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 9  
 10 UNITED STATES DISTRICT COURT  
 11 CENTRAL DISTRICT OF CALIFORNIA  
 12 (WESTERN DIVISION)

13 SARAY ORTIZ, an individual, on behalf  
 of herself and all others similarly situated,

14 Plaintiff,

15 vs.

16 UNIVERSITY CREDIT UNION,

17 Defendant.  
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Case No.:

**COMPLAINT FOR VIOLATIONS OF 42  
 U.S.C. § 1981 AND CALIFORNIA UNRUH  
 CIVIL RIGHTS ACT; INJUNCTIVE AND  
 DECLARATORY RELIEF AND DAMAGES**

**CLASS ACTION**

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1 Plaintiff Saray Ortiz (“Plaintiff” or “Plaintiff Ortiz”), individually and on behalf of all  
2 others similarly situated, by her attorneys makes the following allegations, based on information  
3 and belief, against Defendant University Credit Union (“Defendant” or “UCU”):

4 **INTRODUCTION**

5 1. Defendant UCU follows a policy of denying full access to credit products and  
6 services to applicants on the basis of their alienage or immigration status, including those who  
7 have Deferred Action for Childhood Arrivals (“DACA”) status.

8 2. Plaintiff Ortiz and members of the Class she seeks to represent were and are unable  
9 to access Defendant’s credit and loan products and services because of their alienage or  
10 immigration status. Plaintiff brings this case against UCU for unlawful discrimination in violation  
11 of the Civil Rights Act of 1866, as codified at 42 U.S.C. § 1981 (“Section 1981”), and the  
12 California Unruh Civil Rights Act (“Unruh Act”), as codified at California Civil Code §§ 51, *et*  
13 *seq.*

14 3. Defendant’s violations have inflicted harm on Plaintiff, and the Class she seeks to  
15 represent, including but not limited to, access to credit products with unfavorable terms and  
16 conditions, and emotional distress.

17 **JURISDICTION AND VENUE**

18 4. This Court has subject matter jurisdiction over Plaintiff’s Section 1981 claims  
19 under 28 U.S.C. § 1331. This Court has supplemental jurisdiction over Plaintiff’s state-law claims  
20 under 28 U.S.C. § 1367.

21 5. This Court is also empowered to issue a declaratory judgment by 28 U.S.C. §§ 2201  
22 and 2022.

23 6. Venue is proper in the Central District of California under 28 U.S.C. § 1391(b)(2)  
24 because a substantial part of the events giving rise to the claims occurred in this District.  
25

**PARTIES**

**Plaintiff**

7. Plaintiff Saray Ortiz is a resident of Los Angeles, California and has lived in the United States since 1993. She arrived in the United States from Morelos, Mexico when she was eight years old. She currently works at the J. Paul Getty Museum as a project administrator.

8. Plaintiff Ortiz has been a DACA recipient since 2013. As part of the DACA initiative, Plaintiff Ortiz received authorization to work in the United States and a Social Security Number. Plaintiff Ortiz resided in Los Angeles on the date that she applied for an auto loan from Defendant and was unlawfully denied.

9. Defendant subjected Plaintiff and members of the Class that she seeks to represent to discrimination in violation of federal and state laws as described in this Complaint.

**Defendant**

10. Defendant University Credit Union is a member-owned credit union headquartered in Los Angeles, California.

11. Defendant maintains a business and mailing address at 1500 South Sepulveda Boulevard, Los Angeles, California 90025.

12. Defendant offers consumers a range of financial and credit products, including retail banking services, commercial loans, personal loans, auto loans, credit cards, and home loans.

**STATEMENT OF FACTS**

13. Plaintiff Ortiz brings this action on behalf of herself and members of the proposed Plaintiff Class. The class seeks damages, declaratory judgment, and injunctive relief.

14. Plaintiff Ortiz is a recipient of DACA and has been since 2013. Since that time, she has continuously possessed an employment authorization card and a Social Security Number.

1           15.     On February 14, 2024, Plaintiff Ortiz applied for a checking account with UCU.  
2 Although UCU requires applicants to be members of the credit union, and Plaintiff Ortiz was not  
3 a member, she qualified for membership through her place of employment at the J. Paul Getty  
4 Museum in order to open the checking account.

5           16.     On February 15, 2024, UCU informed Plaintiff Ortiz via email that her checking  
6 account application was approved.

7           17.     On February 15, 2024, Plaintiff Ortiz submitted an auto loan application. Soon  
8 after, a UCU representative called Plaintiff Ortiz to take her information regarding her driver's  
9 license, expiration date, employment, and Social Security Number. On that same day, a UCU  
10 consumer lending underwriter, Neftali German ("German"), sent an email to Plaintiff Ortiz to  
11 congratulate her that her auto loan application was approved in the amount of \$18,000.  
12

13           18.     On February 16, 2024, a UCU loan specialist, Amanda Goplin ("Goplin"), emailed  
14 Plaintiff Ortiz to inform her that her auto loan was approved and provided a range of interest rate  
15 options. Goplin asked Plaintiff Ortiz to provide a copy of her Social Security Card, purchase  
16 contract, and verification of auto insurance.  
17

18           19.     As requested, Plaintiff Ortiz submitted her Social Security Card, auto insurance,  
19 and option contract from a car dealership. Under the option contract, Plaintiff Ortiz had 7-days to  
20 "shop around" for better terms and financing before closing the auto purchase with the dealership.

21           20.     On February 16, 2024, Goplin emailed Plaintiff Ortiz explaining that "I noticed on  
22 your Social Security Card it is only valid for work only with DHS authorization. Will you please  
23 provide me with either your Permanent Resident Card or Employment Authorization Card?"  
24 Plaintiff Ortiz submitted her Employment Authorization Document ("EAD") to Goplin.  
25

26           21.     On February 16, 2024, German emailed Plaintiff Ortiz with the following message:  
27 "Thank you for applying for a loan with University Credit Union. We appreciate the opportunity  
28

1 to help you with your financial needs. Unfortunately, after thorough review of your application,  
2 we are unable to grant your request at this time. We will be mailing you a letter that outlines the  
3 reason(s) for our decision.”

4 22. On February 23, 2024, UCU sent an Adverse Action Notice to Plaintiff Ortiz. The  
5 Notice provided that UCU refused to offer the loan to Plaintiff Ortiz because “credit not extended  
6 on terms and conditions requested.” The Notice also indicated that Plaintiff Ortiz had a credit  
7 score of 759 when she applied for the auto loan from UCU.  
8

9 23. Following the denial of her loan application, and under the option contract, Plaintiff  
10 Ortiz purchased a 2023 Hyundai Venue with an interest rate of 9.19% from a car dealership. Had  
11 UCU approved the loan, Plaintiff Ortiz was informed via phone that her auto loan interest would  
12 have been around 6.4%.

13 24. Plaintiff Ortiz suffered harm from UCU’s denial of her loan application on the basis  
14 of her alienage or immigration status. This denial caused Plaintiff Ortiz to feel the deleterious  
15 effects of discrimination and to suffer harm, including actual damages, emotional distress, and  
16 negative effects of incurring a loan with less favorable terms compared to the loan UCU offered.  
17

18 25. UCU’s denial of Plaintiff Ortiz’s application because of its limited and arbitrary  
19 alienage requirement violates 42 U.S.C. § 1981.

20 26. UCU’s denial of Plaintiff Ortiz’s application because of her immigration status  
21 violates the California Unruh Civil Rights Act.  
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23 27. There is an actual and substantial controversy between Plaintiff and UCU.

24 **CLASS ACTION ALLEGATIONS**

25 28. Plaintiff Ortiz incorporates by reference the allegations raised in all preceding  
26 paragraphs.  
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1           29. Plaintiff Ortiz brings this action on behalf of herself and all others similarly situated  
2 under Rule 23 of the Federal Rules of Civil Procedure as a nationwide class.

3           30. Plaintiff Ortiz seeks to represent the following nationwide class (“National Class”),  
4 composed of, and defined, as follows:

5                   All persons who resided in the United States at the relevant time they  
6 applied for or attempted to apply for a credit or loan product from UCU but  
7 were denied full and equal consideration by UCU on the basis of alienage  
or lack of U.S. citizenship.

8           31. Plaintiff Ortiz additionally brings class allegations on behalf of a California  
9 Subclass composed of, and defined, as follows:

10                   All persons who resided in California at the relevant time they applied for  
11 or attempted to apply for a credit or loan product from UCU but were denied  
12 full and equal consideration by UCU on the basis of their immigration  
status.

13           32. Plaintiff Ortiz may amend the above class definitions as permitted or required by  
14 this Court. This action has been brought and may be properly maintained as a class action under  
15 the provisions of Rule 23 of the Federal Rules of Civil Procedure because all of the prerequisites  
16 for class treatment are met.

17  
18 **Rule 23(a)(1) – Numerosity**

19           33. The potential members of the above National Class and California Subclass as  
20 defined are so numerous that joinder would be impracticable.

21           34. The National Class and California Subclass are an ascertainable group that, on  
22 information and belief, consists of at least dozens of individuals.

23           35. With discovery, the size of the Class will be ascertainable. The names and  
24 addresses of potential Class Members are available to Defendant.

25           36. Notice can be provided to the potential Class Members via first class mail using  
26 techniques and a form of notice similar to those customarily used in class-action lawsuits.  
27

1 **Rule 23(a)(2) – Common Questions of Law and Fact**

2 37. There are questions of law and fact common to the Class that predominate over any  
3 questions affecting only Plaintiff Ortiz or any other individual Class Members. These common  
4 questions of law and fact include, without limitation:

5 a. Whether it is UCU’s policy or practice to reject applicants for credit or loan  
6 products on the basis of alienage or immigration status;

7 b. Whether UCU violated 42 U.S.C. § 1981 by denying the full and equal right to  
8 contract to Plaintiff Ortiz and the National Class on the basis of alienage;

9 c. Whether UCU violated the Unruh Act by denying full and equal access to services  
10 to Plaintiff Ortiz and the California Subclass on the basis of immigration status;

11 d. Whether Plaintiff Ortiz and the Class Members are entitled to declaratory,  
12 injunctive, and other equitable relief; and

13 e. Whether Plaintiff Ortiz and the Class Members are entitled to damages and any  
14 other available relief.  
15

16 **Rule 23(a)(3) – Typicality**

17 38. Plaintiff Ortiz’s claims are typical of the claims of the Class. Plaintiff Ortiz and all  
18 Class Members sustained injuries and damages arising out of and caused by Defendant’s common  
19 course of conduct and common policies in violation of Federal and California laws, regulations,  
20 and statutes as alleged here.  
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22 39. Plaintiff Ortiz’s claims are representative of and co-existent with the claims of  
23 Class Members.  
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1 **Rule 23(a)(4) – Adequacy of Representation**

2 40. Plaintiff Ortiz will fairly and adequately represent and protect the interests of Class  
3 Members. Plaintiff Ortiz is a member of the Class, does not have any conflicts of interest with  
4 other Class Members, and will prosecute the case vigorously on behalf of the Class.

5 41. Plaintiff Ortiz has retained counsel competent and experienced in complex  
6 litigation and discrimination class actions.

7 **Rule 23(b)(2) – Declaratory, Equitable, and Injunctive Relief**

8 42. Class certification is appropriate because UCU has acted and/or refused to act on  
9 grounds generally applicable to members of the National Class and California Subclass. UCU's  
10 actions make appropriate declaratory, equitable, and injunctive relief with respect to Plaintiff Ortiz  
11 and the Class Members as a whole.

12 43. UCU excludes Class Members in the National Class and California Subclass  
13 outright from credit or loan products and services on the basis of alienage and/or immigration  
14 status. The Class Members of the National Class and California Subclass are entitled to  
15 declaratory, equitable, and injunctive relief to end UCU's common, unfair, and discriminatory  
16 policies.  
17

18 **Rule 23(b)(3) – Superiority of Class Action**

19 44. A class action is superior to other available means for the fair and efficient  
20 adjudication of this controversy. Individual joinder of all Class Members is not practicable, and  
21 questions of law and fact common to the Class predominate over any questions affecting only  
22 individual Class Members. Each Class Member has been injured and is entitled to recovery by  
23 reason of Defendant's unlawful policies and practices of discrimination on the basis of alienage  
24 and/or immigration status and of denying full and equal access to Defendant's services.  
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1 45. No other litigation concerning this controversy has been commenced by or against  
2 Class Members.

3 46. Class-action treatment will allow similarly-situated persons to litigate their claims  
4 in the manner that is most efficient and economical for the parties and the judicial system. It is  
5 unlikely that individual Class Members have any interest in individually controlling separate  
6 actions in this case.

7 47. Under the Unruh Act, Class Members have been injured and are entitled to recovery  
8 of damages and statutory penalties because of UCU's discriminatory policies. Damages are  
9 capable of measurement on a class-wide basis. Plaintiff Ortiz and Class Members will rely on  
10 common evidence to resolve their legal and factual questions, including the applicable policies  
11 and practices in the relevant period.

12 48. Plaintiff Ortiz is unaware of any difficulties that are likely to be encountered in the  
13 management of this action that would preclude its maintenance as a class action. The benefits of  
14 maintaining this action on a class basis far outweigh any administrative burden in managing the  
15 class action. Conducting the case as a class action would be far less burdensome than prosecuting  
16 numerous individual actions.

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19 **FIRST CLAIM FOR RELIEF**

20 **Alienage Discrimination**

21 **(42 U.S.C. § 1981)**

22 49. Plaintiff Ortiz incorporates by reference the allegations raised in all preceding  
23 paragraph.

24 50. Plaintiff Ortiz brings this claim on her own behalf and on behalf of the National  
25 Class.

26 51. Plaintiff Ortiz and Class Members are persons within the jurisdiction of the United  
27 States.

1 52. Plaintiff and Class Members are aliens.

2 53. Plaintiff Ortiz and Class Members have the right to make and enforce contracts in  
3 the United States and are entitled to the full and equal benefits of the law.

4 54. Defendant conducts business in the United States and is obligated to comply with  
5 the provisions of 42 U.S.C. § 1981.

6 55. Defendant intentionally discriminated against Plaintiff Ortiz and members of the  
7 Class on the basis of alienage by denying them access to full review of their applications for credit  
8 or loan products.

9  
10 56. Plaintiff Ortiz and Class Members have no plain, adequate, or complete remedy at  
11 law to redress the wrongs alleged here. Plaintiff Ortiz and Class Members demand damages, and  
12 request that the Court issue a permanent injunction ordering Defendant to alter its policies and  
13 practices to prevent future discrimination on the basis of an applicant's alienage and to prevent  
14 further violations of 42 U.S.C. § 1981

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16 57. Plaintiff Ortiz and Class Members are now suffering, and will continue to suffer  
17 irreparable injury from UCU's discriminatory acts and omissions.

18 **SECOND CLAIM FOR RELIEF**  
19 **Violation of the Unruh Civil Rights Act**  
20 **(California Civil Code §§ 51, *et seq.*)**

21 58. Plaintiff Ortiz incorporates by reference all the allegations raised in all preceding  
22 paragraphs.

23 59. Plaintiff Ortiz brings this claim on her own behalf and on behalf of the California  
24 Subclass.

25 60. Plaintiff Ortiz and Class Members are persons within the jurisdiction of the State  
26 of California and resided in California at the time of Defendant's discriminatory acts.



- 1           iii.     Designation of Plaintiff’s counsel of record as Class Counsel;
- 2           iv.     Declaratory judgment that Defendant’s policies and practices set forth here are
- 3                 unlawful and violate 42 U.S.C. § 1981 and the California Unruh Civil Rights Act;
- 4           v.     Preliminary and permanent injunction against Defendant and its officers, agents,
- 5                 successors, employees, representatives, and any and all persons acting in concert
- 6                 with them, from engaging in each of the unlawful policies and practices set forth
- 7                 here and described in preceding paragraphs;
- 8           vi.     Award of statutory and compensatory damages to Plaintiff Ortiz and Class
- 9                 Members in an amount to be determined at trial;
- 10          vii.    Costs incurred, including reasonable attorneys’ fees and costs to the extent
- 11                 allowable by law;
- 12          viii.   Pre-judgment and post-judgment interest, as provided by law; and
- 13          ix.     For such other and further relief as this Court deems just and proper.
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16 Dated: July 18, 2024

Respectfully submitted,

17 */s/ Luis L. Lozada*

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