

Appendix B: Order from the United States Court of Appeals for the Eleventh Circuit No. 21-12569 (August 22/2022) (Dkt.#78) district court (Dkt. #39)

[DO NOT PUBLISH]

In the

United States Court of Appeals
For the Eleventh Circuit

No. 21-12569

Non-Argument Calendar

SAMANTHA DELANE RAJAPAKSE,

Plaintiff-Appellant,

versus

EQUIFAX, LLC,

Defendant,

EQUIFAX INFORMATION, LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:20-cv-00080-TWT

Before LUCK, LAGOA, and ANDERSON, Circuit Judges.

PER CURIAM:

Samantha Rajapakse appeals the dismissal of her amended complaint as frivolous. In the district court, she asserted claims under the Fair Credit Reporting Act. Rajapakse alleged that she was a class member in the Equifax data breach litigation and that Equifax hadn't complied with its obligations as part of the settlement agreement by not taking extra measures to investigate and to remove inaccurate information on her credit reports. Specifically, Rajapakse alleged that Equifax maintained two credit accounts in her name: one in her married name and one in her maiden name. According to Rajapakse, Equifax failed to timely remove one of the accounts and it failed to investigate disputes she had with two creditors.

After Rajapakse moved for in forma pauperis status, the district court screened the amended complaint under 28 U.S.C. section 1915(e)(2)(B) and dismissed it as frivolous. The amended complaint was frivolous, the district court explained, because, "[t]o the extent that the [p]laintiff [was] claiming damages as a result of the

2017 Equifax data breach, [she was] a member of the consumer class and those claims have been settled.” As to any other allegations, the district court concluded, they were “outlandish and incomprehensible.”

On appeal, Rajapakse argues that: the district court abused its discretion because it dismissed the amended complaint after she questioned the court’s “behavior”; she was entitled to relief as a matter of law because Equifax “provided no defense”; the district court violated her due process rights as a pro se litigant; and the district court violated her “rights as a consumer” under the Fair Credit Reporting Act. But we find no error.

First, the district court dismissed the amended complaint because Rajapakse’s “claims ha[d] already been settled” as part of the Equifax class action—not because she questioned the court’s behavior. Second, under section 1915(e)(2)(B), the district court may “dismiss the case at any time”—even before the defendant answers the amended complaint—if the “action” “is frivolous,” or “fails to state a claim,” as the district court found here. 28 U.S.C. § 1915(e)(2)(B)(i)–(ii). Third, dismissing the amended complaint under the section 1915(e)(2)(B) screening procedures did not violate Rajapakse’s due process rights. *See Vanderberg v. Donaldson*, 259 F.3d 1321, 1324 (11th Cir. 2001) (concluding that the screening procedures in section 1915(e)(2)(B) “did not deny” the pro se plaintiff “due process”). And fourth, the district court didn’t violate Rajapakse’s rights under the Fair Credit Reporting Act because she failed to state a claim for relief under the Act.

Thus, we affirm the district court's dismissal of the amended complaint.

AFFIRMED.

Appendix C: Order from the United States District Court
Of Northern Georgia (July 26/2021) (Dkt# 70).

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SAMANTHA DELANE RAJAPAKSE,

Plaintiff,

v.

EQUIFAX, LLC,

Defendant.

CIVIL ACTION FILE
NO. 1:20-CV-80-TWT

ORDER

This is a pro se civil action. It is before the Court for a frivolity determination. A claim is frivolous "where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). A complaint may be dismissed for failure to state a claim on which relief may be granted when it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Scheuer v. Rhodes, 416 U.S. 232, 236 (1974). This includes claims describing fantastic or delusional scenarios, claims with which federal district judges are all too familiar. Denton v. Hernandez, 504 U. S. 25, 32 (1992). To the extent that the Plaintiff is claiming damages as a result of the 2017 Equifax data breach, the Plaintiff is a member of the consumer class and those claims have been settled. The remainder of the Plaintiff's claims are outlandish and incomprehensible. This

action is dismissed as frivolous.

SO ORDERED, this 26 day of July, 2021.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Appendix D: Order from the United States District Court fo the Northern District of Georgia (July 26, 2020) (DKt# 69).

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SAMANTHA DELANE RAJAPAKSE,

Plaintiff,

v.

EQUIFAX, LLC,

Defendant.

CIVIL ACTION FILE
NO. 1:20-CV-80-TWT

ORDER

This is a pro se action under the Fair Credit Reporting Act. It is before the Court on various motions by the Plaintiff. The Plaintiff's Motion to Strike Defendant's Failure to Mitigate as Affirmative Defense and Motion for Protection of Fourteenth Amendment Right [Doc. 43] is DENIED as incomprehensible. The Motion for Settlement Conference [Doc. 49] is DENIED. The Motion to Compel Discovery [Doc. 50] is DENIED. The Plaintiff has not shown that she has served any discovery requests upon the Defendant. The Defendant's Motion for Protective Order and Motion to Strike [Doc. 51] is GRANTED. As set forth in the Defendant's Motion, the Plaintiff, appearing pro se, has a history of asserting frivolous claims, including filing a barrage of documents that have impugned the integrity of the courts and individual judges. Other than a Notice of Appeal, no papers submitted by the Plaintiff and

filed by the Clerk are to be docketed as motions requiring action by the Court or a response by the Defendant without further Order of this Court. The Plaintiff's Motion for Sanctions [Doc. 54] is DENIED. The Defendant's Motion to Strike [Doc. 59] is GRANTED. The Plaintiff's Petition for Writ of Mandamus [Doc. 62] is DENIED. The Plaintiff's Motion for Summary Judgment [Doc. 65 & 67] is DENIED for the reasons set forth in the Court's Order of September 29, 2020.

SO ORDERED, this 26 day of July, 2021.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Appendix E: Exhibit Petitioner's two
Equifax Credit Reporting Account
District Court (DKt.# 39 Appeals Court: Appendix B

EQUIFAX

CREDIT FILE : July 4, 2019
Confirmation # 9173072660

Dear SAMANTHA DELANE REED:

EQUIFAX

CREDIT FILE : June 22, 2019
Confirmation # 9152030570

Dear SAMANTHA DELANE RAJAPAKSE:

Appendix F:Exhibit proof of Appellant Samantha Rajapakse claimaint of Equifax Data Breach.

Your Email to the Equifax Breach Administrator – Ticket#45580

From: Equifax Data Breach Settlement Administrator (info@equifaxbreachsettlement.com)

To: samanthalarajapakse@ymail.com

Date: Tuesday, July 30, 2019 at 11:58 PM EDT

--REPLY above this line to respond--

Thank you for contacting the Equifax Data Breach Settlement Administrator. Your email has been received and will be answered as quickly as possible.

Your ticket number is 45580. Please reference this in further communications. In the meantime, please see our Frequently Asked Questions, located at <https://www.equifaxbreachsettlement.com/faq>.

Thank you.

Equifax Data Breach Settlement Administrator
PO Box 91318
Seattle, WA 98111-9814
1-833-759-2982

<http://equifaxbreachsettlement.com>

Appendix G: Exhibit email from Equifax resolving
S. Rajapakse's Equifax Credit Reporting Account returned to Equifax information Services by
Seyfarth Shaw.
District Court (Dkt. #39) Appeals Court Appendix D

On Monday, December 14, 2020, 2:36:37 PM EST, Szyba, Robert <rszyba@seyfarth.com> wrote:

Ms. Rajapakse,

An account recovery email for MyEquifax online access was sent to you on December 4, 2020, I believe. Can you please let us know if you have been able to utilize that email to access your account?

Thanks,

Rob

Robert T. Szyba | Partner | Seyfarth Shaw LLP
620 Eighth Avenue | New York, New York 10018-1405
Direct: +1-212-218-3351 | Fax: +1-917-344-1174
rszyba@seyfarth.com | www.seyfarth.com



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RE: Rajapakse v Equifax

From: Szyba, Robert (rszyba@seyfarth.com)
To: samanthalrajapakse@ymail.com
Cc: clanigan@seyfarth.com
Date: Monday, December 14, 2020, 4:04 PM EST

Ms. Rajapakse,

We are going to ask someone from Equifax to reach out to you directly to address the access issue. We have the following as your contact number: (901) 946-1378. If they should call a different number, please let us know.

Thanks,

Rob

Robert T. Szyba | Partner | Seyfarth Shaw LLP
620 Eighth Avenue | New York, New York 10018-1405
Direct: +1-212-218-3351 | Fax: +1-917-344-1174
rszyba@seyfarth.com | www.seyfarth.com

In



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From: Samantha Rajapakse <samanthalrajapakse@ymail.com>
Sent: Monday, December 14, 2020 2:42 PM
To: Szyba, Robert <RSzyba@seyfarth.com>
Subject: Re: Rajapakse v Equifax

[EXT. Sender]

Rob (if I can call you that)

No, and I tried. Since your firm had custody and control of my credit report then that is something you should have take care of. I am no longer going back and forth with you on this issue. You being an attorney should have let me deal with Equifax and let them report what they did, but your firm wanted to be the main issue. Well, you got it. when its completed you let me know.

Samantha D. Rajapakse

Re: [IE] Rajapakse credit

From: Darren Howard (darren.howard@equifax.com)

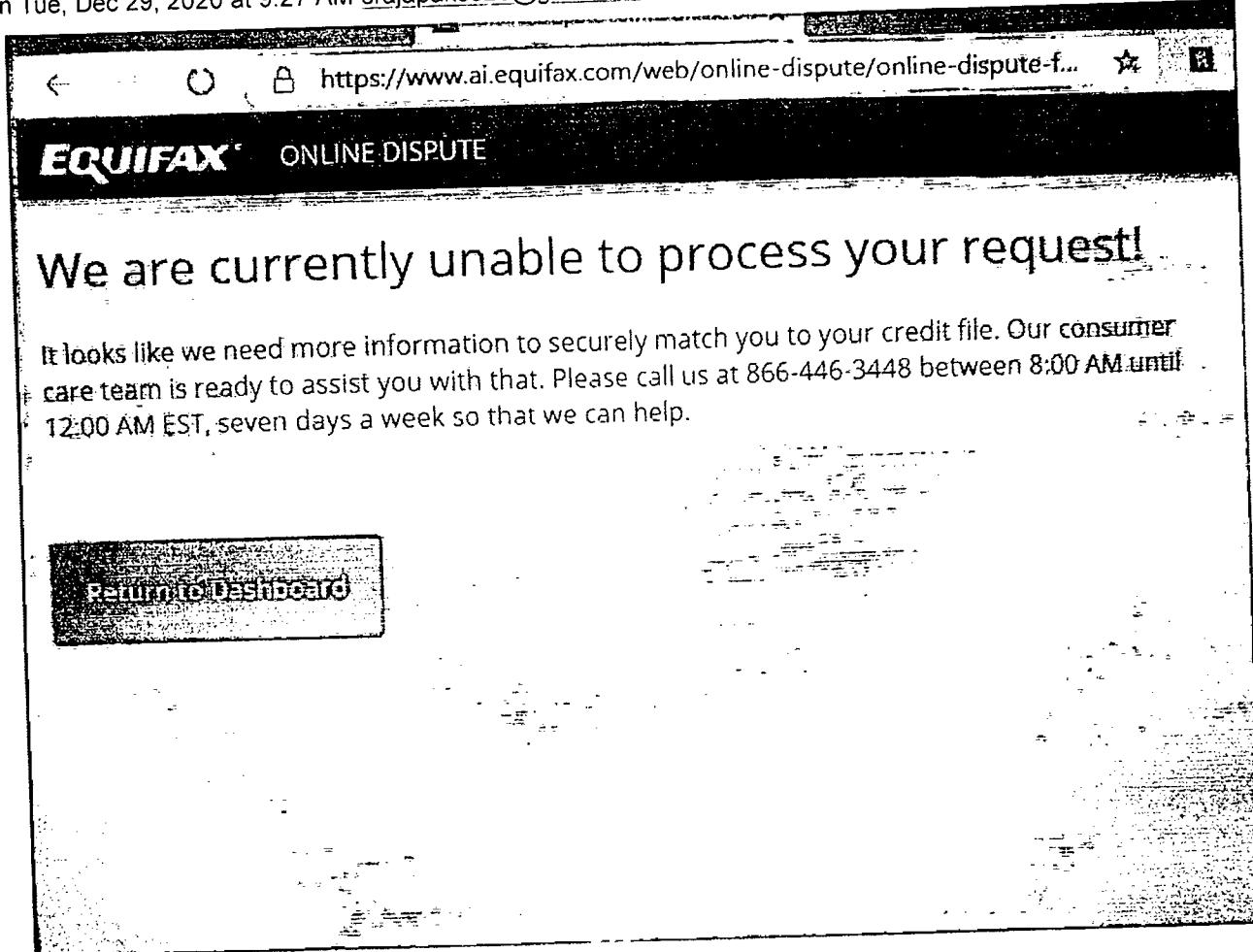
To: srajapakse28@gmail.com

Date: Tuesday, December 29, 2020 at 01:25 PM EST

Thanks Samantha, I will look into this and get back to you.

Darren Howard

On Tue, Dec 29, 2020 at 9:27 AM srajapakse28@gmail.com <srajapakse28@gmail.com> wrote:



This was taken today

Sent from Yahoo Mail on Android

--
Darren Howard
Supervisor, Equifax Executive Resolutions
Equifax Information Services, LLC
Phone: (770) 752.2508
Fax: (770) 740.4331

Important Information Regarding Your myEquifax Account

From: Customer.care@equifax.com (customer.care@equifax.com)

To: samantharajapakse@ymail.com

Date: Monday, January 10, 2022 at 08:15 AM EST

Dear Samantha Rajapakse,

We have completed the review of your online account at www.myequifax.com and we are pleased to advise you that the login issue you experienced has been resolved.

Please log in using the password associated with your myEquifax online account. If you do not remember your password, please select the "Need Help Signing In" link under the password field. This will allow you to do an account recovery and update your password if needed. If you experience any issues, please feel free to contact our consumer care department at 888-836-6351 between 8:00am – 12 am, 7 days per week.

We sincerely apologize for any inconvenience this issue may have caused.

Thank you for contacting Equifax.

Darren
Equifax Consumer Care Team

ref:_00D37JpPm._5001GyAU9E:ref

Appendix H: Exhibit entered into the District Court of Northern Georgia Petitioner's notice of Counsel for Equifax Misconduct.

UNITED STATES DISTRICT COURT OF NORTHERN GEORGIA
ATLANTA DIVISION

SAMANTHA D. RAJAPAKSE
Plaintiff,

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JAN 14 2021

JAMES N. HATTEN, Clerk
BY: *Barry D. Smith* Deputy Clerk

v

No 1:20-cv-00080-TWT

EQUIFAX INFORMATION SERVICE, LLC

Defendants,

NOTICE

TO THE HONORABLE DISTRICT COURT OF NORTHERN GEORGIA,
ATLANTA DIVISION. The order of from the District Court of Southern New York (No.20-cv-10473). The issue has raised question in the district court and with the United States Department of Justice (DOJ) related to this crime.

Background

Upon the handling of this case, Seyfarth committed a criminal act by advising Equifax, during a pending legal proceedings taking full control and control over Rajapakse's credit report and advise Equifax to cease all communication with Rajapakse related only disputing her credit. Equifax advised Rajapakse due to the litigation they were referring her to a "Credit Specialist" to handle her issues which was Seyfarth. Counsel Lanigan sent Rajapakse an email confirming all communicatin were going to Counsels, Szyba and Lanigan. Email communication between Seyfarth counsels and Plaintiff support the firm respresenting Equifax not only had control and custody of Plaintiff's credit, her password was changed so they had total control over removing data from her credit and using their authority and control to oppress, harass, and intimidate in accepting their settlement. The illegal act occurred in New York , the Attorney on the record and Counsel in Boston with the Lead Counsel having knowledge and gave approval to the illegal acts. The complaint further goes that the lead Attorney, Szyba acted directly in the criminal act.¹ After Rajapakse informed counsels they were committing an illegal act as described in the New York statue, Attorneys Syzba and Lanigan advised Equifax to communicate with Rajapakse and attempted to do damage control by informing Equifax to contact her to resolved the issue of her credit report to get her online account reactivated.

After the complaint was filed in District Court of New York, Counsel Lanigan was terminated from Seyfarth.

Issues presented before New York District

¹ Email communication are in the record of this court in seeking relief before this court which was denied.

CERTIFICATE OF SERVICE

A copy of this pleading has been sent to the opposing counsel by email and mail by the United States Postal Service on 13th day of January, 2021.



/s/

Samantha D. Rajapakse

1. Did Seyfarth, counsel for Equifax gain permission to gain full custody and control over Rajapakse's account impersonate a credit reporting agency which is a criminal act in a civil matter?
2. Did Seyfarth have a legal right to gain access to Plaintiff, Rajapakse's credit as a means of using it to control a settlement?
3. Did Equifax conspire with Seyfarth in part to commit an illegal act on Plaintiff, Rajapakse, acting as an credit reporting agency to force her into settling her complaint before this court.

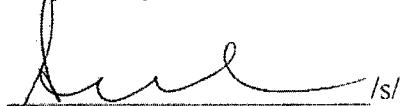
Order from the Department of Justice

The Order for Rajapakse to Amend her complaint which the emails presented in this court showing the behavior of both counsels will be submitted into evidence. The Bar Association of New York and Boston has advised Rajapakse to file her discover to asset liability.

Conclusion

Seyfarth committed a criminal act under New York statue 192.2 and is seeking protection in this court for not just civil but any criminal prosecution that may result from action.

Respectfully Submitted,



/s/

Samantha D.Rajapakse

Plaintiff/pro se

Appendix A: Opinion of the United States Court of Appeals for the Eleventh Circuit en banc No. 21-1259 (October 12, 2022).

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-12569

SAMANTHA DELANE RAJAPAKSE,

Plaintiff-Appellant,

versus

EQUIFAX, LLC,

Defendant,

EQUIFAX INFORMATION, LLC,

Defendants-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:20-cv-00080-TWT

JUDGMENT

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: August 22, 2022

For the Court: DAVID J. SMITH, Clerk of Court