

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.:

DEMIS ESPINOZA, on behalf of himself and on
behalf of all others similarly situated,

Plaintiff,

- against -

MANAGED LABOR SOLUTIONS, LLC, and,
PEOPLEASE, LLC,

Defendants. /

DEFENDANT PEOPLEASE'S NOTICE OF REMOVAL

Defendant Peoplease, LLC (“Peoplease”), has removed this case to the United States District Court of the Southern District of Florida pursuant to 28 U.S.C. § 1331, § 1441 and § 1446. The grounds for removal are as follows:

1. On or about June 1, 2021, a civil action was filed in the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida, which is captioned *Demis Espinoza, on behalf of himself and on behalf of all others similarly situated v. Managed Labor Solutions, LLC, and, Peoplease, LLC* (the “State Court Case”). The State Court Case was assigned Local Case No. 2021-012815-CA-01. Pursuant to 28 U.S.C. § 1446(a), attached hereto as Exhibit 1 are true and correct copies the docket and documents filed in this case to date. The Complaint is an action for violation of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681a-1681x.

FEDERAL QUESTION JURISDICTION

2. Based on Plaintiff’s Complaint and the preceding facts, this Court has original jurisdiction over this action, pursuant to 28 U.S.C. § 1331 because the Complaint raises a federal

question under the FCRA.

VENUE IS PROPER

3. The United States District Court for the Southern of Florida embraces the location where the State Court Case was filed. Thus, removal is proper to this Court pursuant to 28 U.S.C. § 1441.

THE REMOVAL IS TIMELY

4. This Notice of Removal has been filed within 30 days of Defendant's receipt of a copy of the Complaint in the State Court Case. Thus, this Notice of a Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

PAPERS FROM REMOVED ACTION

5. Pursuant to 28 U.S.C. § 1446(a), copies of all processes, pleadings and orders served on Defendant in this action are attached to this Notice of Removal. *See* Exhibit 1.

FILING OF REMOVAL PAPERS

6. Pursuant to 28 U.S.C. § 1446(d), Defendant has provided written Notice of Removal to all parties in this action, and has filed a copy of this Notice of Removal in the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida. *See* Exhibit 2.

WHEREFORE, Defendant respectfully requests that the above-described action pending in the Eleventh Judicial Circuit, in and for Miami-Dade County, be removed to this Court.

Dated: July 26, 2021

Respectfully submitted,

By: /s/ Garrett S. Kamen

Garrett S. Kamen
Florida Bar No.: 125854
FISHER & PHILLIPS LLP
450 East Las Olas Boulevard, Suite 800
Fort Lauderdale, Florida 33301
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Attorneys for Defendant Peoplease, LLC

CERTIFICATE OF SERVICE

I certify that on **July 26, 2021** I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system and that a true and correct copy of the foregoing document has been provided to all counsel of record or unrepresented parties on the service list below by the method indicated.

/s/ Garrett S. Kamen

GARRETT S. KAMEN

Service List

Marc R. Edelman
MORGAN & MORGAN, P.A.
201 N. Franklin Street, Suite 700
Tampa, FL 33602
medelman@forthepeople.com

Attorneys for Plaintiff

(By CM/ECF)

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

Demis Espinoza and others similarly situated

DEFENDANTS

Managed Labor Solutions, LLC and Peoplelease, LLC

(b) County of Residence of First Listed Plaintiff Miami-Dade County (EXCEPT IN U.S. PLAINTIFF CASES)

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

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

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

Marc R. Edelman, Morgan & Morgan, P.A., 201 N. Franklin St., Ste 700, Tampa, FL 33602

Attorneys (If Known)

Garrett Kamen, Matthew R. Simpson and JonVieve D. Hill (Motion for Pro Hac Vice to be filed) - Counsel for Peoplelease, LLC

(d) Check County Where Action Arose: [X] MIAMI-DADE [] MONROE [] BROWARD [] PALM BEACH [] MARTIN [] ST. LUCIE [] INDIAN RIVER [] OKEECHOBEE [] HIGHLANDS

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) [X] 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)

- Citizen of This State [] 1 PTF [] 1 DEF [] 4 PTF [] 4 DEF [] Citizen of Another State [] 2 PTF [] 2 DEF [] 5 PTF [] 5 DEF [] Citizen or Subject of a Foreign Country [] 3 PTF [] 3 DEF [] 6 PTF [] 6 DEF []

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

Grid of categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Includes items like 110 Insurance, 210 Land Condemnation, 310 Airplane, 440 Other Civil Rights, etc.

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

- 1 Original Proceeding [] 2 Removed from State Court [X] 3 Re-filed (See VI below) [] 4 Reinstated or Reopened [] 5 Transferred from another district (specify) [] 6 Multidistrict Litigation Transfer [] 7 Appeal to District Judge or Magistrate Judgment [] 8 Multidistrict Litigation - Direct File [] 9 Remanded from Appellate Court []

VI. RELATED/ RE-FILED CASE(S)

(See instructions): a) Re-filed Case [] YES [] NO b) Related Cases [] YES [] NO

JUDGE:

DOCKET NUMBER:

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. §§1681a-1681x

LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 [X] DEMAND \$ CHECK YES only if demanded in complaint:

JURY DEMAND: [] Yes [] No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE SIGNATURE OF ATTORNEY OF RECORD

07/26/2021

/s/ Garrett S. Kamen, FBN#125854



MIAMI-DADE COUNTY CLERK OF THE COURTS

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DEMIS ESPINOZA VS MANAGED LABOR SOLUTIONS, LLC ET AL

Local Case Number: 2021-012815-CA-01	Filing Date: 06/01/2021
State Case Number: 132021CA012815000001	Judicial Section: CA07
Consolidated Case No.: N/A	Case Type: Discrimination - Employment or Other
Case Status: OPEN	

Parties

Total Of Parties: 3 +

Hearing Details

Total Of Hearings: 0 +

Dockets

Total Of Dockets: 12 -

Number	Date	Book/Page	Docket Entry	Event Type	Comments
10	07/05/2021		Service Returned	Event	Parties: Peoplease LLC
9	07/01/2021		Copy of:	Event	RETURN OF SERVICE WITHOUT SUMMONS ATTACHED
	06/14/2021		20 Day Summons Issued	Service	
8	06/14/2021		ESummons 20 Day Issued	Event	RE: INDEX # 5. Parties: Peoplease LLC
	06/14/2021		20 Day Summons Issued	Service	
7	06/14/2021		ESummons 20 Day Issued	Event	RE: INDEX # 4. Parties: Managed Labor Solutions LLC
6	06/08/2021		Receipt:	Event	RECEIPT#:2630097 AMT PAID:\$20.00 NAME:EDELMAN, MARC REED 201 N FRANKLIN ST STE 700 TAMPA FL 33602-5138 COMMENT: ALLOCATION CODE QUANTITY UNIT AMOUNT 3139-SUMMONS ISSUE FEE 1 \$10.00 \$10.00 3139-SUMMONS ISSUE FEE 1 \$10.00 \$10.00 TENDER TYPE:E-FILING ACH TENDER AMT:\$20.00 RECEIPT DATE:06/08/2021 REGISTER#:263 CASHIER:EFILINGUSER
5	06/03/2021		(M) 20 Day (C) Summons (Sub) Received	Event	

EXHIBIT 1



Number	Date	Book/Page	Docket Entry	Event Type	Comments
4	06/03/2021		(M) 20 Day (C) Summons (Sub) Received	Event	
3	06/03/2021		Receipt:	Event	RECEIPT#:2600064 AMT PAID:\$401.00 NAME:EDELMAN, MARC REED 201 N FRANKLIN ST STE 700 TAMPA FL 33602-5138 COMMENT: ALLOCATION CODE QUANTITY UNIT AMOUNT 3100-CIRCUIT FILING FEE 1 \$401.00 \$401.00 TENDER TYPE:E-FILING ACH TENDER AMT:\$401.00 RECEIPT DATE:06/03/2021 REGISTER#:260 CASHIER:EFILINGUSER
2	06/01/2021		Complaint	Event	
1	06/01/2021		Civil Cover Sheet - Claim Amount	Event	

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HARVEY RUVIN

Miami-Dade County
Clerk of the Courts
EXHIBIT 1
73 W. Flagler Street



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FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Demis Espinoza
Plaintiff

Case # _____
Judge _____

vs.

Managed Labor Solutions, LLC, Peoplease, LLC
Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- \$8,000 or less
- \$8,001 - \$30,000
- \$30,001- \$50,000
- \$50,001- \$75,000
- \$75,001 - \$100,000
- over \$100,000.00

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence—other
 - Business governance
 - Business torts
 - Environmental/Toxic tort
 - Third party indemnification
 - Construction defect
 - Mass tort
 - Negligent security
 - Nursing home negligence
 - Premises liability—commercial
 - Premises liability—residential
- Products liability
- Real Property/Mortgage foreclosure
 - Commercial foreclosure
 - Homestead residential foreclosure
 - Non-homestead residential foreclosure
 - Other real property actions
- Professional malpractice
 - Malpractice—business
 - Malpractice—medical
 - Malpractice—other professional
- Other
 - Antitrust/Trade regulation
 - Business transactions
 - Constitutional challenge—statute or ordinance
 - Constitutional challenge—proposed amendment
 - Corporate trusts
 - Discrimination—employment or other
 - Insurance claims
 - Intellectual property
 - Libel/Slander
 - Shareholder derivative action
 - Securities litigation
 - Trade secrets
 - Trust litigation

COUNTY CIVIL

- Small Claims up to \$8,000
- Civil
- Real property/Mortgage foreclosure

- Replevins
- Evictions
 - Residential Evictions
 - Non-residential Evictions
- Other civil (non-monetary)

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes No

IV. REMEDIES SOUGHT (check all that apply):

- Monetary;
- Nonmonetary declaratory or injunctive relief;
- Punitive

V. NUMBER OF CAUSES OF ACTION: []

(Specify)

3

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

- yes
- no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- no
- yes If “yes,” list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- yes
- no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: s/ marc r edelman
Attorney or party

Fla. Bar # 96342
(Bar # if attorney)

marc r edelman
(type or print name)

06/01/2021
Date

**IN THE CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CIVIL DIVISION**

DEMIS ESPINOZA, on behalf
of himself and on behalf of all others
similarly situated,

Plaintiff,

v.

Case No.:

MANAGED LABOR SOLUTIONS, LLC,
and, PEOPLEASE, LLC,

Defendants.

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Demis Espinoza, on behalf of himself, the putative classes set forth below, and in the public interest, brings this Class Action Complaint against Managed Labor Solutions, LLC (“MLS”), and Peoplease, LLC (“Peoplease”), for violations of the Fair Credit Reporting Act of 1970, as amended (“FCRA”), 15 U.S.C. § 1681 et seq. Plaintiff seeks to hold MLS and Peoplease accountable for violating his federally protected privacy rights.

PRELIMINARY STATEMENT

1. The FCRA, 15 U.S.C. § 1681b, makes it presumptively unlawful to obtain and use a consumer report for an employment purpose. The use of a consumer report for employment purposes only becomes lawful if the consumer reporting agency and person procuring the report comply with the FCRA’s strict requirements.

2. MLS and Peoplease willfully violated these requirements in multiple ways, in systematic violation of Plaintiff’s rights and the rights of other putative class members.

3. Peoplease violated 15 U.S.C. § 1681b(b)(2)(A)(i) by procuring consumer reports

on Plaintiff and other putative class members, without lawfully disclosing to them that it may obtain their consumer report, before obtaining a copy of their consumer report.

4. Peoplease violated 15 U.S.C. § 1681(b)(2)(A)(ii) by obtaining consumer reports on Plaintiff and other putative class members without their written authorization.

5. Plaintiff asserts FCRA claims against Peoplease on behalf of himself and others to whom Peoplease did not provide a disclosure or from whom Peoplease did not obtain written authorization prior to procuring their consumer report for employment purposes.

6. MLS violated 15 U.S.C. § 1681b(b)(3) by denying employment opportunities to Plaintiff based in part or in whole, on the results of Plaintiff's consumer report without first providing him notice and a copy of the report.

7. Plaintiff asserts FCRA claims against MLS on behalf of himself and others to whom MLS did not provide notice and a copy of their consumer report before taking adverse employment action against them based in whole or in part on their consumer reports as required by 15 U.S.C. § 1681b(b)(3).

8. In Count I, Plaintiff asserts a FCRA claim under 15 U.S.C. § 1681b(b)(2)(A)(i) against Peoplease on behalf of a "No Disclosure Class" consisting of:

All job applicants and employees in the United States subject of a consumer report procured by Peoplease for employment purposes but to whom Peoplease did not first provide a clear and conspicuous disclosure in a document consisting solely of the disclosure in the five years preceding the filing of this action through the date of final judgment.

9. In Count II, Plaintiff asserts a FCRA claim under 15 U.S.C. § 1681b(b)(2)(A)(i)(ii) against Peoplease on behalf of a "No Authorization Class" consisting of:

All job applicants and employees in the United States subject of a consumer report procured by Peoplease for employment purposes but from whom Peoplease did not first obtain written authorization to

procure their report in the five years preceding the filing of this action through the date of final judgment.

10. In Count III, Plaintiff asserts a FCRA claim under 15 U.S.C. § 1681b(b)(3) against MLS on behalf of an “Adverse Action Class,” defined as:

All Managed Labor Solutions job applicants and employees in the United States against whom adverse employment action was taken, based, in whole or in part, on information contained in their consumer report, who were not provided notice and a copy of their report in the five years preceding the filing of this action through the date of final judgment.

11. On behalf of himself and the putative classes, Plaintiff seeks statutory damages, costs and attorneys’ fees, and other appropriate relief under the FCRA.

THE PARTIES

12. Individual and representative Plaintiff, Demis Espinoza (“Plaintiff”) is a member of all three putative classes.

13. Peoplease is a professional employer organization (“PEO”) and user of consumer reports as contemplated by the FCRA, at 15 U.S.C. § 1681b.

14. MLS is an employer and user of consumer reports as contemplated by the FCRA, at 15 U.S.C. § 1681b.

JURISDICTION AND VENUE

13. This is an action for damages that exceeds the sum of THIRTY THOUSAND DOLLARS (\$30,000.00), exclusive of costs, interest and attorneys’ fees (The estimated value of Plaintiff’s claim is in excess of the minimum jurisdictional threshold required by this Court). Accordingly, Plaintiff has entered “\$30,001” in the civil cover sheet for the “estimated amount of the claim” as required in the preamble to the civil cover sheet for *jurisdictional purposes only* (the Florida Supreme Court has ordered that the estimated “amount of claim” be

set forth in the civil cover sheet for data collection and clerical purposes only). The actual value of Plaintiff's claim will be determined by a fair and just jury in accordance with Article 1, Section 21, Fla. Const.

14. The Court has jurisdiction under the FCRA, 28 U.S.C. § 1331.

15. Venue is proper in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, because the underlying events occurred in or near Miami, Florida.

***FCRA Requirements for Procuring
Employment-Purposed Consumer Reports***

15. Under the FCRA, it is unlawful to procure a consumer report or cause a consumer report to be procured for employment purposes unless certain requirements are satisfied. Specifically, in relevant part:

(2) Disclosure to Consumer.

(A) *In general.* Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer, unless -

- (i) *a clear and conspicuous* disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, in a document that consists *solely of the disclosure*, that a consumer report may be obtained for employment purposes; and
- (ii) the consumer has authorized in writing (which authorization may be made on the document referred to in clause (i)) the procurement of the report *by that person*.

15 U.S.C. §§ 1681b(b)(2)(A)(i)-(ii)(emphasis added).

16. Peoplease did not provide consumers a clear and conspicuous disclosure in a document consisting solely of the disclosure before procuring their consumer reports for employment purposes.

17. Peoplease did not obtain consumers' written authorization to procure their consumer report before procuring their consumer reports for employment purposes.

18. The purpose of FCRA notice provisions, including § 1681b(b)(2)(A)(i), is to put consumers on notice that their consumer report is being procured and who is procuring it. This gives consumers the opportunity to exercise substantive rights conferred by the FCRA or other statutes, allowing consumers to decide who accesses their personal, sensitive information.

19. Without clear notice as to who is obtaining and accessing their personal, sensitive information, applicants and employees are deprived of the opportunity to make informed decisions, assert protected rights, or maintain control over their personal information. Control over one's personal and private information is a fundamental right dating back to English common law.

20. Peoplease knowingly and recklessly disregarded case law and regulatory guidance and willfully violated 15 U.S.C. § 1681b(b)(2)(A) by procuring consumer reports on applicants and employees without first providing a disclosure or obtaining their written authorization ahead of time.

21. Peoplease's conduct is also willful because:

- a. Peoplease is a large and sophisticated employer with access to legal advice through its own attorneys and there is no evidence it determined its own conduct was lawful;
- b. Peoplease knew or had reason to know that its conduct was inconsistent with published FCRA guidance interpreting the FCRA, case law and the plain language of the statute; and
- c. Peoplease voluntarily ran a risk of violating the law substantially greater than the risk associated with a reading that was merely careless.

22. Peoplease acted in a deliberate or reckless disregard of its obligations and the rights of Plaintiff and the other "No Disclosure" and the "No Authorization" class members.

23. Any reasonable staffing agency of Peoplease’s size and sophistication knows or should know about fundamental FCRA compliance requirements.

24. Providing notice to consumers is a critical component of the FCRA, evidenced by the fact the FCRA also contains several other notice provisions, including 15 U.S.C. § 1681b(b)(3)(a) (pre-adverse action).¹

25. The FCRA states “in using a consumer report for employment purposes, before taking any adverse action based in whole or in part on the report, the person intending to take such adverse action shall provide to the consumer to whom the report relates . . . a copy of the report[.]” 15 U.S.C. § 1681b(b)(3)(A)(i).

26. MLS violated 15 U.S.C. § 1681b(b)(3)(A), which requires that all employers who use consumer reports provide notice and a copy of the report to the affected consumer before any adverse action is taken.

27. By failing to provide Plaintiff and other putative class members with the information required by 15 U.S.C. § 1681b(b)(3)(A) before taking adverse employment action against them based on the information contained in such reports, MLS willfully disregarded unambiguous regulatory guidance and the plain language of the statute. 15 U.S.C. § 1681b(b)(3)(A).

Facts Supporting Plaintiff’s Claims

28. In September, 2019, Plaintiff applied for employment with MLS in Miami, Florida.

29. As a condition of hire, Plaintiff authorized MLS to obtain his consumer report.

30. MLS and Peoplease obtained Plaintiff’s consumer report.

¹ See, e.g. 15 U.S.C. § 1681b(4)(B)(notice of national security investigation); § 1681c(h) (notification of address discrepancy); § 1681g (full file disclosure to consumers); § 1681k(a)(1) (disclosure regarding use of public record information); § 1681h (form and conditions of disclosure; and § 1681m(a) (notice of adverse action).

31. In October, 2020, Plaintiff applied for employment at MLS.

32. As a condition of hire, Plaintiff authorized MLS to obtain his consumer report.

33. In October, 2020, MLS denied Plaintiff employment based in whole or in part on the contents of his consumer report.

34. Plaintiff was not provided notice or a copy of his background check from MLS, prior to being rejected employment. As a result, Plaintiff never saw what was on his consumer report and didn't know whether it was in fact accurate.

35. Ultimately, through his counsel, Plaintiff obtained a copy of his consumer reports from September, 2019 and October, 2020.

36. Plaintiff was surprised to learn that Peoplease had procured his consumer report on both occasions without his knowledge.

37. Peoplease did not disclose to Plaintiff it intended to procure his consumer reports from a consumer reporting agency.

38. Plaintiff did not authorize Peoplease to obtain his consumer reports from a consumer reporting agency.

39. Peoplease never obtained Plaintiff's written authorization to procure his consumer reports.

40. Plaintiff values his privacy and would not have authorized Peoplease to obtain his consumer report without his consent.

41. Plaintiff values his privacy rights and would not have consented to Peoplease obtaining his personal and sensitive information without his knowledge.

42. Plaintiff would not have authorized MLS to obtain his consumer report in October, 2020 if he knew it was being obtained illegally and would be used to deny him

employment.

43. If Plaintiff had not hired an attorney to obtain a copy of his consumer reports, Plaintiff would have never known Peoplease had obtained his consumer reports and was in possession of his personal and sensitive information.

44. If Plaintiff had not hired an attorney, Plaintiff would have never known MLS had used his consumer report in October, 2020, to take an adverse employment action against him because he was never provided pre-adverse action notice and a copy of his report beforehand. Consequently, Plaintiff would never have seen the contents of his own consumer report or learned what was being reported about him.

CLASS ACTION ALLEGATIONS

45. Pursuant to Rule 1.220(b)(1), (2), and (3) of the Florida Rules of Civil Procedure and 15 U.S.C. § 1681b, Plaintiff brings this action for himself and on behalf of the putative classes defined below.

46. In Count I, Plaintiff asserts a FCRA claim under 15 U.S.C. § 1681b(b)(2)(A)(i) against Peoplease on behalf of a “No Disclosure Class” consisting of:

All job applicants and employees in the United States subject of a consumer report procured by Peoplease for employment purposes but to whom Peoplease did not first provide a clear and conspicuous disclosure in a document consisting solely of the disclosure in the five years preceding the filing of this action through the date of final judgment.

47. In Count II, Plaintiff asserts a FCRA claim under 15 U.S.C. § 1681b(b)(2)(A)(i)(ii) against Peoplease on behalf of a “No Authorization Class” consisting of:

All job applicants and employees in the United States subject of a consumer report procured by Peoplease for employment purposes but from whom Peoplease did not first obtain written authorization to procure their report in the five years preceding the filing of this action through the date of final judgment.

48. In Count III, Plaintiff asserts a FCRA claim under 15 U.S.C. § 1681b(b)(3) against MLS on behalf of an “Adverse Action Class,” defined as:

All Managed Labor Solutions job applicants and employees in the United States against whom adverse employment action was taken, based, in whole or in part, on information contained in their consumer report, who were not provided notice and a copy of their report in the five years preceding the filing of this action through the date of final judgment.

49. Numerosity: The members of the putative No Disclosure, No Authorization, and Adverse Action classes are so numerous that joinder of all Class members is impracticable. Defendants regularly obtain and use information in consumer reports to conduct background checks on prospective employees and existing employees, and frequently rely on such information, in whole or in part, in the hiring process. Plaintiff is informed and believes that during the relevant time period there are hundreds if not thousands of consumers that satisfy the definition of the putative classes.

50. Typicality: Plaintiff’s claims are typical of those of the members of the putative No Disclosure and No Authorization classes, in that Peoplease obtained his consumer report for employment purposes without providing him a clear and conspicuous disclosure before procuring his consumer report and did not obtain his written authorization before procuring such report for employment purposes. Additionally, Plaintiff’s claims are typical of those of the members of the Adverse Action Class, in that MLS denied employment to Plaintiff and other members of the Adverse Action Class, based on the contents of such consumer report, as Plaintiff never received pre-adverse action notice and a copy of his consumer report beforehand. The FCRA violations suffered by Plaintiff are typical of those suffered by other members of the putative classes. Additionally, the damages Plaintiff is seeking to recover are typical of the

damages Plaintiff is seeking on behalf of the putative classes.

51. Adequacy: Plaintiff is a member of and will fairly and adequately protect the interests of the putative classes, and has retained counsel experienced in FCRA class action litigation.

52. Commonality: Common questions of law and fact exist as to all members of the putative classes, and predominate over any questions solely affecting individual members of the putative classes. These common questions include, but are not limited to:

- a. whether Peoplease procured consumer reports for employment purposes without making the FCRA-required disclosures;
- b. whether Peoplease procured consumer reports for employment purposes without first obtaining consumers' written authorization;
- c. whether Peoplease's failure to provide disclosures or obtain consumer's written authorizations prior to obtaining consumer reports for employment purposes was willful;
- d. whether MLS's failure to provide Plaintiff with pre-adverse action notice and a copy of his consumer report before taking an adverse employment action against him based in whole or in part on his consumer report was willful; and
- e. the proper measure of statutory damages and attorneys' fees.

53. This case is maintainable as a class action because prosecution of actions by or against individual members of the putative classes would result in inconsistent or varying adjudications and create the risk of incompatible standards of conduct for the Defendants. Further, adjudication of each individual class member's claim as a separate action would potentially be dispositive of the interest of other individuals not a party to such action, thereby impeding their ability to protect their interests.

54. This case is also maintainable as a class action because Defendants acted or refused to act on grounds that apply generally to the putative classes.

55. Class certification is also appropriate because questions of law and fact common to the putative classes predominate over any questions affecting only individual members of the putative classes, and also because a class action is superior to other available methods for the fair and efficient adjudication of this litigation. Defendants' conduct, which is described herein, stems from common and uniform policies and practices, resulting in common violations of the FCRA. Members of the putative classes do not have an interest in pursuing separate actions, as the amount of each Class member's individual claim for damages is small in comparison to the expense and burden of individual prosecution. Class certification will also obviate the need for unduly duplicative litigation that might result in inconsistent judgments concerning Defendants' practices. Moreover, management of this action as a class action will not present any foreseeable difficulties. In the interests of justice and judicial efficiency, it would be desirable to concentrate the litigation of all putative class members' claims in a single action, brought in a single forum.

56. Plaintiff intends to send notice to all members of the putative classes to the extent required by Florida Rule of Civil Procedure 1.220. The names and addresses of the putative class members are readily available from Defendants and through records maintained by third parties.

COUNT I
Failure to Make Proper Disclosure
in Violation of FCRA 15 U.S.C. § 1681b(b)(2)(A)(i)
(Against Peoplease)

57. Plaintiff alleges and incorporates by reference the allegations in the preceding paragraphs 28-44.

58. Peoplease violated the FCRA by procuring consumer reports relating to Plaintiff and other No Disclosure Class members without first providing a disclosure.

Plaintiff's Concrete Injury: Informational Injury

59. Plaintiff suffered a concrete informational injury when Peoplease circumvented the FCRA's disclosure requirement. When Peoplease obtained Plaintiff's consumer report without disclosing its intent to procure a consumer report, Plaintiff suffered informational injury in that he lost control over the dissemination of his personal and sensitive information – a right Congress intended for him to have through the FCRA.

60. Peoplease violated the FCRA by procuring consumer reports on Plaintiff and other No Disclosure Class members without first providing them a clear and conspicuous disclosure as required by 15 U.S.C. § 1681b(b)(2)(A)(i).

61. Peoplease's failure to provide a disclosure created a risk of harm that Plaintiff and members of the putative No Disclosure Class would never know their personal and sensitive information was accessed, disseminated, and possessed by Peoplease.

Plaintiff's Concrete Injury: Invasion of Privacy

62. Additionally, Peoplease invaded Plaintiff's right to privacy and intruded upon his seclusion. Under the FCRA, a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer, unless it complies with the statutory requirements (*i.e.*, disclosure and authorization) set forth in subsections 15 U.S.C. §§ 1681b(b)(2)(a)(i).

63. Peoplease did not provide a disclosure to Plaintiff before obtaining his consumer report for employment purposes. Therefore, Peoplease illegally invaded Plaintiff's privacy by accessing his consumer report without his consent, authorization, or a permissible purpose. The foregoing violations were willful. At the time Peoplease violated 15 U.S.C. § 1681b(b)(2)(A)(i), Peoplease knew that it had to have written authorization from Plaintiff and the putative class

before it was permitted to obtain their consumer reports for employment purposes. A plethora of authority, including both case law, and FTC opinions, existed at the time of Peoplelease's violations on this very issue. Peoplelease's willful conduct is also reflected by, among other things, the following facts:

- a. Peoplelease is a large corporation with access to legal advice through its own general counsel's office and outside employment counsel, and there is not contemporaneous evidence that it determined that its conduct was lawful;
- b. Peoplelease knew or had reason to know that its conduct was inconsistent with published FTC guidance interpreting the FCRA and the plain language of the statute; and
- c. Peoplelease voluntarily ran a risk of violating the law substantially greater than the risk associated with a reading that was merely careless.

64. Plaintiff and the No Disclosure Class are entitled to statutory damages of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for each and every one of these violations under 15 U.S.C. § 1681n(a)(1)(A), in addition to punitive damages under 15 U.S.C. § 1681n(a)(2).

65. Plaintiff and the No Disclosure Class are further entitled to recover their costs and attorneys' fees, in accordance with 15 U.S.C. § 1681n(a)(3).

WHEREFORE, Plaintiff, on behalf of himself and the putative class, prays for relief as follows:

- a. determining that this action may proceed as a class action;
- b. designating Plaintiff as class representative and designating Plaintiff's counsel as counsel for the putative class;
- c. issuing proper notice to the putative class at Peoplelease's expense;
- d. awarding statutory damages as provided by the FCRA, including punitive damages, to members of the putative class; and

- e. awarding reasonable attorneys' fees and costs as provided by the FCRA.

COUNT II
Failure to Obtain Authorization in
Violation of FCRA 15 U.S.C. § 1681b(b)(2)(A)(ii)
(Against Peoplease)

66. Plaintiff alleges and incorporates by reference the allegations in the preceding paragraphs 28-44.

67. Peoplease violated the FCRA by procuring consumer reports relating to Plaintiff and other No Authorization class members without first obtaining their written authorization.

Plaintiff's Concrete Injury: Informational Injury

68. Plaintiff suffered a concrete informational injury when Peoplease circumvented the FCRA's written authorization requirement. When Peoplease obtained Plaintiff's consumer report without requiring his written authorization, Plaintiff suffered informational injury in that he lost control over the dissemination of his personal and sensitive information – a right Congress intended for him to have through the FCRA.

69. Peoplease violated the FCRA by procuring consumer reports on Plaintiff and other No Authorization Class members without first obtaining their written authorization as required by 15 U.S.C. § 1681b(b)(2)(A)(ii).

70. Peoplease's failure to provide a disclosure and obtain Plaintiff's and the No Authorization Class members' written authorization created a risk of harm that Plaintiff and members of the putative classes would never know their personal and sensitive information was accessed, disseminated, and possessed by Peoplease.

Plaintiff's Concrete Injury: Invasion of Privacy

71. Additionally, Peoplease invaded Plaintiff's right to privacy and intruded upon his seclusion. Under the FCRA, a person may not procure a consumer report, or cause a consumer

report to be procured, for employment purposes with respect to any consumer, unless it complies with the statutory requirements (*i.e.*, disclosure and authorization) set forth in subsections 15 U.S.C. §§ 1681b(b)(2)(a)(i)-(ii).

72. Peoplease did not first obtain Plaintiff's written authorization before obtaining his consumer report for employment purposes. Therefore, Peoplease illegally invaded Plaintiff's privacy by accessing his consumer report without his consent, authorization, or a permissible purpose. The foregoing violations were willful. At the time Peoplease violated 15 U.S.C. §§ 1681b(b)(2)(A)(i)-(ii), Peoplease knew that it had to have written authorization from Plaintiff and the putative class before it was permitted to obtain their consumer reports for employment purposes. A plethora of authority, including both case law, and FTC opinions, existed at the time of Peoplease's violations on this very issue. Peoplease's willful conduct is also reflected by, among other things, the following facts:

- d. Peoplease is a large corporation with access to legal advice through its own general counsel's office and outside employment counsel, and there is not contemporaneous evidence that it determined that its conduct was lawful;
- e. Peoplease knew or had reason to know that its conduct was inconsistent with published FTC guidance interpreting the FCRA and the plain language of the statute; and
- f. Peoplease voluntarily ran a risk of violating the law substantially greater than the risk associated with a reading that was merely careless.

73. Plaintiff and the No Authorization Class are entitled to statutory damages of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for each and every one of these violations under 15 U.S.C. § 1681n(a)(1)(A), in addition to punitive damages under 15 U.S.C. § 1681n(a)(2).

74. Plaintiff and the No Authorization Class are further entitled to recover their costs

and attorneys' fees, in accordance with 15 U.S.C. § 1681n(a)(3).

WHEREFORE, Plaintiff, on behalf of himself and the putative class, prays for relief as follows:

- a. determining that this action may proceed as a class action;
- b. designating Plaintiff as class representative and designating Plaintiff's counsel as counsel for the putative class;
- c. issuing proper notice to the putative class at Peoplelease's expense;
- d. awarding statutory damages as provided by the FCRA, including punitive damages, to members of the putative class; and
- e. awarding reasonable attorneys' fees and costs as provided by the FCRA.

COUNT III
Failure to Provide Adverse Action Notice in
Violation of FCRA 15 U.S.C. § 1681b(b)(3)(A)
(Against MLS)

75. Plaintiff alleges and incorporates by reference the allegations in the preceding paragraphs 28-44.

76. MLS used a "consumer report," as defined by the FCRA, to take adverse employment action against Plaintiff and other members of the Adverse Action Class.

77. MLS violated the FCRA by failing to provide Plaintiff and other Adverse Action Class members with pre-adverse action notice and a copy of their consumer report before taking such adverse action. 15 U.S.C. § 1681b(b)(3)(A).

78. The foregoing violations were willful. MLS acted in deliberate or reckless disregard of its obligations and the rights of Plaintiff and other Adverse Action Class members under 15 U.S.C. § 1681b(b)(3)(A). MLS knew or should have known of its legal obligations under the FCRA. These obligations are well established in the plain language of the statute and in the promulgations of the Federal Trade Commission. MLS obtained or otherwise had

available substantial written materials that apprised MLS of its duties under the FCRA. Any reasonable employer knows of the existence of these FCRA mandates, or can easily discover their substance.

Plaintiff's First Concrete Injury: Informational Injury

79. Plaintiff suffered a concrete informational injury because MLS failed to provide Plaintiff with information to which he was entitled to by statute, namely pre-adverse action notice, before adverse action was taken. This notice should have included all information prescribed by § 1681b(b)(3)(A), including: (i) a copy of the report; and (ii) a description in writing of the rights of the consumer under this subchapter, as prescribed by the Bureau under § 1681g(c)(3) of the FCRA.

80. Through the FCRA, Congress has created a new right—the right to receive pre-adverse notice as set out in the FCRA—and a new injury—not receiving said notice.

Plaintiff's Second Concrete Injury: Inability to Learn the Contents of His Report and Tell His Side of the Story

81. Separately from the informational injury suffered, Plaintiff has Article III standing to pursue claims for violations of § 1681b(b)(3)(A) because MLS's failure to provide timely notice deprived Plaintiff and class members of the opportunity to learn about the information in their consumer report and tell MLS their side of the story before MLS took adverse action. Thus, Plaintiff was denied the opportunity to determine if the information contained in his consumer report was indeed correct, and to understand how it might affect his future efforts to obtain employment.

82. With these two recognized injuries directly traceable to Defendant's failure to timely provide the notices required by § 1681b(b)(3), Plaintiff has established Article III standing.

83. Plaintiff and the Adverse Action Class are entitled to statutory damages of one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for each and every one of these violations under 15 U.S.C. § 1681n(a)(1)(A), in addition to punitive damages as the Court may allow under 15 U.S.C. § 1681n(a)(2).

84. Plaintiff and the Adverse Action Class are further entitled to recover their costs and attorneys' fees, in accordance with 15 U.S.C. § 1681n(a)(3).

WHEREFORE, Plaintiff, on behalf of himself and the putative class, prays for relief as follows:

- a. determining that this action may proceed as a class action;
- b. designating Plaintiff as class representative and designating Plaintiff's counsel as counsel for the putative classes;
- c. issuing proper notice to the putative classes at MLS's expense;
- d. awarding statutory damages as provided by the FCRA, including punitive damages, to members of the putative class; and
- e. awarding reasonable attorneys' fees and costs as provided by the FCRA.

DEMAND FOR JURY TRIAL

Plaintiff and the putative classes demand a trial by jury.

Dated this 1st day of June, 2021.

/s/ Marc R. Edelman
MARC R. EDELMAN, ESQ.
Fla. Bar No. 0096342
MORGAN & MORGAN, P.A.
201 N. Franklin Street, Suite 700
Tampa, FL 33602
Telephone: 813-223-5505
Fax: 813-257-0572
MEdelman@forthepeople.com
Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.
 IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.

DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	SUMMONS 20 DAY CORPORATE SERVICE (a) GENERAL FORMS	CASE NUMBER 2021-CA-012815
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PLAINTIFF(S) Demis Espinoza, on behalf of himself and on behalf of all others similarly situated	VS. DEFENDANT(S) Managed Labor Solutions, LLC and Peoplease, LLC	SERVICE
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THE STATE OF FLORIDA:
 To Each Sheriff of the State:
YOU ARE COMMANDED to serve this summons and copy of the complaint or petition in this action on defendant(s):

 Managed Labor Solutions, LLC

 c/o NRAI Services Inc., its Registered Agent

 1200 S. Pine Island Road, Plantation, FL 33324

Each defendant is required to serve written defense to the complaint or petition on Plaintiff's Attorney: Marc R. Edelman, Esq.
 whose address is: Morgan & Morgan, P.A.

 201 N. Franklin Street, Suite 700

 Tampa, FL 33602

CLOCK IN

within 20 days “ **Except when suit is brought pursuant to s. 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to respond shall be 40 days. When suit is brought pursuant to. 768.28, Florida Statutes, the time to respond shall be 30 days.**” after service of this summons on that defendant , exclusive of the day of service, and to file the original of the defenses with the Clerk of this Clerk Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

HARVEY RUVIN CLERK of COURTS	DEPUTY CLERK	DATE
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**AMERICANS WITH DISABILITIES ACT OF 1990
 ADA NOTICE**

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Alian Simpkins, the Eleventh Judicial Circuit Court’s ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Avenue, Suite 2400, Miami, FL 33128; Telephone (305) 349-7175; TDD (305) 349-7174, Email ADA@jud11.flcourts.org; or via Fax at (305) 349-7355, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.”

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.
 IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.

DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	SUMMONS 20 DAY CORPORATE SERVICE (a) GENERAL FORMS	CASE NUMBER 2021-CA-012815
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PLAINTIFF(S) Demis Espinoza, on behalf of himself and on behalf of all others similarly situated	VS. DEFENDANT(S) Managed Labor Solutions, LLC and Peoplease, LLC	SERVICE
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THE STATE OF FLORIDA:
 To Each Sheriff of the State:
YOU ARE COMMANDED to serve this summons and copy of the complaint or petition in this action on defendant(s):

 Peoplease, LLC

 c/o Corporate Creations Network Inc., its Registered Agent

 801 US Highway 1, North Palm Beach, FL 33408

Each defendant is required to serve written defense to the complaint or petition on Plaintiff's Attorney: Marc R. Edelman, Esq.
 whose address is: Morgan & Morgan, P.A.
201 N. Franklin Street, Suite 700
Tampa, FL 33602

CLOCK IN

within 20 days “ **Except when suit is brought pursuant to s. 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to respond shall be 40 days. When suit is brought pursuant to. 768.28, Florida Statutes, the time to respond shall be 30 days.**” after service of this summons on that defendant , exclusive of the day of service, and to file the original of the defenses with the Clerk of this Clerk Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

HARVEY RUVIN CLERK of COURTS	DEPUTY CLERK	DATE
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<input checked="" type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.		
DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	SUMMONS 20 DAY CORPORATE SERVICE (a) GENERAL FORMS	CASE NUMBER 2021-CA-012815
PLAINTIFF(S) Demis Espinoza, on behalf of himself and on behalf of all others similarly situated	VS. DEFENDANT(S) Managed Labor Solutions, LLC and Peoplease, LLC	SERVICE

THE STATE OF FLORIDA:

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 Managed Labor Solutions, LLC

 c/o NRAI Services Inc., its Registered Agent

 1200 S. Pine Island Road, Plantation, FL 33324

Each defendant is required to serve written defense to the complaint or petition on Plaintiff's Attorney: Marc R. Edelman, Esq.

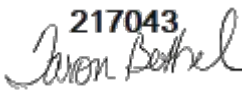
whose address is: Morgan & Morgan, P.A.

 201 N. Franklin Street, Suite 700

 Tampa, FL 33602

CLOCK IN

within 20 days “ **Except when suit is brought pursuant to s. 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to respond shall be 40 days. When suit is brought pursuant to. 768.28, Florida Statutes, the time to respond shall be 30 days.**” after service of this summons on that defendant , exclusive of the day of service, and to file the original of the defenses with the Clerk of this Clerk Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

HARVEY RUVIN CLERK of COURTS	217043  DEPUTY CLERK	DATE 6/14/2021
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**AMERICANS WITH DISABILITIES ACT OF 1990
 ADA NOTICE**

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Aliean Simpkins, the Eleventh Judicial Circuit Court’s ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Avenue, Suite 2400, Miami, FL 33128; Telephone (305) 349-7175; TDD (305) 349-7174, Email ADA@jud11.flcourts.org; or via Fax at (305) 349-7355, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.”

<input checked="" type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.		
DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	SUMMONS 20 DAY CORPORATE SERVICE (a) GENERAL FORMS	CASE NUMBER 2021-CA-012815
PLAINTIFF(S) Demis Espinoza, on behalf of himself and on behalf of all others similarly situated	VS. DEFENDANT(S) Managed Labor Solutions, LLC and Peoplelease, LLC	SERVICE

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this summons and copy of the complaint or petition in this action on defendant(s): _____

Peoplelease, LLC

c/o Corporate Creations Network Inc., its Registered Agent

801 US Highway 1, North Palm Beach, FL 33408

Each defendant is required to serve written defense to the complaint or petition on

Plaintiff's Attorney: Marc R. Edelman, Esq.

whose address is: Morgan & Morgan, P.A.

201 N. Franklin Street, Suite 700

Tampa, FL 33602

CLOCK IN

within 20 days "Except when suit is brought pursuant to s. 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to respond shall be 40 days. When suit is brought pursuant to. 768.28, Florida Statutes, the time to respond shall be 30 days." after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Clerk Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

HARVEY RUVIN CLERK of COURTS	217043  DEPUTY CLERK		DATE 6/14/2021
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**AMERICANS WITH DISABILITIES ACT OF 1990
 ADA NOTICE**

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EXHIBIT 1

RETURN OF SERVICE

State of Florida

County of Miami-Dade

Circuit Court

Case Number: 21-CA-12815

Plaintiff:

**DEMIS ESPINOZA, on behalf
of himself and on behalf of all others
similarly situated**

vs.

Defendant:

**MANAGED LABOR SOLUTIONS, LLC,
and, PEOPLEASE, LLC.**

For:

Marc R. Edelman, Esq.

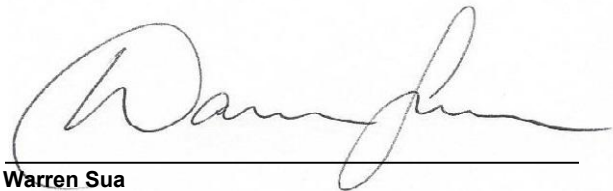
Received by Parlaw Services on the 29th day of June, 2021 at 2:23 pm to be served on **MANAGED LABOR SOLUTIONS, LLC. c/o NRAI Services, Inc., Registered Agent, 1200 S. Pine Island Road, Plantation, FL 33324**

I, Warren Sua, do hereby affirm that on the **30th day of June, 2021 at 1:20 pm, I:**

served a **CORPORATION** by delivering a true copy of the **SUMMONS and CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL** with the date and hour of service endorsed thereon by me, to: **Donna Moch as Supervisor/Authorize To Accept Service** for **MANAGED LABOR SOLUTIONS, LLC.**, at the address of: **1200 S. Pine Island Road, Plantation, FL 33324**, and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 50+, Sex: F, Race/Skin Color: White, Height: 5'3", Weight: 140, Hair: Dark Brown, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the jurisdiction which the process was served. Under penalty of perjury, I declare that I have read the foregoing Affidavit of Service and that the facts stated in it are true.
REQUIRED PURSUANT TO F.S.92.525(2).
NOTARY NOT



Warren Sua
SPS#1547

Parlaw Services
P.O. Box 13434
Tampa, FL 33681-3434
(813) 846-5869

Our Job Serial Number: JMS-2021002399
Ref: 2399/2491



RETURN OF SERVICE

State of Florida

County of Miami-Dade

Circuit Court

Case Number: 21-CA-12815

Plaintiff:

**DEMIS ESPINOZA, on behalf
of himself and on behalf of all others
similarly situated**

vs.

Defendant:

**MANAGED LABOR SOLUTIONS, LLC,
and, PEOPLEASE, LLC.**

For:

Marc R. Edelman, Esq.

Received by Parlaw Services on the 29th day of June, 2021 at 2:27 pm to be served on PEOPLEASE, LLC. c/o Corporate Creations Network, Inc., Registered Agent, 801 US Highway 1, North Palm Beach, FL 33408.

I, Tommy K. Williams, II, do hereby affirm that on the 2nd day of July, 2021 at 12:07 pm, I:

served a CORPORATION by delivering a true copy of the SUMMONS and CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL with the date and hour of service endorsed thereon by me, to: Alicia Ybarra as Employee for Registered Agent for PEOPLEASE, LLC., at the address of: 801 US Highway 1, North Palm Beach, FL 33408, and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 30, Sex: F, Race/Skin Color: Hispanic, Height: 5'5", Weight: 170, Hair: Dark Brown, Glasses: N

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true. I am over the age of eighteen, have no interest in the above action and am a Certified Process Server in good standing in the circuit in which service was effected in accordance with State Statutes.



Tommy K. Williams, II
CPS ID No.: 2025

Parlaw Services
P.O. Box 13434
Tampa, FL 33681
(813) 846-5869

Our Job Serial Number: JMS-2021002400
Ref: 2400/11321



**IN THE CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CIVIL DIVISION**

DEMIS ESPINOZA, on behalf)	
of himself and on behalf of all others)	
similarly situated,)	
)	
Plaintiff,)	
)	Civ. No. 2021-012815-CA-01
v.)	
)	
MANAGED LABOR SOLUTIONS, LLC,)	
and, PEOPLEASE, LLC,)	
)	
Defendants.)	

NOTICE OF FILING NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT the Defendant Peoplease, LLC, pursuant to 28 U.S.C. § 1331, § 1441 and § 1446, has removed the above-styled action from the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida to the United States District Court for the Southern District of Florida.

Attached hereto as Exhibit “A” is a copy of the Notice of Removal which has been filed in the United States District Court, Southern District of Florida.

Dated: July 26, 2021.

Respectfully submitted,

By: /s/ Garrett S. Kamen
Garrett S. Kamen
Florida Bar No. 125854
FISHER & PHILLIPS LLP
450 East Las Olas Boulevard, Suite 800
Fort Lauderdale, Florida 33301
Telephone: (954) 525-4800
Facsimile: (954) 525-8739
gkamen@fisherphillips.com

Attorneys for Peoplease, LLC

CERTIFICATE OF SERVICE

I certify that on **July 26, 2021**, I caused a true and correct copy of the foregoing to be served on the following individual, either via transmission of Notice of Electronic Filing generated by the *Florida's E-Filing Portal* or by United States Mail for those counsel or parties who are not authorized to receive electronically filed pleadings in this action, to the parties listed on the below service list.

/s/ Garrett S. Kamen

Garrett S. Kamen

SERVICE LIST

Marc R. Edelman, Esq.
MORGAN & MORGAN, P.A.
201 N. Franklin Street, Suite 700
Tampa, FL 33602
medelman@forthepeople.com

Attorneys for Plaintiff

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action: Managed Labor Solutions, Peoplease Illegally Obtained Consumer Reports on Prospective Employees](#)
