

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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PENNY LEE ANDERSON and  
RUSSELL D. ANDERSON, SR.,

Plaintiffs,

v.

TRANS UNION LLC, EXPERIAN  
INFORMATION SOLUTIONS, INC.,  
CSC CREDIT SERVICES, INC., and  
EQUIFAX, INC., d/b/a EQUIFAX  
INFORMATION SERVICES LLC,

Defendants.

ORDER

03-C-0510-C

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In an order entered on January 9, 2004, I granted the unopposed motion of defendants Trans Union, LLC, Experian Information Solutions, Inc., CSC Credit Services, Inc. and Equifax, Inc. to join in the motion filed by then defendants Applied Card Systems, Inc. and Cross Country Bank, Inc., to compel arbitration of all issues raised in this case and stay all proceedings pending completion of the arbitration. On January 21, 2004, plaintiffs asked for permission to be heard on the motion, saying that the reason they had not filed any opposition is that they had not been served with the motion.

Plaintiffs point out that defendants are credit reporting agencies and not “furnishing” institutions like Applied Card Systems, Inc. and Cross Country Bank. As credit reporting agencies, defendants have no arbitration agreements in place with plaintiffs. They want the benefits of a stay without the obligation to engage in arbitration. Although defendants argue that the arbitration may decide issues that will affect the disposition of this case, plaintiffs note the lack of any factual dispute over the basic information that led to this suit: the indication that plaintiffs are deceased.

After reviewing the arguments of both sides, I am persuaded that it was error to enter the order staying the litigation in this case pending the disposition of arbitration involving other defendants. Accordingly, IT IS ORDERED that the order entered on January 9, 2004, is RESCINDED. FURTHER, IT IS ORDERED that defendants’ motion to stay proceedings in this case is DENIED. The case shall go forward in compliance with the preliminary pretrial order entered by the United States Magistrate Judge on November 26, 2003.

Entered this 10th day of February, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge