

Lily Hough (SBN 315277)
lhough@edelson.com
EDELSON PC
150 California Street, 18th Floor
San Francisco, California 94111
Tel: 415.212.9300
Fax: 415.373.9435

Additional counsel appear below signature line

Counsel for Plaintiffs and the Putative Classes

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JOSE MEDINA CAMACHO and
RHONDA COTTA, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

THE CONTROL GROUP MEDIA
COMPANY, LLC, a Delaware limited
liability company, and INSTANT
CHECKMATE, LLC, a Delaware
limited liability company,

Defendants.

Case No.: '21CV1954 MMAMDD

**CLASS ACTION COMPLAINT
FOR:**

**Violations of the Alabama Right
of Publicity Act and the
California Right of Publicity
Statute**

DEMAND FOR JURY TRIAL

Plaintiffs Jose Medina Camacho and Rhonda Cotta ("Plaintiffs) bring this Class Action Complaint against Defendants The Control Group Media Company, LLC ("TCG") and Instant Checkmate, LLC ("Instant Checkmate") to put an end to Defendants' unlawful practice of using the names and identities of Alabama and California residents without their consent in order to promote Defendants' services. Plaintiffs, on behalf of themselves and all others similarly situated, allege as follows upon personal knowledge as to their own acts and experiences, and, as to

1 all other matters, upon information and belief, including investigation conducted
2 by their own attorneys.

4 NATURE OF THE ACTION

5 1. Defendants operate InstantCheckmate.com, a website that purports to
6 sell access to a database containing proprietary “detailed reports” about people to
7 anybody willing to pay for a monthly subscription.

8 2. To market their services, Defendants encourage consumers to perform
9 a free “people search” on their website. When consumers perform a free search for
10 an individual—by typing the individual’s first and last name into the search bar—
11 Defendants display webpages featuring the searched individual’s full name
12 alongside certain uniquely identifying information, including age, location, and
13 names of relatives. The purpose of these pages is twofold: first, they show potential
14 customers that Defendants’ database contains detailed reports for the *specific*
15 individual they searched for and represent that the detailed report contains much
16 more information about the individual than the “free” report, and second, they
17 offer to sell them a paid subscription to their services, where they can access
18 detailed reports about *anybody* in their database. In other words, Defendants do not
19 offer to sell detailed reports about the individuals searched on their websites, but
20 rather, use their identities to sell subscriptions to Defendants’ paid services.

21 3. Unsurprisingly, the people appearing in these advertisements never
22 provided Defendants with their consent (written or otherwise) to use their identities
23 for any reason, let alone for Defendants’ own marketing and commercial purposes.

24 4. Defendants knowingly search for and obtain identifying information
25 on Alabama and California residents. Indeed, this lawsuit revolves around
26 Defendants’ business practice of acquiring identifying information about Alabama
27

1 and California residents with the specific intent of selling access to that
2 information to its customers.

3 5. Defendants compile and generate the content they advertise and sell
4 on their websites.

5 6. By knowingly using Plaintiffs' identities in their advertisements
6 without consent and for their own commercial gain, Defendants violated the right
7 of publicity laws in Alabama and California. Ala. Code § 6-5-770, *et seq.*; Cal.
8 Civ. Code § 3344.

9 **PARTIES**

10 **Plaintiffs**

11 7. Plaintiff Jose Medina Camacho is a natural person and a resident of
12 the State of Alabama.

13 8. Plaintiff Rhonda Cotta is a natural person and a resident of the State of
14 California.

15 **Defendants**

16 9. Defendant The Control Media Company, LLC ("TCG") is a limited
17 liability company existing under the laws of the State of Delaware with its
18 principal place of business located at 600 B Street, Suite 900, San Diego,
19 California 92101. TCG operates under a fictitious business name of
20 "PeopleConnect."

21 10. Defendant Instant Checkmate, LLC is a limited liability company
22 existing under the laws of the State of Delaware with its principal place of business
23 located at 600 B Street, Suite 900, San Diego, California 92101.

24 **JURISDICTION AND VENUE**

25 11. This Court has original jurisdiction over this action under the Class
26 Action Fairness Act ("CAFA"), 28 U.S.C. § 1332(d)(2). The amount in
27
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1 controversy exceeds \$5,000,000, exclusive of interest and costs, and there are more
2 than 100 members of the Class, defined below, many of which are citizens of a
3 different state than Defendants. Defendant TCG is a citizen of California, where it
4 maintains its principal place of business, and Defendant Instant Checkmate is a
5 citizen of California, where it maintains its principal place of business.

6 12. The Southern District of California has personal jurisdiction over
7 Defendants because both Defendants are headquartered and conduct substantial
8 business in this District.

9 13. Venue is proper in this Court under 28 U.S.C. § 1391 because
10 Defendants are headquartered and reside in this District, its senior officers are
11 located in this District, and a substantial part of the events giving rise to Plaintiffs’
12 claims arose in this District.

13 **FACTUAL ALLEGATIONS**

14 **I. THE ALABAMA RIGHT OF PUBLICITY ACT**

15 14. In 2015, the Alabama Legislature recognized that every person has the
16 “right of publicity in any indicia of identity,” Ala. Code § 6-5-771(3), and as a
17 result, passed the Alabama Right of Publicity Act, (“ARPA”), to protect individual
18 property rights and prevent the exploitation of individuals’ identities for another’s
19 commercial gain.

20 15. The ARPA protects individuals from the unauthorized use of any of
21 their attributes, including but not limited to, their names, signatures, photographs,
22 images, likenesses, voices, or a substantially similar limitation of one or more of
23 those attributes in the sale or advertisement of products, goods, merchandise, and
24 services.

25 16. In fact, the ARPA states that, “any person or entity who uses or
26 causes the use of the indicia of identity of a person . . . for purposes of advertising
27

1 or selling, or soliciting purchases of, products, goods, merchandise, or services . . .
 2 without consent shall be liable under this article to that person, or to a holder of
 3 that person's rights." Ala. Code § 6-5-772(a).

4 17. Notably, the ARPA provides a right of publicity "in any indicia of
 5 identity . . . whether or not famous," Ala. Code § 6-5-771(3), as well as liability for
 6 persons or entities who wrongfully use another person's indicia of identity
 7 "whether the use is for profit or not for profit." Ala. Code § 6-5-772(b).

8 **II. THE CALIFORNIA RIGHT OF PUBLICITY STATUTE**

9 18. Similarly, the California legislature enacted a right of publicity statute
 10 in 1971 to protect individual property rights and prevent the exploitation of
 11 individuals' identities for another's commercial gain.

12 19. The statute protects individuals from the unauthorized use of any of
 13 their attributes, including but not limited to, their names, signatures, photographs,
 14 images, likenesses, voices, or a substantially similar limitation of one or more of
 15 those attributes in the sale or advertisement of products, goods, merchandise, and
 16 services.

17 20. To this end, the statute states that, "[a]ny person who knowingly uses
 18 another's name, voice, signature, photograph, or likeness, in any manner, on or in
 19 products, merchandise, or goods, or for purposes of advertising or selling, or
 20 soliciting purchases of, products, merchandise, goods or services, without such
 21 person's prior consent . . . shall be liable for any damages sustained by the person
 22 or persons injured as a result thereof." Cal. Civ. Code § 3344(a).

23 **III. DEFENDANTS USE INDIVIDUALS' IDENTITIES TO PROMOTE** 24 **THEIR PAID SUBSCRIPTION SERVICE**

25 21. TCG controls and operates four "people search" websites:
 26 TruthFinder, Intelius, Instant Checkmate, and US Search (the "People Search
 27
 28

1 Websites”).

2 22. TCG designed each of the People Search Websites to operate in a
3 substantially similar way: to misappropriate consumers’ identities for its own
4 commercial gain by using Plaintiffs’ and the Class members’ identities in
5 conjunction with an offer to purchase a paid subscription to access its database—
6 entirely without their knowledge or consent.

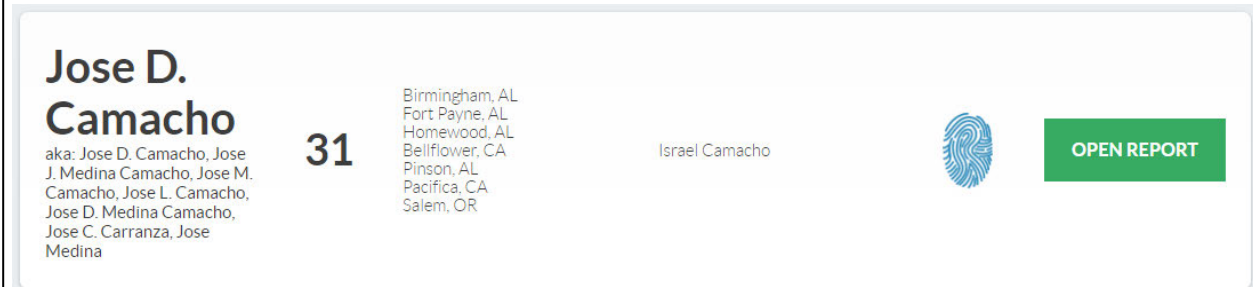
7 23. TCG created and controls the marketing and advertising of all the
8 People Search Websites, including the Marketing Page solicitations at issue in this
9 case. TCG also controls many other operational aspects of each of the People
10 Search Websites. This includes, for example, the Websites’ use of virtually
11 identical customer agreements and notices, the same graphical interface features
12 and site layouts, and the same databases and other resources to respond to searches
13 performed on the websites.

14 24. The People Search Website at issue here is InstantCheckmate.com, a
15 website that sells access to comprehensive background reports “on just about
16 anyone.” The reports are compiled in part from databases and public record
17 repositories.

18 25. Subscriptions that let users access Instant Checkmate reports must be
19 purchased from the InstantCheckmate.com website. Once a subscription is
20 purchased, users may access individual reports that may include high value
21 information including, *inter alia*, the individual’s address, birth date, marriage
22 records, and criminal history.

23 26. As shown in Figures 1 and 2 below, when a consumer visits
24 InstantCheckmate.com and searches for an individual by using their first and last
25 name, InstantCheckmate.com displays a list of the individuals found within its
26 records that have the same name, alongside certain uniquely identifying
27
28

information such as each individual's current age, location and names of their immediate family members (the "Instant Checkmate Marketing Page").



(Figure 1.)



(Figure 2.)

27. Once a consumer selects an individual (by clicking "Open Report") from the Instant Checkmate Marketing Page, Instant Checkmate displays a checkout page with two offers to purchase a subscription to the website: (i) a "MOST POPULAR" tier costing \$35.12 per month with access to one month of unlimited reports and (ii) the "Power User" tier costing \$84.28, with access to three months of unlimited reports. *See* Figure 3.



(Figure 3.)

28. While a consumer may visit InstantCheckmate.com to search and potentially obtain information on one specific individual, Instant Checkmate ultimately offers for sale an entirely different product. Instant Checkmate is not offering for sale only information on the searched individual. Instead, Instant Checkmate is offering for sale a monthly subscription service that grants the purchaser unlimited access to background reports on anybody in its database. The searched-for individual's report is a small part of a large database with reports on millions of people.

29. In this way, Instant Checkmate misappropriated people's identities (individuals' names and other identifying information such as their age, location, and known relatives) for its own commercial benefit (i.e., to market and promote a monthly subscription to access unlimited reports on individuals in its database).

30. Most importantly, Instant Checkmate never obtained written consent from Plaintiffs and Class members to use their names for any reason, let alone for commercial purposes. Defendants never notified Plaintiffs and Class members that their names would appear on the Instant Checkmate Marketing Page in conjunction

1 with an offer to purchase subscription access to its database of reports. Moreover,
2 Plaintiffs and the Class members have no relationship with TCG or Instant
3 Checkmate whatsoever.

4
5 **FACTS SPECIFIC TO PLAINTIFFS JOSE MEDINA CAMACHO AND**
6 **RHONDA COTTA**

7 31. Plaintiffs Jose Medina Camacho and Rhonda Cotta discovered that
8 Defendants were using their identities to solicit the purchase of paid subscriptions
9 to InstantCheckmate.com.

10 32. Defendants specifically identified Plaintiffs by their full names, ages,
11 locations, and names of immediate family members on the Instant Checkmate
12 Marketing Page. *See* Figures 1 and 2.

13 33. Plaintiffs never provided Defendants with their written consent (or
14 consent of any kind) to use any attribute of their identities for commercial
15 purposes, and certainly never authorized Defendants to use their identities to
16 promote any of their products or services.

17 34. Defendants have never provided Plaintiffs with compensation of any
18 kind for their use of Plaintiffs' identities in connection with any advertising on
19 Instant Checkmate or any other website.

20 35. Plaintiffs are not and have never been customers of any of
21 Defendants' websites. In fact, they have no relationship with TCG or Instant
22 Checkmate whatsoever.

23 **CLASS ALLEGATIONS**

24 36. **Class Definitions:** Plaintiffs Jose Medina Camacho and Rhonda Cotta
25 bring this action pursuant to Federal Rule of Civil Procedure 23(b)(2) and 23(b)(3)
26 on behalf of themselves and two Classes (collectively, the "Classes"), defined as
27 follows:
28

1 **Alabama Class (represented by Plaintiff Camacho):** All Alabama
 2 residents (1) whose identities were displayed on the Instant Checkmate
 Marketing Page and (2) who have never purchased any products or
 services on InstantCheckmate.com.

3 **California Class (represented by Plaintiff Cotta):** All California
 4 residents (1) whose identities were displayed on the Instant Checkmate
 Marketing Page and (2) who have never purchased any products or
 services on InstantCheckmate.com.

5 37. Excluded from the Classes are: (1) any Judge or Magistrate presiding
 6 over this action and members of their families; (2) Defendants, Defendants'
 7 subsidiaries, parents, successors, predecessors, and any entity in which the
 8 Defendants or their parents have a controlling interest and its current or former
 9 employees, officers and directors; (3) persons who properly execute and file a
 10 timely request for exclusion from the Classes; (4) persons whose claims in this
 11 matter have been finally adjudicated on the merits or otherwise released; (5)
 12 Plaintiffs' counsel and Defendants' counsel; and (6) the legal representatives,
 13 successors, and assigns of any such excluded persons.

14 38. **Ascertainability and Numerosity:** The exact number of Class
 15 members is unknown and not available to Plaintiffs at this time, but it is clear that
 16 individual joinder is impracticable. Additionally, the Classes are ascertainable
 17 because their members will be easily identified through Defendants' records.

18 39. **Commonality and Predominance:** There are many questions of law
 19 and fact common to the claims of Plaintiffs and the putative Classes, and those
 20 questions predominate over any questions that may affect individual members of
 21 the Classes. Common questions for the Classes include, but are not necessarily
 22 limited to the following:

- 23 a. Whether Defendants used Plaintiffs' and Class members'
 24 names and identities for a commercial purpose;
- 25 b. Whether Plaintiffs and Class members provided their
 26 written consent to Defendants to use their names and
 27

1 identities in advertisements;

2 c. Whether the conduct described herein constitutes a
3 violation of the right of publicity laws in Alabama and
4 California; and

5 d. Whether Plaintiffs and the Class members are entitled to
6 injunctive relief.

7 40. **Typicality:** Plaintiffs' claims are typical of the claims of other
8 members of the Classes, in that Plaintiffs and the Class members sustained
9 damages arising out of Defendants' uniform wrongful conduct.

10 41. **Adequate Representation:** Plaintiffs will fairly and adequately
11 represent and protect the interests of the Classes and have retained counsel
12 competent and experienced in complex class actions. Plaintiffs have no interests
13 antagonistic to those of the Classes, and Defendants have no defense unique to
14 Plaintiffs.

15 42. **Policies Generally Applicable to the Classes:** This class action is
16 appropriate for certification because Defendants have acted or refused to act on
17 grounds generally applicable to the Classes as a whole, thereby requiring the
18 Court's imposition of uniform relief to ensure compatible standards of conduct
19 toward the members of the Classes and making final injunctive relief appropriate
20 with respect to the Classes as a whole. Defendants' policies challenged herein
21 apply and affect members of the Classes uniformly and Plaintiffs' challenge of
22 these policies hinges on Defendants' conduct with respect to the Classes as a
23 whole, not on facts or law applicable only to Plaintiffs. Plaintiffs and the members
24 of the Classes have suffered harm and damages as a result of Defendants' unlawful
25 and wrongful conduct.

26 43. **Superiority:** This case is also appropriate for class certification
27
28

1 because class proceedings are superior to all other available methods for the fair
 2 and efficient adjudication of this controversy because joinder of all parties is
 3 impracticable. The damages suffered by the individual members of the Classes will
 4 likely be relatively small, especially given the burden and expense of individual
 5 prosecution of the complex litigation necessitated by Defendants' actions. Thus, it
 6 would be virtually impossible for the individual members of the Classes to obtain
 7 effective relief from Defendants' misconduct. Even if members of the Classes
 8 could sustain such individual litigation, it would still not be preferable to a class
 9 action, because individual litigation would increase the delay and expense to all
 10 parties due to the complex legal and factual controversies presented in this
 11 Complaint. By contrast, a class action presents far fewer management difficulties
 12 and provides the benefits of single adjudication, economies of scale, and
 13 comprehensive supervision by a single Court. Economies of time, effort and
 14 expense will be fostered and uniformity of decisions ensured.

15 **COUNT I**
 16 **Violation of the Alabama Right of Publicity Act**
 17 ***Ala. Code § 6-5-770 et seq.***
 18 **(On behalf of Plaintiff Camacho and the Alabama Class)**

19 44. Plaintiff Camacho incorporates the foregoing allegations as if fully set
 20 forth herein.

21 45. The ARPA prohibits using a person's name, image, or likeness for the
 22 purpose of advertising or promoting products, merchandise, goods or services
 23 without consent. *See Ala. Code § 6-5-772.*

24 46. Defendants sold and/or sell subscription-based access to their
 25 databases containing detailed reports about people.

26 47. As described above, to promote those reports, Defendants used and/or
 27 use Plaintiff Camacho's and the putative Alabama class members' identities on
 28 their various Marketing Pages, which display the individuals found within their

1 records that match the searched name, alongside uniquely identifying information
2 such as each person's current age, location, and names of their immediate family
3 members. This information served and/or serves to identify the individual and
4 demonstrate that there are detailed reports in their databases for the person they
5 searched for.

6 48. The Marketing Pages have a commercial purpose in that they promote
7 the Defendants' website and encourage potential customers to purchase paid
8 subscriptions to access reports in their database.

9 49. Plaintiff and members of the Alabama Class never provided
10 Defendants with their consent to use their identities in advertisements for
11 Defendants' paid subscriptions.

12 50. Defendants deprived Plaintiff and Alabama Class members of control
13 over whether and how their names can be used for commercial purposes.

14 51. By using their identities in advertisements to sell their services,
15 Defendants derived economic value from Plaintiff and the Alabama Class
16 members' identities and, in turn, deprived Plaintiff and the Alabama Class
17 members of such value. Defendants did not compensate Plaintiff and the Alabama
18 Class members for their use of Plaintiff and the Alabama Class members'
19 identities. This conduct resulted in economic injury to Plaintiff and the Alabama
20 Class members.

21 52. Based upon Defendants' violation of the ARPA, Plaintiff Camacho
22 and Alabama Class members are entitled to (1) an injunction requiring Defendants
23 to cease using their names and any attributes of their identities to advertise their
24 products and services, (2) the greater of an award of actual damages (including
25 profits derived from the unauthorized use of Plaintiff Camacho's and Alabama
26 Class members' names and identities) or statutory damages of \$5,000 per violation
27
28

1 to the members of the Class, (3) an award of punitive damages, and (4) an award of
2 costs and reasonable attorneys' fees.

3 **COUNT 2**
4 **Violation of the California Right of Publicity Statute**
5 **Cal. Civ. Code § 3344**
6 **(On behalf of Plaintiff Cotta and the California Class)**

7 53. Plaintiff Cotta incorporates the foregoing allegations as if fully set
8 forth herein.

9 54. The California Right of Publicity Statute prohibits and provides
10 damages for the knowing misappropriation of an individual's name, voice,
11 signature, photograph, or likeness in advertising or soliciting without the
12 individual's prior consent. *See* Cal. Civ. Code § 3344(a).

13 55. Defendants sold and/or sell subscription-based access to their
14 databases containing detailed reports about people.

15 56. As described above, to promote those reports, Defendants used and/or
16 use Plaintiff Cotta's and the putative California class members' identities on their
17 various Marketing Pages, which display the individuals found within their records
18 that match the searched name, alongside uniquely identifying information such as
19 each person's current age, location, and names of their immediate family members.
20 This information served and/or serves to identify the individual and demonstrate
21 that there are detailed reports in their databases for the person they searched for.

22 57. The Marketing Pages have a commercial purpose in that they promote
23 the Defendants' website and encourage potential customers to purchase paid
24 subscriptions to access reports in their database.

25 58. Plaintiff and members of the California Class never provided
26 Defendants with their consent to use their identities in advertisements for
27 Defendants' paid subscriptions.

28 59. Defendants deprived Plaintiff and California Class members of

1 control over whether and how their names can be used for commercial purposes.

2 60. By using their identities in advertisements to sell their services,
3 Defendants derived economic value from Plaintiff and the California Class
4 members' identities and, in turn, deprived Plaintiff and the California Class
5 members of such value. Defendants did not compensate Plaintiff and the California
6 Class members for their use of Plaintiff and the California Class members'
7 identities. This conduct resulted in economic injury to Plaintiff and the California
8 Class members.

9 61. Based upon Defendants' violation of the California Right of Publicity
10 Statute, Plaintiff Cotta and California Class members are entitled to (1) an
11 injunction requiring Defendants to cease using their names and any attributes of
12 their identities to advertise their products and services, (2) the greater of an award
13 of actual damages (including profits derived from the unauthorized use of Plaintiff
14 Cotta's and California Class members' names and identities) or statutory damages
15 of \$750 per violation to the members of the California Class, (3) an award of
16 punitive damages, and (4) an award of costs and reasonable attorneys' fees under
17 Cal. Civ. Code § 3344(a).

18 PRAYER FOR RELIEF

19 **WHEREFORE**, Plaintiffs, individually and on behalf of the Classes, pray
20 that the Court enter an Order:

- 21 a. Certifying this case as a class action defined above, appointing
22 Jose Medina Camacho and Rhonda Cotta as representatives of
23 the Alabama and California Classes, respectively, and
24 appointing their attorneys as Class Counsel;
- 25 b. Declaring that Defendants' actions described herein constitute a
26 violation of the Alabama Right of Publicity Act and the
27

1 California Right of Publicity Statute;

- 2 c. Awarding injunctive and other equitable relief as necessary to
 3 protect the interest of the Classes, including, *inter alia*, an order
 4 prohibiting Defendants from engaging in the wrongful and
 5 unlawful acts described herein;
- 6 d. Awarding statutory damages in amounts to be determined by
 7 the Court and/or jury;
- 8 e. Awarding punitive damages where applicable;
- 9 f. Awarding Plaintiffs and the Classes their reasonable litigation
 10 expenses and attorneys' fees;
- 11 g. Awarding Plaintiffs and the Classes pre- and post-judgment
 12 interest; and
- 13 h. Granting such other and further relief as the Court deems
 14 equitable and just.

15 Respectfully submitted,

16 **JOSE MEDINA CAMACHO** and
 17 **RHONDA COTTA**, individually and on
 18 behalf of all others similarly situated,

19 Dated: November 16, 2021

20 By: /s/ Lily Hough
 21 One of Plaintiffs' Attorneys

22 Lily Hough (SBN 315277)
 23 **EDELSON PC**
 24 150 California Street, 18th Floor
 25 San Francisco, California 94111
 26 Tel: (415) 212.9300
 27 Fax: (415) 373.9435
 28 lhough@edelson.com

Benjamin H. Richman (*Pro Hac Vice*
 admission to be sought)
 Ari J. Scharg (*Pro Hac Vice* admission to be
 sought)
 Benjamin Thomassen (*Pro Hac Vic*
 admission to be sought)

EDELSON PC

350 North LaSalle Street, 14th Floor
Chicago, Illinois 60654
Tel: (312) 589.6370
Fax: (312) 589.6378
brichman@edelson.com
ascharg@edelson.com
bthomassen@edelson.com

Kevin Tucker (He/Him) (*Pro Hac Vice*
admission to be sought)

Kevin Abramowicz (He/Him) (*Pro Hac*
Vice admission to be sought)

EAST END TRIAL GROUP LLC

6901 Lynn Way, Suite 215
Pittsburgh, PA 15208
Tel. (412) 877-5220
Fax. (412) 626-7101
ktucker@eastendtrialgroup.com
kabramowicz@eastendtrialgroup.com

Philip L. Fraietta (*Pro Hac Vice* admission
to be sought)

BURSOR & FISHER, P.A.

888 Seventh Avenue
New York, NY 10019
Tel: (646) 837-7150
Fax: (212) 989-9163
pfraietta@bursor.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JOSE MEDINA CAMACHO and RHONDA COTTA, on behalf of themselves and all others similarly situated

(b) County of Residence of First Listed Plaintiff Jefferson Cnty, Ala.
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See attachment

DEFENDANTS

THE CONTROL GROUP MEDIA COMPANY, LLC, and INSTANT CHECKMATE, LLC

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

'21CV1954 MMAMDD

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Class Action Fairness Act, 28 U.S.C. § 1332(d)(2)

Brief description of cause:
Violations of Ala. Code § 6-5-770 and Cal. Civ. Code § 3344

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
5,000,000+

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Nov 16, 2021

SIGNATURE OF ATTORNEY OF RECORD

/s/ Lily Hough

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

JOSE MEDINA CAMACHO and RHONDA COTTA adv. THE CONTROL GROUP MEDIA COMPANY, LLC, a Delaware limited liability company, and Instant Checkmate, LLC, a Delaware limited liability company.

Plaintiffs' Attorneys

Lily Hough (SBN 315277)
EDELSON PC
150 California Street, 18th Floor
San Francisco, California 94111
Tel: 415.212.9300

Benjamin H. Richman (*Pro Hac Vice* admission to be sought)
Ari J. Scharg (*Pro Hac Vice* admission to be sought)
Benjamin Thomassen (*Pro Hac Vice* admission to be sought)
EDELSON PC
350 North LaSalle Street, 14th Floor
Chicago, Illinois 60654
Tel: (312) 589.6370

Kevin Tucker (He/Him) (*Pro Hac Vice* admission to be sought)
Kevin Abramowicz (He/Him) (*Pro Hac Vice* admission to be sought)
EAST END TRIAL GROUP LLC
6901 Lynn Way, Suite 215
Pittsburgh, PA 15208
Tel. (412) 877-5220

Philip L. Fraietta (*Pro Hac Vice* admission to be sought)
BURSOR & FISHER, P.A.
888 Seventh Avenue
New York, NY 10019
Tel: (646) 837-7150

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [InstantCheckmate, TruthFinder Misappropriated Consumers' Identities for Commercial Gain, Lawsuits Allege](#)
