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

JOSEPH ESTES, an individual, on
behalf of himself and others similarly
situated

PLAINTIFF,

v.

L3 TECHNOLOGIES, INC.;

DEFENDANTS.

CASE NO. **'17CV2356 H JMA**

CLASS ACTION COMPLAINT FOR:

1. Violation of the Fair Credit Reporting Act for Failure to Make Proper Disclosures, 15 U.S.C. § 1681b, et seq.;
2. Violation of the Fair Credit Reporting Act for Failure to Obtain Proper Authorization, 15 U.S.C. § 1681b, et seq.;

DEMAND FOR A JURY TRIAL

1 Plaintiff JOSEPH ESTES ("Plaintiff"), on behalf of himself and all others
2 similarly situated, alleges on information and belief, except for his own acts and
3 knowledge, the following:

4 **I.**

5 **INTRODUCTION**

6 1. Defendant L3 TECHNOLOGIES, INC. ("Defendant") is a Delaware
7 Corporation and at all relevant times mentioned herein conducted and continues to
8 conduct substantial and regular business throughout California.

9 2. Defendant provides a broad range of communication and electronic
10 systems and products used on military, homeland security and commercial
11 platforms.

12 3. Plaintiff was hired through Defendant's San Diego office and
13 performed work for Defendant in Camp Pendleton, California as a mechanic. During
14 the application process, Plaintiff filled out Defendant's "Background Investigation
15 Consent" form ("disclosure and authorization form") permitting Defendant to obtain
16 a consumer report verifying Plaintiff's background and experience.

17 4. Plaintiff now brings this Class Action on behalf of himself and a
18 nationwide class, defined as:

19 all persons in the United States who filled out Defendant's
20 standard "Background Investigation Consent" form that included
21 an authorization and a liability release clause at any time during
22 the period beginning five (5) years prior to the filing of this
23 Complaint to the present. (the "Proposed Class")

24 **II.**

25 **JURISDICTION AND VENUE**

26 5. The Court has jurisdiction over Plaintiff's federal claims pursuant to 28
27 U.S.C. §1331 and 15 U.S.C. §1681 of the Fair Credit Reporting Act 15 U.S.C. §1681,
28 *et seq.* ("FCRA"). The Court has supplemental jurisdiction over Plaintiff's state law

1 claims pursuant to 28 U.S.C. §1367.

2 6. Venue is proper in this district pursuant to 28 U.S.C. §1391(d) because
3 Defendant is subject to personal jurisdiction in this district, maintains offices in this
4 district, and the actions at issue took place in this district.

5 **III.**

6 **THE PARTIES**

7 **A. PLAINTIFF**

8 7. Plaintiff was hired through Defendant's San Diego office and he
9 performed work for Defendant in Camp Pendleton, CA located in the County of San
10 Diego, California.

11 8. Plaintiff began work for Defendant in September 2017 as an hourly
12 worker with the title of "mechanic".

13 **B. DEFENDANT**

14 9. Defendant is a Delaware Corporation that maintains offices in
15 California including in the city and county of San Diego and at all times relevant
16 herein conducted and continues to conduct business throughout the State of
17 California.

18 10. Defendant's corporate entity address is 600 Third Avenue, New York,
19 NY 10016.

20 11. Defendant issues, and during the relevant period issued, payroll checks
21 to Plaintiff and all other persons similarly situated.

22 12. With respect to the events at issue in this case, Defendant acted as the
23 employer of Plaintiff and all other persons similarly situated. As the employer,
24 Defendant is liable for the violations of law described in this Complaint.

25 13. Plaintiff is ignorant of the true name, capacity, relationship and extent
26 of participation in the conduct herein alleged of the Defendant sued herein as DOES
27 1 through 10, but are informed and believe and thereon allege that said Defendant
28 are legally responsible for the wrongful conduct alleged herein and therefore sue

1 these Defendant by such fictitious names. Plaintiffs will amend this complaint to
2 allege their true names and capacities when ascertained.

3 14. Plaintiff is informed and believes and thereon allege that each
4 Defendant acted in all respects pertinent to this action as the agent of the other
5 Defendant, and/or carried out a joint scheme, business plan or policy in all respects
6 pertinent hereto, and/or the acts of each Defendant are legally attributable to the
7 other Defendant.

8 IV.

9 NATURE OF THE ACTION

10 15. The FCRA provides individuals with a number of rights. Specifically,
11 pertaining to employment-related background checks referred to as "consumer
12 reports", the FCRA provides that a prospective employee must give valid consent
13 to the background check. The FCRA requires a signed authorization and disclosure
14 from the applicant, sometimes referred to as a "consent" form.

15 16. The authorization and disclosure form must be executed and signed by
16 the applicant prior to an employer requesting or conducting a background check.
17 Importantly, no extraneous information can be attached or included on the consent
18 form. The authorization and disclosure must stand-alone.

19 17. In violation of 15 U.S.C. §1681b(b)(2)(A)(i), Defendant has unlawfully
20 inserted liability release provisions into its form purporting to grant Defendant the
21 authority to obtain and use consumer report information for employment purposes
22 for Plaintiff and all members of the Proposed Class. The FCRA prohibits this
23 practice and requires that forms granting the authority to access and use consumer
24 report information for employment purposes be stand-alone forms, and not include
25 any additional information or agreements. Defendant's decision to include liability
26 release provisions in its disclosure and authorization forms is contrary to the plain
27 language of the statute and unambiguous regulatory guidance from the Federal Trade
28 Commission ("FTC").

1 information about background and experience, Defendant's form also contained a
2 liability release provision.

3 24. The inclusion of this liability release provision in the background check
4 disclosure and authorization form violates the FCRA, 15 U.S.C. § 1681, *et seq.*

5 25. Under the FCRA, it is unlawful to procure a consumer report or cause
6 a consumer report to be procured for employment purposes, unless:

7 (i) a clear and conspicuous disclosure has been made in writing to
8 the consumer at any time before the report is procured or causes
9 to be procured, in a document that consists solely of the
disclosure, that a consumer report may be obtained for
employment purposes; and

10 (ii) the consumer has authorized in writing (which authorization may
11 be made on the document referred to in clause (i)) the
procurement of the report.

12 15 U.S.C. §§ 1681b(b)(2)(A)(i)-(ii)

13 26. Although the disclosure required by clause (i) and the authorization
14 required by clause (ii) above may be combined in a single document, the FTC has
15 warned that the form should not include any extraneous information. Further, the
16 FTC has also specifically warned that the inclusion of such a waiver in a disclosure
17 form will violate Section 604(b)(2)(A) of the FCRA [15 U.S.C. §§ 1681b(b)(2)(A),
18 which requires that a disclosure consist solely of the disclosure that a consumer
19 report may be obtained for employment purposes.

20 27. This requirement is meant to prevent the consumer from being
21 distracted by other information side-by-side with this very important disclosure. The
22 disclosure shall not be diminished in importance by including unrelated information.
23 The disclosure must be clear and conspicuous, understandable and noticeable.

24 28. By including a liability release in its "Background Investigation
25 Consent" form, Defendant's conduct is contrary to the plain language of the statute.
26 Defendant willfully disregarded the FTC's regulatory guidance and violated 15
27 U.S.C. §§ 1681b(b)(2)(A).

28 ///

VI.

THE CLASS

29. Plaintiff brings the First and Second Causes of Action on behalf of himself and all others similarly situated as a Class Action pursuant to Rule 23(a) and 23(b)(3) of the F.R.C.P. Plaintiff satisfies the requirements of Rule 23(a) and (b)(3) for the prosecution of this action as a class action. Plaintiff seeks to represent a putative class composed of and defined as follows:

all persons in the United States who filled out Defendant's standard "Background Investigation Consent" form that included an authorization and a liability release clause at any time during the period beginning five (5) years prior to the filing of this Complaint to the present. (the "Proposed Class")

30. Plaintiff reserves the right to amend or modify the class description with greater specificity or further division into subclasses or limitation to particular issues

31. Defendant, as a matter of corporate policy, practice, and procedure, in violation of 15 U.S.C. §1681, et seq., intentionally, knowingly, and willfully, engaged in a practice whereby Defendant uniformly, unfairly, and unlawfully instituted a policy of including a liability release in its Background Investigation Consent form.

32. Defendant uniformly violated the rights of the Proposed Class by violating the FCRA 15 U.S.C. §1681b(b)(2)(A)(i)-(ii) by including a liability release in its Background Investigation Consent form.

33. This class action on behalf of members of the Proposed Class meets the statutory prerequisites for the maintenance of a class action as set forth in Rule 23(a) and 23(b)(3) of the F.R.C.P.

A. Numerosity

34. The Proposed Class is so numerous that joinder of all class members is impracticable. While the precise number of members of the Proposed FCRA Class

1 has not been determined at this time, Plaintiff is informed and believes that
2 Defendant, during the relevant period, had applicants that numbered over 1,000.

3 35. Plaintiff alleges that Defendant's records will provide information as to
4 the number of all members of the Proposed Class.

5 B. Commonality

6 36. There are questions of law and fact common to the Proposed Class that
7 predominate over any questions affecting only individual members of the Class.
8 These common questions of law and fact include, without limitation:

- 9 a. Whether Defendant required members of the Proposed Class to fill
10 out a "Background Investigation Consent" form;
11 b. Whether Defendant's "Background Investigation Consent" form
12 complies with 15 U.S.C. §1681, et seq.;
13 c. Whether Defendant violated 15 U.S.C. §1681, et seq. by including
14 a liability release in its Background Investigation Consent form;
15 d. Whether Defendant violated 15 U.S.C. §1681, et seq. by procuring
16 consumer reports without valid authorization; and
17 e. Whether Defendant's violations of 15 U.S.C. §1681, et seq. were
18 willful.

19 C. Typicality

20 37. The claims of the named Plaintiff are typical of the claims of the
21 members of the Proposed Class.

22 38. Plaintiff is a member of the Proposed Class. Plaintiff was an applicant
23 and filled out Defendant's "Background Investigation Consent" form during his
24 application process. Plaintiff was subjected to the same unlawful practices as other
25 members of the Proposed Class.

26 39. Plaintiff and other members of the Proposed Class suffered the same
27 injuries and seek the same relief.

28 ///

1 D. Adequacy of Representation

2 40. Plaintiff will fairly and adequately represent and protect the interests of
3 the members of the Proposed Class.

4 41. Counsel for Plaintiff are competent and experienced in litigation large
5 complex consumer and wage and hour class actions.

6 E. Predominance and Superiority of a Class Action

7 42. A class action is superior to other available means for fair and efficient
8 adjudication of this controversy. Individual joinder of all members of the Proposed
9 Class is not practicable, and questions of law and fact common to the Class
10 predominate over any questions affecting only individual members of the Proposed
11 Class.

12 43. Class action treatment will allow those similarly situated persons to
13 litigate their claims in the manner that is most efficient and economical for the parties
14 and the judicial system. Plaintiff is unaware of any difficulties that are likely to be
15 encountered in the management of this action that would preclude its maintenance
16 as a class action.

17 44. Class action treatment will allow a large number of similarly situated
18 agricultural employees to prosecute their common claims in a single forum,
19 simultaneously, efficiently, and without the unnecessary duplication of effort and
20 expense that numerous individual actions would require. Further, the monetary
21 amounts due to many individual class members are likely to be relatively small, and
22 the burden and expense of individual litigation would make it difficult or impossible
23 for individual members of the members of the Proposed Class to seek and obtain
24 relief. Moreover, a class action will serve an important public interest by permitting
25 employees harmed by Defendant's unlawful practices to effectively pursue recovery
26 of the sums owed to them.

27 ///

28 ///

VII.

FIRST CAUSE OF ACTION

FAILURE TO MAKE PROPER DISCLOSURE IN VIOLATION OF THE

FCRA

[15 U.S.C. § 1681b(b)(2)(A)(i), *ET SEQ.*]

(BY PLAINTIFF AND ALL MEMBERS OF THE PROPOSED CLASS

AGAINST ALL DEFENDANTS)

45. Plaintiff, and the other members of the Proposed Class, reallege and incorporate by this reference, as though set forth herein, the prior paragraphs of this complaint.

46. Defendant violated 15 U.S.C. §1681b(b)(2)(A)(i) of the FCRA by including a liability release in the “Background Investigation Consent” form that Plaintiff and all other members of the Proposed Class were required to fill out as a condition of seeking employment with Defendant.

47. The violations of the FCRA were willful. Defendant knew that its disclosure and authorization forms should not include extraneous information that is prohibited by the FCRA, and acted in deliberate disregard of its obligations and the rights of Plaintiff and all other members of the Proposed Class under 15 U.S.C. § 1681b(b)(2)(A)(i).

48. Plaintiff and all other members of the Proposed Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for every violation of the FCRA, pursuant to 15 U.S.C. § 1681 n(a)(1)(A).

49. Plaintiff and all other members of the Proposed Class are also entitled to punitive damages for these violations, pursuant to 15 U.S.C. §1681n(a)(2).

50. Plaintiff and all other members of the Proposed Class are further entitled to recover their costs and attorneys’ fees, pursuant to 15 U.S.C. §1681n(a)(3).

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VIII.

SECOND CAUSE OF ACTION

FOR FAILURE TO OBTAIN PROPER AUTHORIZATION IN VIOLATION

OF THE FCRA

[15 U.S.C. § 1681b(b)(2)(A)(ii)]

(BY PLAINTIFF AND ALL MEMBERS OF THE PROPOSED CLASS

AGAINST ALL DEFENDANTS)

51. Plaintiff, and the other members of the Proposed Class, reallege and incorporate by this reference, as though fully set forth herein, the prior paragraphs of this Complaint.

52. Defendant violated the FCRA by procuring consumer reports relating to Plaintiff and all other members of the Proposed Class without proper authorization. See 15 U.S.C. § 1681b(b)(2)(A)(ii).

53. The violations of the FCRA were willful. Defendant acted in deliberate disregard of its obligations and the rights of Plaintiff and all other members of the Proposed Class under 15 U.S.C. § 1681b(b)(2)(A)(ii).

54. Plaintiff and all other members of the Proposed Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for every violation of the FCRA, pursuant to 15 U.S.C. § 1681n(a)(1)(A).

55. Plaintiff and all other members of the Proposed Class are also entitled to punitive damages for these violations, pursuant to 15 U.S.C. § 1681n(a)(2).

56. Plaintiff and all other members of the Proposed Class are further entitled to recover their costs and attorneys' fees, pursuant to 15 U.S.C. § 1681n(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against each Defendant, jointly and severally, as follows:

1. On behalf of the Proposed Class:

- 1 A) That the Court certify the First and Second Causes of Action asserted
2 by the Proposed Class as a Class Action pursuant to Fed. R. Civ. Proc.
3 23(b)(2) and/or (3);
- 4 B) A determination and judgment that Defendant willfully violated 15 U.S.C.
5 § 1681(b)(2)(A)(i) and(ii) of the FCRA by improperly including liability
6 release language in its background check disclosure and authorization
7 form and by obtaining consumer reports on Plaintiff and all other
8 members of the Proposed Class without having proper authorization to
9 do so;
- 10 C) Pursuant to 15 U.S.C. § 1681n(a)(1)(A), an award of statutory damages to
11 Plaintiff and all other members of the Proposed Class in an amount equal
12 to \$1,000 for Plaintiff and all other members of the Proposed Class for
13 Defendant's willful violation of the FCRA;
- 14 D) Pursuant to 15 U.S.C. § 1681n(a)(2), an award of punitive damages to
15 Plaintiff and all other members of the Proposed Class;
- 16 E) An award for costs of suit and reasonable attorneys' fees pursuant to 15
17 U.S.C. § 1681n(a)(3); and,
- 18 F) Such other and further relief as the Court deems just and equitable.

19
20 **DEMAND FOR JURY TRIAL**

21 DATED: November 20, 2017

KINGSLEY & KINGSLEY, APC

22
23 By: _____

Eric B. Kingsley
Kelsey M. Szamet
Attorneys for Plaintiff

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

JOSEPH ESTES, an individual, on behalf of himself and others similarly situated,

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
ERIC B. KINGSLEY, ESQ., SBN-185123
KELSEY M. SZAMET, ESQ., SBN-260264
16133 VENTURA BLVD., SUITE 1200
ENCINO, CA 91436
(818) 990-8300

DEFENDANTS

L3 TECHNOLOGIES, INC.

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

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

Attorneys (If Known)

'17CV2356 H JMA

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

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

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

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

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

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

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 1681b, et seq., and 15 U.S.C. Section 1681b

Brief description of cause: Violation of the Fair Credit Reporting Act for Failure to Make Proper Disclosure and Violation of Fair Credit Act for Failure to Make Proper Disclosures and Obtain Proper Authorization

VII. REQUESTED IN COMPLAINT:

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

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. **Origin.** Place an "X" in one of the six 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. When the petition for removal is granted, check this box.
 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Claims L3 Technologies Pulled Background Reports without Proper Authorization](#)
