

July 9, 2003

Nancy M. Murray
Federal Deposit Insurance Corporation
2345 Grand Boulevard, Suite 100
Kansas City, MO 64108

Re: FDIC Ref. Number
SCC2003F-002525-0

Dear Ms. Murray:

I, Phillip W. Weiss, hereafter referred to as complainant, wish to file a complaint against Discover Financial, a.k.a. Discover Bank, a.k.a. Discover Card, hereafter referred to as Discover. The grounds for this complaint are as follows:

1. Discover, 12 Reads Way, New Castle, Delaware 19720-1649, claims that complainant has a late payment history, to wit, according to Equifax LLC credit file number 318149047, "1 Time 30 days late; 1 Time 60 days late; 3 Times 90 + days late" (reference Discover account number 6011100466014). Their claim is false.
2. Discover has failed to produce documentary evidence containing complainant's alleged signature as proof that complainant opened the alleged account noted in item 1, thereby failing to substantiate said claim and confirming the untruthfulness of said claim.
3. Nevertheless, Discover, which knew or should have known that said claim noted in item 1 was false, reported said claim to Equifax LLC (Equifax), a credit reporting agency.
4. Said communication from Discover to Equifax noted in item 3, violated 15 U.S.C. 1692(e)(8,10).
5. Further, said false claim, noted and referred to in items 1 through 3, and communicated by Discover, as noted in items 3 and 4, impugned complainant's creditworthiness, ruined complainant's excellent credit rating, caused damage to complainant's personal reputation, and has caused complainant to have to expend time, effort and money to contest this matter and undo the damage.

Remedies requested are as follows: that

1. pursuant to 15 U.S.C. 1692(k)(a)(1)(2)(A), Discover be liable to complainant in an amount equal to the sum of any actual damage sustained by complainant as a result of Discover's failure to comply with any provision of 15 U.S.C. 1692, and such additional damages, but not exceeding \$1,000;

2. pursuant to 12 U.S.C. 1818(b)(1), the Federal Deposit Insurance Corporation (FDIC) issue and serve upon Discover an order to cease and desist from all unsafe or unsound violations or practices and, further, to take affirmative action to correct the conditions resulting from such violations or practices;
3. pursuant to 12 U.S.C. 1818(b)(6), the FDIC require Discover to take affirmative action to correct or remedy any conditions resulting from any violations or practices with respect to which such order is issued; and
4. pursuant to 12 U.S.C 1818(b)(6)(A)(ii), the FDIC require Discover to make restitution or provide reimbursement, indemnification, or guarantee against loss if the violations or practices involved a reckless disregard for the law or any applicable regulations or prior order of the FDIC.

Thank you for taking this matter under your consideration.

Sincerely,

Phillip W. Weiss
Complainant

Attachments: copy, letter from Equifax LLC, dated June 19, 2003; and copy, letter from Discover, dated June 23, 2003.

This is to certify that copies of the complaint with attachments were mailed, by first class mail, return receipt requested, to the following parties:

**Joan L. Beranbaum, Esq.,
Chief Counsel
DC 37, MELS
125 Barclay Street, Room 1004
New York, NY 10007-2179**

**Discover Card
12 Reads Way
New Castle, DE 19720-1649**

**Equifax LLC
P. O. Box 740256
Atlanta, GA 303474-0256**

**Phillip W. Weiss
Complainant
July 10, 2003**