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

12 JOSE MEDINA CAMACHO and
13 RHONDA COTTA, on behalf of
14 themselves and all others similarly
15 situated,

16 Plaintiffs,

17 v.

18 THE CONTROL GROUP MEDIA
19 COMPANY, LLC, a Delaware limited
20 liability company, and
21 TRUTHFINDER, LLC, a Delaware
22 limited liability company,

23 Defendants.

24 Case No.: '21CV1957 MMAJLB

25 **CLASS ACTION COMPLAINT**
26 **FOR:**

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

DEMAND FOR JURY TRIAL

29 Plaintiffs Jose Medina Camacho and Rhonda Cotta (“Plaintiffs”) bring this
30 Class Action Complaint against Defendants The Control Group Media Company,
31 LLC (“TCG”) and TruthFinder, LLC (“TruthFinder”) to put an end to Defendants’
32 unlawful practice of using the names and identities of Alabama and California
33 residents without their consent in order to promote Defendants’ services. Plaintiffs,
34 on behalf of themselves and all others similarly situated, allege as follows upon
35 personal knowledge as to their own acts and experiences, and, as to all other

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

3 NATURE OF THE ACTION

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

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

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

23 4. Defendants knowingly search for and obtain identifying information
24 on Alabama and California residents. Indeed, this lawsuit revolves around
25 Defendants’ business practice of acquiring identifying information about Alabama
26 and California residents with the specific intent of selling access to that
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1 information to their consumers.

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

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

8 **PARTIES**

9 **Plaintiffs**

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

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

14 **Defendants**

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

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

22 **JURISDICTION AND VENUE**

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

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

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

11 **FACTUAL ALLEGATIONS**

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

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

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

23 16. In fact, the ARPA states that, “any person or entity who uses or
24 causes the use of the indicia of identity of a person . . . for purposes of advertising
25 or selling, or soliciting purchases of, products, goods, merchandise, or services . . .
26 without consent shall be liable under this article to that person, or to a holder of
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1 that person’s rights.” Ala. Code § 6-5-772(a).

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

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

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

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

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

21 **III. DEFENDANTS USE INDIVIDUALS’ IDENTITIES TO PROMOTE**
22 **THEIR PAID SUBSCRIPTION SERVICE**

23 21. TCG controls and operates four “people search” websites:
24 TruthFinder, Intelius, Instant Checkmate, and US Search (the “People Search
25 Websites”).

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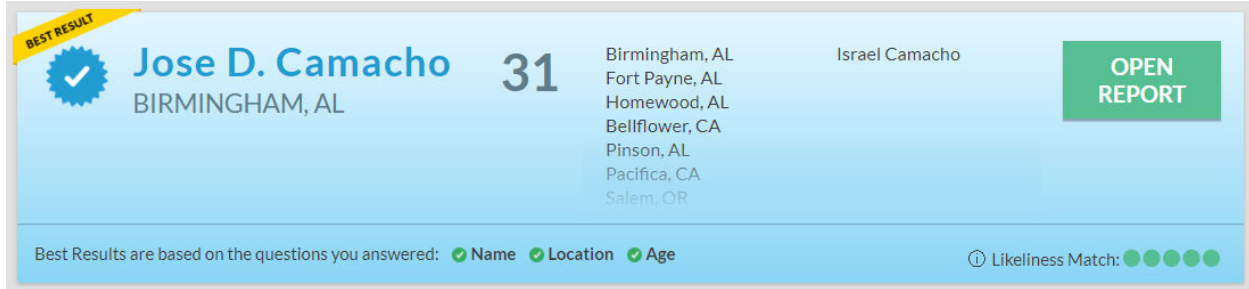
1 substantially similar way: to misappropriate consumers’ identities for its own
2 commercial gain by using Plaintiffs’ and the Class members’ identities in
3 conjunction with an offer to purchase a paid subscription to access its database—
4 entirely without their knowledge or consent.

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

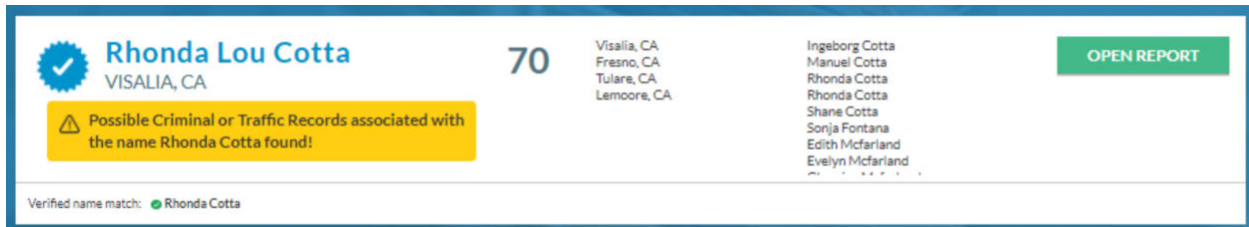
12 24. The People Search Website at issue here is Truthfinder.com, a website
13 that sells access to comprehensive background reports “on just about anyone.” The
14 reports are compiled in part from databases and public record repositories.

15 25. Subscriptions that let users access TruthFinder reports must be
16 purchased from the Truthfinder.com website. Once a subscription is purchased,
17 users may access individual reports that may include high value information
18 including, *inter alia*, the individual’s address, birth date, marriage records, and
19 criminal history.

20 26. As shown in Figures 1 and 2 below, when a consumer visits
21 Truthfinder.com and searches for an individual by using their first and last name,
22 Truthfinder.com displays a list of the individuals found within its records that have
23 the same name, alongside certain uniquely identifying information such as each
24 individual’s current age, location and names of their immediate family members
25 (the “TruthFinder Marketing Page”).
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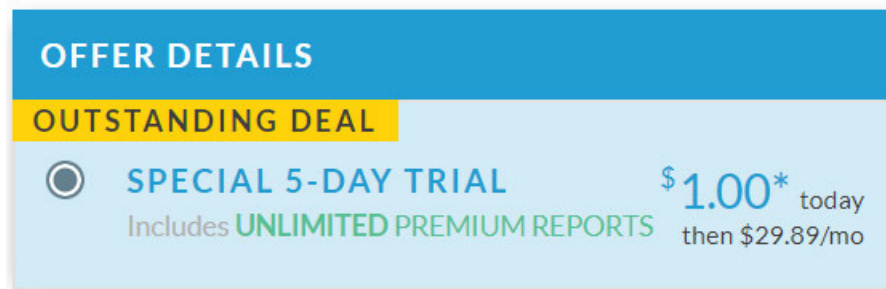


(Figure 1.)



(Figure 2.)

27. Once a consumer selects an individual (by clicking “Open Report”) from the TruthFinder Marketing Page, TruthFinder displays a checkout page with an offer to purchase a subscription to the website: a 5-day trial costing \$1.00 with access to unlimited reports, with a monthly subscription costing \$29.89 per month thereafter. See Figure 3.



(Figure 3.)

28. While a consumer may visit Truthfinder.com to search and potentially obtain information on one specific individual, TruthFinder ultimately offers for sale an entirely different product. TruthFinder is not offering for sale only information on the searched individual. Instead, TruthFinder is offering for sale a

1 monthly subscription service that grants the purchaser unlimited access to
2 background reports on anybody in its database. The searched-for individual's
3 report is a small part of a large database with reports on millions of people.

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

8 30. Most importantly, TruthFinder never obtained written consent from
9 Plaintiffs and Class members to use their names for any reason, let alone for
10 commercial purposes. Defendants never notified Plaintiffs and Class members that
11 their names would appear on the TruthFinder Marketing Page in conjunction with
12 an offer to purchase subscription access to its database of reports. Moreover,
13 Plaintiffs and the Class members have no relationship with TCG or TruthFinder
14 whatsoever.

15
16 **FACTS SPECIFIC TO PLAINTIFFS JOSE MEDINA CAMACHO AND
RHONDA COTTA**

17 31. Plaintiffs Jose Medina Camacho and Rhonda Cotta discovered that
18 Defendants were using their identities to solicit the purchase of paid subscriptions
19 to Truthfinder.com.

20 32. Defendants specifically identified Plaintiffs by their full names, ages,
21 locations, and names of immediate family members on the TruthFinder Marketing
22 Page. *See* Figures 1 and 2.

23 33. Plaintiffs never provided Defendants with their written consent (or
24 consent of any kind) to use any attribute of their identities for commercial
25 purposes, and certainly never authorized Defendants to use their identities to
26 promote any of their products or services.
27

1 34. Defendants have never provided Plaintiffs with compensation of any
2 kind for their use of Plaintiffs' identities in connection with any advertising on
3 TruthFinder or any other website.

4 35. Plaintiffs are not and have never been customers of any of
5 Defendants' websites. In fact, they have no relationship with TCG or TruthFinder
6 whatsoever.

7 **CLASS ALLEGATIONS**

8 36. **Class Definitions:** Plaintiffs Jose Medina Camacho and Rhonda Cotta
9 bring this action pursuant to Federal Rule of Civil Procedure 23(b)(2) and 23(b)(3)
10 on behalf of themselves and two Classes (collectively, the "Classes", unless
11 otherwise stated), defined as follows:

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

15 **California Class (represented by Plaintiff Cotta):** All California
16 residents (1) whose identities were displayed on the TruthFinder
Marketing Page and (2) who have never purchased any products or
services on Truthfinder.com.

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

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

4 **39. Commonality and Predominance:** There are many questions of law
5 and fact common to the claims of Plaintiffs and the putative Classes, and those
6 questions predominate over any questions that may affect individual members of
7 the Classes. Common questions for the Classes include, but are not necessarily
8 limited to the following:

- 9 a. Whether Defendants used Plaintiffs' and Class members'
10 names and identities for a commercial purpose;
- 11 b. Whether Plaintiffs and Class members provided their
12 written consent to Defendants to use their names and
13 identities in advertisements;
- 14 c. Whether the conduct described herein constitutes a
15 violation of right of publicity laws in Alabama and
16 California; and
- 17 d. Whether Plaintiffs and the Class members are entitled to
18 injunctive relief.

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

22 **41. Adequate Representation:** Plaintiffs will fairly and adequately
23 represent and protect the interests of the Classes and have retained counsel
24 competent and experienced in complex class actions. Plaintiffs have no interests
25 antagonistic to those of the Classes, and Defendants have no defense unique to
26 Plaintiffs.

1 42. **Policies Generally Applicable to the Classes:** This class action is
2 appropriate for certification because Defendants have acted or refused to act on
3 grounds generally applicable to the Classes as a whole, thereby requiring the
4 Court’s imposition of uniform relief to ensure compatible standards of conduct
5 toward the members of the Classes and making final injunctive relief appropriate
6 with respect to the Classes as a whole. Defendants’ policies challenged herein
7 apply and affect members of the Classes uniformly and Plaintiffs’ challenge of
8 these policies hinges on Defendants’ conduct with respect to the Classes as a
9 whole, not on facts or law applicable only to Plaintiffs. Plaintiffs and the members
10 of the Classes have suffered harm and damages as a result of Defendants’ unlawful
11 and wrongful conduct.

12 43. **Superiority:** This case is also appropriate for class certification
13 because class proceedings are superior to all other available methods for the fair
14 and efficient adjudication of this controversy because joinder of all parties is
15 impracticable. The damages suffered by the individual members of the Classes will
16 likely be relatively small, especially given the burden and expense of individual
17 prosecution of the complex litigation necessitated by Defendants’ actions. Thus, it
18 would be virtually impossible for the individual members of the Classes to obtain
19 effective relief from Defendants’ misconduct. Even if members of the Classes
20 could sustain such individual litigation, it would still not be preferable to a class
21 action, because individual litigation would increase the delay and expense to all
22 parties due to the complex legal and factual controversies presented in this
23 Complaint. By contrast, a class action presents far fewer management difficulties
24 and provides the benefits of single adjudication, economies of scale, and
25 comprehensive supervision by a single Court. Economies of time, effort and
26 expense will be fostered and uniformity of decisions ensured.

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

1
2
3 44. Plaintiff Camacho incorporates the foregoing allegations as if fully set
4 forth herein.

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

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

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

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

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

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

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

7 52. Based upon Defendants' violation of the ARPA, Plaintiff Camacho
8 and Alabama Class members are entitled to (1) an injunction requiring Defendants
9 to cease using their names and any attributes of their identities to advertise their
10 products and services, (2) the greater of an award of actual damages (including
11 profits derived from the unauthorized use of Plaintiff Camacho's and Alabama
12 Class members' names and identities) or statutory damages of \$5,000 per violation
13 to the members of the Alabama Class, (3) an award of punitive damages, and (4)
14 an award of costs and reasonable attorneys' fees under Ala. Code § 6-5-774.

15 **COUNT 2**

16 **Violation of the California Right of Publicity Statute**

17 **Cal. Civ. Code § 3344**

18 **(On behalf of Plaintiff Cotta and the California Class)**

19 53. Plaintiff Cotta incorporates the foregoing allegations as if fully set
20 forth herein.

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

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

27 56. As described above, to promote those reports, Defendants used and/or
28 use Plaintiff Cotta's and the putative California class members' identities on their

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

6 57. 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 58. Plaintiff and members of the California Class never provided
10 Defendants with their consent to use their identities in advertisements for
11 Defendants' paid subscriptions.

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

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

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

4 **PRAYER FOR RELIEF**

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

- 7 a. Certifying this case as a class action defined above, appointing
8 Jose Medina Camacho and Rhonda Cotta as representatives of
9 the Alabama and California Classes, respectively, and
10 appointing their attorneys as Class Counsel;
- 11 b. Declaring that Defendants' actions described herein constitute a
12 violation of the Alabama Right of Publicity Act and the
13 California Right of Publicity Statute;
- 14 c. Awarding injunctive and other equitable relief as necessary to
15 protect the interest of the Classes, including, *inter alia*, an order
16 prohibiting Defendants from engaging in the wrongful and
17 unlawful acts described herein;
- 18 d. Awarding statutory damages in amounts to be determined by
19 the Court and/or jury;
- 20 e. Awarding punitive damages where applicable;
- 21 f. Awarding Plaintiffs and the Classes their reasonable litigation
22 expenses and attorneys' fees;
- 23 g. Awarding Plaintiffs and the Classes pre- and post-judgment
24 interest; and
- 25 h. Granting such other and further relief as the Court deems
26 equitable and just.
- 27
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Respectfully submitted,

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

Dated: November 16, 2021

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

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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 TRUTHFINDER, 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)

'21CV1957 MMAJLB

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

- 1 US Government Plaintiff, 2 US Government Defendant, 3 Federal Question, 4 Diversity

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

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PIF, DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Property Damage, Labor, etc.

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, 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.

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ClassAction.org

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