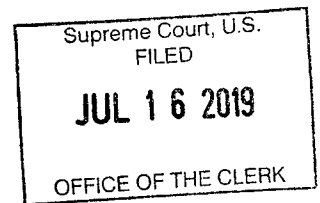


No. 19-93



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**In The  
Supreme Court of the United States**

—◆—  
DEBORAH WALTON,

*Petitioner,*

v.

FIRST MERCHANTS BANK,  
MICHAEL RECHIN, BRIAN HUNT,

*Respondents.*

—◆—  
**On Petition For A Writ Of Certiorari  
To The United States Court Of Appeals  
For The Seventh Circuit**

—◆—  
**PETITION FOR A WRIT OF CERTIORARI**

—◆—  
DEBORAH WALTON  
P.O. Box 598  
Westfield, Indiana 46074  
(317) 565-6477

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## QUESTIONS PRESENTED

Whether the 7th Circuit Court of Appeals neglected to apply Procedural Due Process to the Petitioners Appeal in accordance with the Fifth and Fourteenth Amendments, by Affirming the Southern District of Indiana's decision, dismissing the Appellant's Complaint under Federal Trial Rule 12(B)6 with prejudice, especially when the District Court, Ordered the Appellant to Amend her Complaint, and remove an Exhibit, that supported her Equal Credit Opportunity Act (ECOA) claim, prior to Dismissing all claims.

Whether the 7th Circuit Court of Appeals erred, when ruling that: "In any case, the Bank did not act unreasonably because the Attorneys representing it were statutorily authorized to acquire her information. 15 U.S.C. § 6802(e)(4). The one possible misstep – filing an un-redacted document – was, again, not the action of the Defendants and was, in any case, quickly remedied." Therefore, who is liable for Publishing over 118 Documents of the Appellant's Personal information onto the Federal Court Docketing System (Pacer), the Bank (Furnisher) or the Attorney (Publisher), that ignored a Court Order to Redact all of the Appellants, Personal Information, that was Published on the Federal Court Docketing System (Pacer), that is not protected under the statute, 15 U.S.C. § 6802(e)(4), and did not comply with Federal Rule 5-2.

## **PARTIES TO THE PROCEEDING**

All parties are listed in the caption.

## **RULE 29.6 STATEMENT**

None of the petitioners is a nongovernmental corporation. None of the petitioners has a parent corporation or shares held by a publicly traded company.

## **STATEMENT OF RELATED CASES**

Deborah Walton v. First Merchants Bank, Michael Rechin and Brian Hunt in their individual capacity, Southern District of Indiana Docket No. 1:18-cv-01784-JRS-DLP Ended February 20, 2019

Deborah Walton v. First Merchants Bank, Michael Rechin and Brian Hunt in their individual capacity. Seventh Circuit Court of Appeals Docket No. 19-1338 Ended: June 28, 2019

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Deborah Walton respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit.

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**OPINIONS BELOW**

The Opinion of the United States Court of Appeals is dated June 28, 2019 (7th Cir. 2018) is found at Appendix, **App. 1**. The Seventh Circuit, Order on Jurisdictional Statement, May 23, 2019, and is found at **App. 7**. The Seventh Circuit, Order on Verified Motion For Assistance, May 3, 2019, found at **App. 9**. The Seventh Circuit, Order on Appellant's Motion For Clarity, April 29, 2019, found at **App. 11**. The Seventh Circuit, Order On Motion For Extension Of Time, April 4, 2019, found at **App. 13**. The Seventh Circuit, Order On Jurisdictional Papers Filed, April 2, 2019, found at **App. 15**. The Seventh Circuit, Order On Appellee Jurisdictional Issues, March 18, 2019 found at **App. 17**. The Seventh Circuit, Order To The District Court To Include Docket 115, March 7, 2019, found at **App. 18**. The Seventh Circuit, Order On Jurisdictional Issues, March 5, 2019, found at **App. 20**. The S.D. of Indiana, Order Dismissing Appellants Complaint, February 20, 2019, found at **App. 22**.

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**JURISDICTION**

Petitioner seeks review of the decision of the United States Court of Appeals for the Seventh Circuit

entered on June 28, 2019. This Court's jurisdiction rests on 28 U.S.C. § 1254(1).



**STATUTORY PROVISIONS INVOLVED**  
**Equal Credit Opportunity Act And Regulation B**

The **Equal Credit Opportunity Act**, “ECOA” 15 U.S.C. § 1691 *et seq.* prohibits creditors from discriminating against credit applicants on the basis of race, color religion, national origin, sex or marital status and age. The Plaintiff's Count II consist of ECOA and

**Regulation B 15 U.S.C. § 1691** which clearly states:

(a) **ACTIVITIES CONSTITUTING DISCRIMINATION** It shall be unlawful for any *creditor* to discriminate against any *applicant*, with respect to any aspect of *credit* transaction –

(1) on the basis of race, color, religion, national origin, sex or marital status, or age (provided the *applicant* has the capacity to contract);

**Obligations with respect to disclosures of personal information**

**15 U.S.C. § 6802(e)(4)**

(e) **GENERAL EXCEPTIONS** Subsections (a) and (b) shall not prohibit the disclosure of nonpublic personal information –

(4) to provide information to insurance rate advisory *organizations*, *guaranty* funds or agencies, applicable rating agencies of the *financial institution*, *persons* assessing the *institution's* compliance with industry standards, and the *institution's* attorneys, accountants, and auditors;

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### STATEMENT OF THE CASE

The Appellant, Deborah Walton ("Petitioner"), filed a Complaint against First Merchants Bank, Michael Rechin and Brian Hunt ("Respondents") on allegations of Discrimination under the Equal Credit Opportunity Act, and Negligence Per Se, that was derived from a prior Complaint against First Merchants Bank for violating the TCPA and Regulation E, under the cause number 1:17-cv-01888-JMS-MPB.

The Law Firm Bingham Greenebaum Doll LLC, counsel of record for First Merchants Bank, provided all of the Appellant's Personal Information (***Social Security Number, Date of Birth, Home Phone Number, Cell Phone Number, e-mail address, Driver's License, Signature Cards, complete transactions of all six of her Personal and Business Accounts, the Underwriting Notes used to Approve Loans and make credit decisions, credit card account numbers, savings account numbers, other Bank Loan account numbers, signature cards for both personal and business savings and checking accounts, personal credit report, loan account***

*numbers from other banks, and the name and phone number of her personal reference.)* that was Published on the Federal Courts Docketing System ("Pacer"), for over a month, until a Court Order was issued to the Clerk to seal Deborah Walton's Personal Information from the Public, and Ordering First Merchants Bank, to redact Deborah Walton's Personal Information on the Federal Courts Docketing System ("Pacer"). However, some of the Appellant/Petitioners Personal Information is still being published.

However, during Discovery, under the cause number 1:17-cv-01888-JMS-MPB, Deborah Walton ("Petitioner") obtained an e-mail, with Brian Hunt's handwritten notes, of which he testified to drafting, clearly outlining how First Merchants Bank Discriminated against, Deborah Walton ("Petitioner"). Prior to the Complaint being filed, Deborah Walton reached out to Robert Holland a V.P. at First Merchants Bank, informing him that her loan payments (*Transactions*) were not being applied to her loans, and his response, came from a drafted letter he sent to Deborah Walton, informing her, he was closing both of her Loans without any explanation as to why, which is a violation of the Equal Credit Opportunity Act.

A motion to Dismiss filed by First Merchants Bank, Michael Rechin and Brian Hunt ("Respondents"), requesting the Court Dismiss Deborah Walton's ("Petitioner") **Count I** (Privacy Act), **Count III** (Negligence) and **Count IIII** Negligence Per Se claims. Deborah Walton ("Petitioner"), responded in a timely

manner, however, the motion remained pending on the Court's Docket for several months.

The District Court entered an Order instructing Deborah Walton, ("Petitioner") to remove **Exhibit "H"**, Brian Hunt's hand drafted notes. Therefore, Deborah Walton, ("Petitioner"), filed a motion to Amend her Complaint excluding Exhibit "H", and the Privacy Act, yet adding Regulation B.

A second motion to Dismiss filed by First Merchants Bank, Michael Rechin, and Brian Hunt ("Respondents"), requesting the Court Dismiss Deborah Walton's ("Petitioner") **Count I** (Privacy Act), **Count II** (Equal Credit Opportunity Act), **Count III** (Negligence) and **Count IIII** Negligence Per Se claims.

The District Court Dismissed all of Deborah Walton's claims, and instructed her to Show Cause as to why she should not be sanctioned for filing a frivolous complaint, and harassing Mr. Brian Hunt, by informing his Attorney at Mr. Brian Hunt's deposition that she would be naming him as a party to her Discrimination Complaint, after he testified to **Exhibit "H"**, which, is his hand written notes. Deborah Walton filed an Appeal arguing that the District Court erred in dismissing her Complaint under Fed. R. Civ. P. 12(b)(6) with prejudice, and by citing she could not show compensable harm after her Personal Information was uploaded to the Federal Court Docketing System (Pacer), and citing opposing counsel had a right to use her personal cell phone number and e-mail address that

they obtained from First Merchants Bank, and if she should be sanctioned by the Court.

The Seventh Circuit rejected this reasoning and affirmed the district court's order Dismissing all of Deborah Walton's claims. The Seventh Circuit raised the following: *1)* A Complaint must contain a short and plain statement of the claim, with Factual Allegations. *2)* Walton never alleged that she was an "Applicant". *3)* Walton did not identify a Bank Employee that showed Discrimination against her. *4)* The one possible misstep – filing an un-redacted document – was, again, not the action of the defendants and was, in any case, quickly remedied. However, this must have been an oversight by the 7th Circuit, since: *1)* The Complaint does contain a short and plain statement. *2)* Walton's Complaint alleged her Loan Payments were not being applied, therefore, it should have been clear to the 7th Circuit that Walton was an Applicant prior to obtaining her Loans. *3)* Mr. Brian Hunt in-house counsel for First Merchants Bank, is named as a Defendant in the Complaint, and he is also on the Caption, and Mr. Robert Holland's letter and deposition are attached to the Complaint as Exhibits. *4)* A misstep doesn't require a Court Order to correct it, the correction should have been done immediately when actual notice was given, or at the time the Appellant filed her motion with the Court asking them to intervene. This is why a Question has been presented to the Supreme Court. Should the Defendant be liable for the actions of their Legal Counsel, when they provided them all of Walton's Personal Information under 15 U.S.C. § 6802(e)(4) when some of the Petitioners Personal Information doesn't fall under

that statute, which resulted in them sharing it with the Public, by way of the Federal Courts Docketing System (Pacer), which is still being published to this day. This case provides a vital occasion for the Supreme Court to address this crucial issue and in the context of an important Fact that Identity Theft is on the rise, and if the Federal Court Docketing System (Pacer), is free to the Public, it is also a tool that can be used by anyone to steal the identity of anyone's information published on the Federal Court Docketing System (Pacer).

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### ARGUMENT

**THIS COURT SHOULD GRANT REVIEW OF THE 7TH CIRCUIT COURT OF APPEALS DECISION AFFIRMING THE DISTRICT COURTS ORDER DISMISSING THE APPELLANT'S APPEAL FOR TWO REASONS: ONE: THE 7TH CIRCUIT FAILED TO APPLY PROCEDURAL DUE PROCESS, AND TWO: THE FEDERAL COURT DOCKETING SYSTEM (PACER), THAT IS A FREE SITE THAT IS EXPOSED TO THE PUBLIC AND MEDIA ALL OVER THE WORLD.**

**A. This Court Should Grant Certiorari Since The 7th Circuit Court Of Appeals Affirming A 12(b)(6) Motion To Dismiss A Complaint With Prejudice Without Applying Procedural Due Process.**

There is a long standing ruling from the Supreme Court concerning the fact that a Complaint "does not

require heightened fact pleading of specifics, but only enough fact to state a claim to relief that is plausible on its face.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 547 (2007).

According to Rule 12(b)(6) of the Federal Rules of Civil Procedure, requires the dismissal of claims for “failure to state a claim upon which relief may be granted.” In a Rule 12(b)(6) motion, the sufficiency of the litigant’s case is generally judged merely from the complaint. *Hernandez v. City of Goshen*, 325 F.3d 535, 537 (7th Cir. 2003); *Rosenblum v. Travelbyus.com Ltd.*, 299 F.3d 657, 661 (7th Cir. 2002). The court must accept as true plaintiff’s factual allegations and draw all reasonable inferences in plaintiff’s favor. *Cole v. U.S. Capital*, 839 F.3d 719, 724 (7th Cir. 2004); *Hentosh v. Herman M. Finch Univ. of Health Scis./Chi. Med. Sch.*, 167 F.3d 1170, 1173 (7th Cir. 1999).

The Plaintiff is “not required to plead the particulars of [her] claims[s],” *Hammes v. AAMCO Transmissions, Inc.*, 33 F.3d 774, 778 (7th Cir. 1994). “Particularity” requires Plaintiffs to plead the who, what, when, where and how of the alleged fraud. See *Ackerman v. Northwestern Mut. Life Ins. Co.*, 172 F.3d 467, 469 (7th Cir. 1999); *DiLeo v. Ernst & Young*, 901 F.2d 624, 627 (7th Cir. 1990).

The Seventh Circuit has made it very clear that a Plaintiff who loses a 12(b)(6) motion, has an absolute right to amend their complaint. See *Runnion ex rel. Runnion v. Girl Scouts of Greater Chicago and Northwest Indiana*, 786 F.3d 510, 523 (7th Cir. 2015).



Therefore, when the District Court dismissed the Appellants claims in accordance with Fed. R. Civ. P. 12(b)(6) with prejudice; this gives the Appellant an absolute right to Appeal the decision. Hence, jurisdiction to the Seventh Circuit court of Appeals is warranted. The Seventh Circuit has also held, that dismissals for lack of Federal jurisdiction “ordinarily are without prejudice.” *See El v. AmeriCredit Financial Services, Inc.*, 710 F.3d 748, 751 (7th Cir. 2013).

Therefore, when the 7th Circuit Court of Appeals ruling states as follows: “On appeal, Walton restates the allegations in her amended complaint and argues that she would have prevailed if she had been allowed to proceed to discovery. We review de novo the dismissal of a complaint under Rule 12(b)(6) for failure to state a claim upon which relief could be granted.” *Estate of Davis v. Wells Fargo Bank*, 633 F.3d 529, 532-33 (7th Cir. 2011). A complaint must contain a short and plain statement of a claim, which factual allegations “sufficient to show that [the] claim has substantive plausibility.” *Johnson v. City of Shelby*, 135 S. Ct. 346, 347 (2014); *see also* Fed. R. Civ. P. 8(a); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

The Equal Credit Opportunity Act bans discrimination against any applicant, with respect to any aspect of a credit transaction, on the basis of race. 15 U.S.C. § 1691(a)(1). Therefore, Walton needed to allege that she was an “applicant” and that the defendants treated her less favorably because of her race. *See Estate of Davis*, 633 F.3d at 538. But it is unclear whether Walton was an “applicant” of the Bank as

defined in 15 U.S.C. § 1691(a)(b); she was, as best we can tell, a customer; she was not someone seeking “an extension, renewal, or continuation of credit.”

Even if Walton can be considered an “applicant” under the Act, nothing in her complaint renders it plausible that the problems she encountered resulted from race discrimination. We have made it clear that plaintiffs alleging race discrimination need not provide great detail to state a claim. *See Swanson v. Citibank, N.A.*, 614 F.3d 400, 405 (7th Cir. 2010) (concluding that identifying the type of discrimination, when it occurred, and the perpetrator was sufficient); *see also Carlson v. CSX Transp., Inc.*, 758 F.3d 819, 827 (7th Cir. 2014) But even though the burden was not high, Walton’s complaint fell short.

Plausibility requires “more than a sheer possibility that a defendant has acted unlawfully”; plaintiffs must allege “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *West Bend Mut. Ins. Co. v. Schumacher*, 844 F.3d 670, 675 (7th Cir. 2016) (citing *Iqbal*, 556 U.S. at 678). Here, Walton has alleged no facts suggesting discrimination. She only describes various problems with the Bank’s administration of her accounts. She identifies no Bank employees – not even the individual defendants – who acted in a discriminatory manner.” **App. 1.**

The Defendants, First Merchants Bank, Michael Rechin, and Brian Hunt, were both a party to the Appellant’s Complaint, and also named in their individual

capacity. The 7th Circuit fell short when they stated “Here, Walton has alleged no facts suggesting discrimination. She only describes various problems with the Bank’s administration of her accounts. She identifies no Bank employees – not even the individual defendants – who acted in a discriminatory manner.” **App. 1.** However, this was not the case, the Appellant/Petitioner lays out the factual allegations, that was sufficient to show that her claim has substantive plausibility.

Therefore, the Appellant/Petitioner did identify Brian Hunt and Robert Holland in her complaint, and she not only gave a detailed narrative of what their role was in discriminatory acts, she also attached a copy of Brian Hunt’s Deposition and hand written notes he testified to, as Exhibit “H” to the Complaint, and a copy of Robert Holland’s Deposition and Letter he sent her outlining, that First Merchants Bank would be closing her Loan Accounts, effective June 30, 2017.

However, when the Appellant requested clarity from the 7th Circuit, if she could use Exhibit “H” in her Briefs, an Order was entered by Circuit Judge David Hamilton that stated Exhibit “H” was not part of the record on Appeal. Although Circuit Judge David Hamilton’s Order, also said that the Appellant could use her Original Complaint, well Exhibit “H” was attached to her Original Complaint. Yet, Exhibit H was not part of the record on Appeal. **App. 11.**

Hence, the Appellant/Petitioner did include in her amended Complaint that First Merchants Bank violated

Regulation B, 15 U.S.C. § 1691(a)(1), which makes it unlawful for a Creditor to discriminate with respect to any aspect of a Credit Transaction on the basis of race. If the 7th Circuit had reviewed paragraph 31-32 of the Appellant/Petitioner's Amended Complaint, they would have seen that the Complaint did raise the issue that the Transactions did contain discrepancies, and no disclosure nor explanation was given, as to why the Loans were closed. The Appellant/Petitioner was Approved for the Lines of Credit (Loans) from Ameriana Bank, and when First Merchants Bank acquired Ameriana Bank they Denied the Appellant/Petitioner the opportunity to use her Lines of Credit and without any Notice or Disclosure closed the Lines of Credit. This alone shows that the Appellant/Petitioner was Denied Credit from First Merchants Bank without any reason as to why. The only reference to the closing of the Appellant/Petitioners Lines of Credit, came in a form of a Letter from Robert Holland, without any explanation as to why.

The Seventh Circuit has made it very clear that a Plaintiff who loses a 12(b)(6) motion, has an absolute right to amend their complaint. See *Runnion ex rel. Runnion v. Girl Scouts of Greater Chicago and Northwest Indiana*, 786 F.3d 510, 523 (7th Cir. 2015). Therefore, the Appellant/Petitioner was not provided Procedural Due Process, because she was not given the opportunity to Amend her Complaint.

**B. This Court Should Grant Certiorari Because None of the Circuit Courts Have Ever Published An Opinion On Who Is Liable For A Moving Party, Non Moving Party or Witnesses, Personal Information Provided To An Attorney That Is Not Protected Under 15 U.S.C. § 6802(e)(4), And Is Published On The Federal Courts Docketing System (Pacer), For The Public And Media To Access All Over The World**

No published opinion from any of the Twelve Circuit Courts, nor the U.S. Supreme Court, has addressed the issue, concerning the Personal Information of a Party or Non-Party to a Federal Complaint being published on the Federal Courts Docket System (Pacer). The U.S. Pacer Index Docketing System is used by every District Court, and Circuit Court of Appeals in the United States, and they all rely on the information uploaded by Attorneys. Every Circuit Judge utilizes the Federal Court Docketing System to Publish their Orders and Opinions, which is used on a Universal bases. Not only do Attorney's, Pro Se Litigants, and Judges, use the Federal Court Docketing System, the Media and, Public also have a right to this Free Federal Court Docketing System (Pacer), to review Filings, Pleadings, Orders, Motions, Documents and Court Opinions that are accessed, from all over the World.

The 7th Circuit Court of Appeals neglected to address the issue, as to **Why** did Appellee, whom provided their Attorney the Appellant/Petitioner's Personal Information that did not fall under 15 U.S.C. § 6802(e)(4),

neglect to redact the documents, before their Attorney uploaded over 118 documents with the Appellant/Petitioner's Personal Information onto the Federal Courts Docketing System (Pacer). The 7th Circuit Court of Appeals did not address **How** the Appellee was responsible for providing the Appellant/Petitioners Personal Information to their Law Firm without the Consent of the Appellant. On June 28th, 2019 is **When** the 7th Circuit Court of Appeals published in an Order the following: "In any case, the Bank did not act unreasonably because the Attorneys representing it were statutorily authorized to acquire her information. 15 U.S.C. § 6802(e)(4). The one possible misstep – filing an unredacted document – was, again, not the action of the Defendants and was, in any case, quickly remedied." **App. 6.** Therefore, **Where** on the internet did all the Appellant/Petitioners Personal Information: Social Security Number, Date of Birth, Copy of Driver's License, Signature Card, Bank Account Numbers, Loan Numbers, Credit Card Numbers, Private Phone Numbers, Personal Reference Information, Account Balances, Cell Phone Number, e-mail address, Credit Worthiness and Underwriting Notes, go after being uploaded onto the Federal Courts Docketing System. **What** is still being exposed to the Public today.

It's not enough that the Appellant/Petitioner, made several calls to opposing counsel, begging him to redact her Personal Information, and with no avail, she had to file a motion with the District Court to have the Appellee redact her Personal Information, and only after a Court Order was entered, is when the

Appellee redacted the Appellant/Petitioners Personal Information. But when the 7th Circuit Court of Appeals publishes: "The one possible misstep" the U.S. Supreme Court should take a close look at this case, especially when the Appellee did not make a mistake when uploading all the Appellant/Petitioners Personal Information, for over a Month, until they were forced to remove it by a Federal Court Order, of which they have failed to do.

When the statute, 15 U.S.C. § 6802(e)(4), was enacted, concerning the obligations with respect to disclosures of personal information, I don't think they had the Federal Court Docketing System in mind, that is Free to the Public and the Media all over the World. However; at the Top of the Credit Application completed by the Appellant/Petitioner states the following:

**IMPORTANT APPLICANT INFORMATION:**

Federal law requires Financial Institutions to obtain sufficient information to verify your identity, You may be asked several questions and to provide one or more forms of identification to fulfill this requirement, in some instances we may use outside sources to confirm the information, The information you provide is protected by our privacy policy and Federal Law.

The Appellant/Petitioner raised the following issues in her Appeal to the 7th Circuit: *1)* First Merchants Bank's own Privacy Policy limits the Personal Information they can provide to their Legal Counsel in accordance with 15 U.S.C. § 6802(e)(4), such as

Customer Transactions and Creditworthiness, which is off limits to be shared with any third party including their legal counsel, 2) The Appellant never gave First Merchants Bank consent to share her Personal Information with a third party, nor personal sensitive information un-redact to their legal counsel, 3) Federal Rule 5-2 addresses Privacy Protection for filings made with the Court, is very clear that, only the last four digits of the Social Security number, year of the Individual's birth and last four digits of the financial account numbers are acceptable. However, this was not the case, First Merchants Bank Attorney uploaded the Appellant/Petitioners entire Application un-redact, with the complete Social Security Number, Date of Birth, full account numbers, and signature card that matches her Driver's License. However; the signature used by the Appellant/Petitioner for public filings and pleadings, is slightly different from her signature card and Driver's License, for security purposes, therefore; the Appellant/Petitioners signature is also considered her Personal Information.

This case provides a vital occasion for the U.S. Supreme Court to address this issue, especially since none of the Circuit Courts nor the U.S. Supreme Court has ever addressed this issue before, and in the context of an important matter where the question at some point will be raised again: Who is liable for Publishing a Parties Personal Information on the Federal Court Docketing System (Pacer), when indeed some of the Parties Personal Information, that was furnished to the Attorneys, is not protected under 15 U.S.C. § 6802(e)(4), is



still being exposed to the Public today. Therefore, anyone that wants to steal the Appellant/Petitioners identity, have all the tools (Photo Driver's License, Date of Birth, Social Security Number, Bank Signature Cards, Accounts and Account Balances), are available to them on the Federal Court Docketing System (Pacer).

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### CONCLUSION

For all these reasons, this Court should grant the Writ of Certiorari Petition.

Respectfully submitted,  
DEBORAH WALTON pro se  
P.O. Box 598  
Westfield, Indiana 46074  
317-565-6477  
*Petitioner*

App. 1

**NONPRECEDENTIAL DISPOSITION**

To be cited only in accordance  
with Fed. R. App. P. 32.1

**United States Court of Appeals  
For the Seventh Circuit  
Chicago, Illinois 60604**

Submitted June 28, 2019\*

Decided June 28, 2019

**Before**

JOEL M. FLAUM, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 19-1338

DEBORAH WALTON,  
*Plaintiff-Appellant,*

*v.*

FIRST MERCHANTS  
BANK, *et al.,*  
*Defendants-Appellees.*

Appeal from the United  
States District Court for the  
Southern District of Indiana,  
Indianapolis Division.

No. 1:18-cv-01784-JRS-DLP

James R. Sweeney II,  
*Judge.*

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\* We have agreed to decide this case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).