTERN OF SYSTEMATIC VIOLATIONS****

The above violations are not isolated errors but evidence of systematic failure to maintain reasonable procedures required by federal law. The combination of false derogatory reporting and cross-bureau inconsistencies suggests:

- **Inadequate internal reconciliation systems** - **Systematic furnisher coordination failures**
- **Quality control breakdowns** - **Reckless disregard of accuracy requirements**

****IV. WILLFULNESS INDICATORS UNDER SAFECO STANDARD****

Your company's violations evidence reckless disregard of FCRA requirements under Safeco Insurance Co. v. Burr, 551 U.S. 47 (2007):

****Direct Knowledge Indicators:**** - Major credit reporting agency with comprehensive FCRA compliance programs - Subject to extensive federal oversight and CFPB examination - Published compliance policies acknowledging accuracy requirements

****Reckless Disregard Evidence:**** - Reporting contradictory payment information without reconciliation - Systematic cross-bureau inconsistencies without coordination - False derogatory information despite internal contradictions - Inadequate quality control systems

****Industry Standards Violations:**** - Payment history accuracy is fundamental FCRA requirement - Internal contradiction detection is basic system requirement - Cross-bureau coordination is established industry standard

This constitutes willful violation under Safeco, entitling me to statutory damages of \$100-\$1,000 per violation, plus actual damages and punitive damages up to \$1,000 per willful violation.

****V. MY DAMAGES CLAIM****

****Statutory Damages for Identified Violations:**** - False derogatory payment history: \$600-\$1,000 - Cross-bureau inconsistency violation: \$400-\$1,000 - ****Total Experian exposure: \$1,000-\$2,000****

****Actual Damages from Your Violations:**** - Credit score suppression from false payment history: ~35 points - Financial impact: \$219/year in higher interest rates - Decision impact from false derogatory information - Time and stress dealing with contradictory information - ****Ongoing actual damages: \$300+ annually****

****Punitive Damages (Willful Violations):**** - False derogatory reporting (willful): Up to \$1,000 - Cross-bureau inconsistencies (willful): Up to \$1,000 - ****Total punitive exposure: \$2,000****

****TOTAL POTENTIAL EXPERIAN LIABILITY: \$4,000+****

****VI. INVESTIGATION DEADLINE & LEGAL REQUIREMENTS****

Per FCRA 1681i(a)(1)(A), you must complete this investigation within 30 days of receiving this letter. ****Failure to comply constitutes additional FCRA violations:****

- ****Failure to investigate:**** 1681i(g) violation (\$100-\$1,000 additional) - ****Failure to delete unverifiable information:**** 1681i(a)(5) violation (\$100-\$1,000 additional) - ****Continued reporting after notice:**** 1681e(b) violation (\$100-\$1,000 additional)

****VII. MANDATORY INVESTIGATION REQUIREMENTS****

Your investigation must include:

1. ****Contact furnisher within 5 business days**** of receiving this dispute
2. ****Conduct thorough investigation**** (not automated form response)
3. ****Review all available information**** including furnisher records
4. ****Reconcile contradictory information**** within your own system
5. ****Delete false derogatory information**** within 5 business days
6. ****Correct inaccurate information**** based on investigation findings
7. ****Provide written results**** within 30 days with specific findings
8. ****Notify third parties**** of any corrections made

****VIII. SETTLEMENT OPPORTUNITY****

While I am prepared to pursue litigation for these clear violations, I am willing to resolve this matter through immediate settlement. The violations are obvious, willful, and create ongoing harm to my credit profile.

****Settlement Terms:**** - ****Immediate correction**** of all disputed items - ****Settlement payment**** of \$1,100 for Experian violations - ****Written confirmation**** of corrections made - ****Agreement**** not to re-report corrected information

This settlement offer expires 30 days from your receipt of this letter.

****IX. LEGAL NOTICE & CONSEQUENCES****

****NOTICE OF POTENTIAL LITIGATION:**** Willful violation of FCRA ent

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ACCOUNT: Multiple Accounts

[Certified Mail - Return Receipt Requested]

December 19, 2024

Experian Information Solutions, Inc. Consumer Dispute Center P.O. Box 4500 Allen, TX
75013

****RE: CUSHMAN-STANDARD METHOD OF VERIFICATION REQUEST**** ****CONSUMER:****
Daniel Fermin ****REQUEST DATE:**** December 19, 2024 ****LEGAL BASIS:**** Cushman v.
TransUnion Corp., 115 F.3d 220 (3d Cir. 1997)

Dear Experian:

Pursuant to my rights under the Fair Credit Reporting Act and the Third Circuit Court of Appeals decision in Cushman v. TransUnion Corp., 115 F.3d 220 (3d Cir. 1997), I hereby request that you provide the method of verification for all information reported in my credit file.

****LEGAL REQUIREMENT:**** The Cushman decision established that credit reporting agencies must maintain tangible documentary evidence supporting all reported information.

Upon consumer request, you must provide the specific method used to verify each piece of information in my credit file.

****SPECIFIC ACCOUNTS REQUIRING METHOD OF VERIFICATION:****

ACCOUNT #1: TBOM/MILSTNE

****Information Requiring Verification:**** - Past due payment history (DISPUTED - Contradicts actual payment record) - Account status and derogatory information - Payment dates and amounts - Current account standing

****Required Documentation:**** 1. **Original creditor running ledger** showing complete transaction history 2. **Billing statements** covering entire period account reported as past due 3. **Payment history documentation** with specific payment dates and amounts 4. **Delinquency authorization** from furnisher (if past due reported) 5. **Metro 2 format submission** proof from TBOM/Milestone 6. **Any written communications** about account payment status 7. **Internal reconciliation** of contradictory payment information 8. **Verification method documentation** - how you verified past due status

ACCOUNT #2: OPENSKY CBNK

****Information Requiring Verification:**** - Account details and reporting dates - High credit amounts and balances - Account status information

****Required Documentation:**** 1. **Original furnisher submission** with account details 2. **Metro 2 format data** received from OpenSky 3. **Verification procedures** used to confirm account information 4. **Cross-bureau coordination** documentation 5. **Furnisher correspondence** regarding account status 6. **Any internal processing** records for this account

****CUSHMAN STANDARD REQUIREMENTS:****

Under Cushman, you must provide: 1. **Tangible business records** supporting each data point 2. **Specific verification method** used for each piece of information 3. **Documentary evidence** of furnisher communications 4. **Proof of reasonable investigation** procedures 5. **Written explanation** of verification process used 6. **Internal contradiction resolution**

documentation

****SPECIFIC FOCUS ON CONTRADICTORY INFORMATION:**** Given that your report shows contradictory payment information for TBOM/MILSTNE (past due history vs. current payment record), please provide specific documentation explaining: 1. How contradictory information was reconciled 2. Which source was considered authoritative 3. What procedures exist to detect internal contradictions 4. Why contradictory information was not flagged for review

****DEADLINE FOR RESPONSE:**** Please provide the requested method of verification documentation within 15 business days of receiving this request. Failure to provide adequate documentation may constitute additional FCRA violation.

****NOTICE:**** This request is made in connection with ongoing dispute proceedings. Failure to provide adequate method of verification documentation will be considered evidence of inadequate verification procedures in any subsequent legal proceedings.

Sincerely,

Daniel Fermin [Address] [Phone Number] [Email Address]

Sincerely,

Daniel Fermin

Consumer