

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**MICHELE MALVERTY, Individually,  
and as successor in interest for  
JAMES C. RENNICK, SR.,**

**Plaintiff,**

**v.**

**Case No.: 8:17-cv-1617-T-27AAS**

**EQUIFAX INFORMATION SERVICES,  
LLC and EXPERIAN INFORMATION  
SOLUTIONS, INC.**

**Defendants.**

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**ORDER**

Michele Malverty and Equifax Information Services, LLC (“Equifax”) jointly request an order authorizing the production of documents concerning a third party, James Palmer. (Doc. 33). These documents consist of Mr. Palmer’s credit file records. (*Id.*).

Ms. Malverty and Equifax provide 15 U.S.C. §1681b(a)(1) as the sole authority for the court to issue an order allowing production of confidential third party documents. 15 U.S.C. § 1681b(a)(1) provides in pertinent part that “any consumer reporting agency [, such as Equifax,] may furnish a consumer report under the following circumstances and no other: (1) In response to the order of a court having jurisdiction to issue such an order....” The majority of circumstances in which a consumer report may be furnished require either notice to or permission of the consumer, or involve transactions or proceedings in which the consumer would know

that his consumer report would be sought. *See id.* § 1681b(a)(1), (a)(2), (a)(3)(B)-(D), (a)(3)(F)(i), (a)(4); *see also Nunnally v. Equifax Info. Servs., LLC*, 451 F.3d 768, 775 (11th Cir. 2006). Here, it does not appear that Ms. Malverty and Equifax have not provided Mr. Palmer notice or the opportunity to object to the dissemination of his credit file records. Nor have Ms. Malverty and Equifax provided any argument as to why this information is relevant and proportional to the needs of this case. *See Fed. R. Civ. P.* 26(b)(1); Local Rule 3.01(a), M.D. Fla. (motions must contain a memorandum of legal authority in support of the request).

As such, Ms. Malverty and Equifax's Joint Motion for an Order Authorizing Production of Documents of Third Party James Palmer (Doc. 33) is **DENIED without prejudice**.

**ORDERED** in Tampa, Florida on this 10th day of July, 2018.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge