

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

T. JASON NOYE, Individually and on behalf of others similarly situated,	:	
	:	
Plaintiff,	:	
v.	:	CIVIL ACTION NO. 1:15-cv-02253-JEJ
	:	
YALE ASSOCIATES, INC.,	:	
	:	
Defendant.	:	
	:	

**DEFENDANT YALE ASSOCIATES, INC.’S ANSWER WITH AFFIRMATIVE DEFENSES
TO PLAINTIFF’S CLASS ACTION COMPLAINT**

Defendant Yale Associates, Inc. (“Yale”), by and through its attorneys, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, files its Answer with Affirmative Defenses to the Plaintiff’s Class Action Complaint and avers as follows:

I. NATURE OF THE CASE

1. Denied. Plaintiff’s Complaint is a writing which speaks for itself and any characterizations of it are denied.
2. Admitted in part, denied in part. It is admitted that Yale is a consumer reporting agency which provides consumer reports to its clients. The remaining allegations are denied.
3. Denied. Plaintiff’s Complaint is a writing which speaks for itself and any characterizations of it are denied.
4. Denied. The Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, is a federal statute which speaks for itself and any characterizations of it are denied. Any remaining unanswered allegations are denied as conclusions of law.

II. PARTIES

5. Denied. The FCRA is a federal statute which speaks for itself and any characterizations of it are denied. Any remaining unanswered allegations are denied as conclusions of law.

6. Admitted in part, denied in part. It is admitted that Yale is incorporated under the laws of the State of New York. Any remaining allegations are denied.

III. JURISDICTION AND VENUE

7. – 8. Denied. The allegations in this paragraph are conclusions of law to which no answer is required. By way of further response, jurisdiction and venue are not being challenged.

IV. FACTUAL ALLEGATIONS

A. Defendant Yale's Practices as a Consumer Reporting Agency and Furnisher of Consumer Reports for Employment Purposes.

9. Admitted in part, denied in part. It is admitted that Yale furnished a consumer background report on plaintiff as requested by its client. Any remaining unanswered allegations are denied as conclusions of law.

10. Denied. The allegations in this paragraph are conclusions of law to which no answer is required. By way of further response, the FCRA is a federal statute which speaks for itself and any characterizations of it are denied.

11. Denied. The allegations in this paragraph are conclusions of law to which no answer is required.

12. Denied. The allegations in this paragraph are conclusions of law to which no answer is required. By way of further response, the FCRA is a federal statute which speaks for itself and any characterizations of it are denied.

13. Denied. The allegations in this paragraph are conclusions of law to which no answer is required. By way of further response, the FCRA is a federal statute which speaks for itself and any characterizations of it are denied.

14. Denied.

B. Summary Offenses in Pennsylvania

15. – 25. Denied. The allegations in these paragraphs are conclusions of law to which no answer is required. By way of further response, the statutes cited speak for themselves and any characterizations of them are denied.

C. Electronic Case Records for Summary Offenses In Pennsylvania

26. Admitted upon information and belief.

27. Admitted upon information and belief.

28. Denied upon information and belief.

29. Denied.

30. Denied upon information and belief.

31. Denied.

D. Plaintiff's Acceptance of Offer of Employment with Johnson & Johnson

32. – 36. Denied. Yale has no personal knowledge regarding the allegations in these paragraphs and, therefore, they are denied.

37. Denied. The allegations in this paragraph are conclusions of law to which no answer is required. By way of further response, the FCRA is a federal statute which speaks for itself and any characterizations of it are denied.

38. Denied.

39. Admitted in part, denied in part. It is admitted that Yale provided plaintiff with information on requesting a copy of his background report. The remaining allegations are denied.

E. **Plaintiff's Criminal History and Yale's Failure to Correctly Report It**

40. Denied. Plaintiff's criminal history speaks for itself and no answer is required. Any remaining allegations are denied.

41. Denied. Plaintiff's criminal history speaks for itself and no answer is required.

42. Denied. Plaintiff's background report is a document which speaks for itself and any characterizations of it are denied. Any remaining unanswered allegations are denied as conclusions of law.

43. Denied. Plaintiff's background report is a document which speaks for itself and any characterizations of it are denied. Any remaining unanswered allegations are denied as conclusions of law.

44. Denied. The allegations in this paragraph are conclusions of law to which no answer is required. By way of further response, the FCRA is a federal statute which speaks for itself and any characterizations of it are denied.

45. Denied. The allegations in this paragraph are conclusions of law to which no answer is required.

V. **CLASS ACTION ALLEGATIONS**

46. – 53. Denied. The allegations in these paragraphs and subparagraphs are conclusions of law to which no answer is required. By way of further response, the FCRA is a federal statute which speaks for itself and any characterizations of it are denied. Yale further denies that this action meets the requirements of a Class Action under Fed. R. Civ. P. 23.

VI. CAUSES OF ACTION

COUNT I – 15 USC §1681k(a)

54. Yale incorporates its responses in the above paragraphs as if fully set forth herein

55. – 58. Denied. The allegations in these paragraphs and subparagraphs are conclusions of law to which no answer is required. By way of further response, the FCRA is a federal statute which speaks for itself and any characterizations of it are denied.

WHEREFORE, Yale hereby demands judgment in its favor and against Plaintiff, together with the costs of this action and such other and further relief as this Court deems just and appropriate.

COUNT II – 15 USC §1681e(b)

59. Yale incorporates its responses in the above paragraphs as if fully set forth herein

60. – 63. Denied. The allegations in these paragraphs and subparagraphs are conclusions of law to which no answer is required. By way of further response, the FCRA is a federal statute which speaks for itself and any characterizations of it are denied.

WHEREFORE, Yale hereby demands judgment in its favor and against Plaintiff, together with the costs of this action and such other and further relief as this Court deems just and appropriate.

AFFIRMATIVE DEFENSES

1. Plaintiff's claims are barred, in whole or in part, by his failure to state a claim against Yale upon which relief can be granted.

2. Yale has not violated any state or federal law, including but not limited to, The Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681.

3. Yale asserts all defenses that may be raised under the FCRA.

4. Plaintiff's complaint cannot sustain a class action against Yale pursuant to requirements pursuant to Fed. R. Civ. P. 23.

5. Plaintiff has suffered no damages.

6. Plaintiff's claims are barred or limited by Plaintiff's own actions.

7. Yale did not proximately or actually cause Plaintiff's alleged injuries or damages.

8. Plaintiff has failed to mitigate his damages.

9. Yale's policies and procedures were reasonable and complied with all applicable industry practices and the FCRA requirements.

10. All actions taken by Yale with respect to Plaintiff were reasonable and in the normal course of business and not the result of a breach of any duty or otherwise to Plaintiff.

11. Yale raises as affirmative defenses any and all documents, contracts, limitations of liability and/or releases which are relevant to this litigation.

12. Plaintiff's damages, if any, were caused by the acts or omissions of third parties over whom Yale had no control and for whose conduct it is not responsible.

13. No acts and/or alleged omissions on the part of Yale breached any duty owed to the Plaintiff, violated the rights of the Plaintiff, and/or caused damages to the Plaintiff.

14. At all times material hereto, Yale acted appropriately, reasonably, competently, and in accordance with applicable industry practices.

15. To the extent that the Plaintiff interacted and had communications with Yale, Yale acted appropriately, reasonably, competently, and in accordance with recognized and accepted practices.

16. Yale hereby reserves the right to assert such other defenses as discovery and investigation may disclose.

Respectfully submitted,
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

BY: /s/ Louis J. Isaacsohn _____

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Dated: April 19, 2017

CERTIFICATE OF SERVICE

Louis J. Isaacsohn, Esquire, attorney for Defendant, Yale Associates, Inc., certifies that on April 19, 2017, he sent by EFC, a true and correct copy of the foregoing Answer to Plaintiff's Class Action Complaint with Affirmative Defenses to the following:

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BY: */s/ Louis J. Isaacsohn*