

**KINGSLEY & KINGSLEY, APC**

ERIC B. KINGSLEY, Esq., Cal. Bar No. 185123

eric@kingsleykingsley.com

**KELSEY M. SZAMET, Esq., Cal. Bar No. 260264**

kelsey@kingsleykingsley.com

16133 Ventura Blvd., Suite 1200

Encino, CA 91436

Telephone: (818) 990-8300

Fax: (818) 990-2903

**DAVTYAN PROFESSIONAL LAW CORPORATION**

EMIL DAVTYAN, Esq., Cal. Bar No. 299363

support@davytanlaw.com

5959 Topanga Canyon Blvd., Suite 130

Woodland Hills, California 91367

Telephone: (818) 875-2008

Fax: (818) 722-3974

Attorneys for Plaintiff and the Proposed Class

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

ERNESTO LIMON, an individual, on  
behalf of himself and others similarly  
situated

PLAINTIFF,

v.

CIRCLE K STORES INC.; and DOES  
1 thru 50, inclusive

DEFENDANTS.

CASE NO.

**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 ERNESTO LIMON (“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 CIRCLE K STORES INC. ("Defendant") is a Texas  
7 Corporation and at all relevant times mentioned herein conducted and continues to  
8 conduct substantial and regular business throughout California.

9 2. Defendant owns and operates convenience stores and gas stations in the  
10 United States.

11 3. Plaintiff applied, was hired, and performed work for Defendant in  
12 Modesto, California.

13 4. Upon information and belief, during the application process, Plaintiff  
14 filled out Defendant’s standard “Fair Credit Reporting Act (FCRA) Consent” form  
15 permitting Defendant to obtain a consumer report verifying Plaintiff’s background  
16 and experience.

17 5. 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 “Fair Credit Reporting Act (FCRA) Consent” form that  
21 included an authorization and a liability release clause at any  
22 time during the period beginning five (5) years prior to the filing  
23 of this Complaint to a date determined by the Court.” (the  
24 “Proposed Class”)

25 **II.**

26 **JURISDICTION AND VENUE**

27 6. The Court has jurisdiction over Plaintiff’s federal claims pursuant to 28  
U.S.C. §1331 and 15 U.S.C. §1681 of the FCRA.

28 7. Venue is proper in this district pursuant to 28 U.S.C. §1391(d) because

1 Defendant is subject to personal jurisdiction in this district, maintains offices in this  
2 district, and the actions at issue took place in this district.

3 **III.**

4 **THE PARTIES**

5 A. **PLAINTIFF**

6 8. Plaintiff applied, was hired and performed work for Defendant in  
7 California from June 29, 2018 through July 31, 2018.

8 9. During the application process with Defendant, upon information and  
9 belief, Plaintiff was required to fill out Defendant's standard "Fair Credit Reporting  
10 Act (FRCA) Consent" form ("disclosure and authorization form") permitting  
11 Defendant to obtain a consumer report verifying Plaintiff's background and  
12 experience.

13 10. Plaintiff signed the form on June 21, 2018.

14 11. Plaintiff was confused by the standard disclosure and authorization  
15 form and did not understand that Defendant would be requesting "consumer reports"  
16 as defined in the FCRA. Nonetheless, upon information and belief, Defendant then  
17 secured a consumer report regarding Plaintiff.

18 B. **DEFENDANT**

19 12. Defendant is a Texas Corporation. At all times relevant herein,  
20 Defendant conducted and continues to conduct business throughout the State of  
21 California including hiring and employees such as Plaintiff.

22 13. Defendant's entity address listed with the California Secretary of State  
23 is 1130 West Warner Road, Building B, Tempe, AZ 85284.

24 14. Defendant requires Plaintiff and all other persons similarly situated to  
25 fill out Defendant's standard disclosure and authorization form permitting  
26 Defendant to obtain a consumer report verifying the applicant's background and  
27 experience.

28 15. With respect to the events at issue in this case, Defendant is liable for

1 the violations of law described in this Complaint.

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

7 **IV.**

8 **NATURE OF THE ACTION**

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

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

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

28 20. In violation of 15 U.S.C. § 1681b(b)(2)(A)(ii), Defendant has obtained

1 consumer reports regarding Plaintiff and all Proposed Class Members without proper  
2 authorization because the authorization and disclosure forms failed to comply with  
3 the requirements of the FCRA.

4 21. The inclusion of the liability waiver in Defendant's disclosure and  
5 authorization forms invalidates the purported consent and also triggers statutory  
6 damages under the FCRA in the amount of up to \$1,000 for each applicant that  
7 Defendant obtained a consumer report without a facially valid, executed  
8 authorization, as well as punitive damages, equitable relief, and attorneys' fees and  
9 costs.

10 22. In addition, Defendant's failure to secure signed disclosure and  
11 authorization forms invalidates the purported consent and also triggers statutory  
12 damages under the FCRA in the amount of up to \$1,000 for each applicant that  
13 Defendant obtained a consumer report without a facially valid, executed  
14 authorization, as well as punitive damages, equitable relief, and attorneys' fees and  
15 costs.

16 V.

17 **FACTUAL ALLEGATIONS**

18 23. Plaintiff applied to work for Defendant in California. In connection  
19 with application, Plaintiff was required to fill out Defendant's standard disclosure  
20 and authorization form permitting Defendant to obtain a consumer report verifying  
21 Plaintiff's background and experience.

22 24. Plaintiff was confused by the standard disclosure and authorization  
23 form document and did not understand that Defendant would be requesting  
24 "consumer reports" as defined in the FCRA.

25 25. Defendant's standard application form states: "I authorize, without  
26 reservation, any person or entity contacted by Circle K Stores Inc. or its agent(s) to  
27 furnish the above stated information, and I release any such person or entity from  
28 any liability for furnishing such information."

1           26. Nonetheless, upon information and belief, Defendant then secured  
2 consumer reports regarding Plaintiff. Thereafter, Defendant hired Plaintiff.

3           27. Upon information and belief, Defendant required all applicants to  
4 complete the same standard disclosure and authorization form permitting Defendant  
5 to obtain consumer reports verifying the applicant's background and experience and  
6 containing a liability release.

7           28. Thus, in addition to the authorization and disclosure to obtain consumer  
8 reports, Defendant's standard application form also contained a liability release  
9 provision.

10           29. The inclusion of this extraneous information in Defendant's standard  
11 form permitting Defendant to obtain consumer reports verifying an applicant's  
12 background and experience violates the FCRA, 15 U.S.C. § 1681, *et seq.*

13           30. Under the FCRA, it is unlawful to procure a consumer report or cause  
14 a consumer report to be procured for employment purposes, unless:

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

20 15 U.S.C. §§ 1681b(b)(2)(A)(i)-(ii)

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

28           32. This requirement is meant to prevent the consumer from being



1 distracted by other extraneous information side-by-side with this very important  
2 disclosure. The disclosure shall not be diminished in importance by including  
3 unrelated information. The disclosure must be clear and conspicuous,  
4 understandable and noticeable.

5 33. By including extraneous information in its standard disclosure and  
6 authorization form permitting Defendant to obtain consumer reports, Defendant's  
7 conduct is contrary to the plain language of the statute. Defendant willfully  
8 disregarded the FTC's regulatory guidance and violated 15 U.S.C. §§  
9 1681b(b)(2)(A).

10 34. Defendants' failure to provide a clear disclosure, in a document that  
11 consists solely of the disclosure and authorization, deprived Plaintiff and others  
12 similarly situated of the right to information and the right to privacy guaranteed by  
13 15 U.S.C. section 1681b(n)(2)(A)(i)–(ii). Because Defendant unlawfully included  
14 extraneous information in its standard form permitting Defendant to obtain  
15 consumer reports verifying Plaintiff's background and experience, Plaintiff was  
16 confused by the standard disclosure and authorization form document and did not  
17 understand that Defendant would be requesting "consumer reports" as defined in the  
18 FCRA.

19 **VI.**

20 **THE CLASS**

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

26 "all persons in the United States who filled out Defendant's  
27 standard "Fair Credit Reporting Act (FCRA) Consent" form that  
28 included an authorization and a liability release clause at any

1 time during the period beginning five (5) years prior to the filing  
2 of this Complaint to a date determined by the Court.” (the  
3 “Proposed Class”)

4 36. Plaintiffs reserve the right to amend or modify the Class description  
5 with greater specificity or further division into subclasses or limitation to particular  
6 issues.

7 37. Defendant, as a matter of corporate policy, practice, and procedure, in  
8 violation of 15 U.S.C. §1681, et seq., intentionally, knowingly, and willfully,  
9 engaged in a practice whereby Defendant uniformly, unfairly, and unlawfully  
10 instituted a policy of obtaining consumer reports without valid authorization to do  
11 so.

12 38. Defendant uniformly violated the rights of the Proposed FCRA Class  
13 by violating the FCRA 15 U.S.C. §1681b(b)(2)(A)(i)-(ii) by unlawfully obtaining  
14 consumer reports without first obtaining valid signed authorization and disclosure  
15 forms.

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

19 A. Numerosity

20 40. The Proposed Class is so numerous that joinder of all class members is  
21 impracticable. While the precise number of members of the Proposed FCRA Class  
22 has not been determined at this time, Plaintiff is informed and believes that  
23 Defendant, during the relevant period, had applicants that numbered well over 5,000.

24 41. Plaintiff alleges that Defendant’s records will provide information as to  
25 the number of all members of the Proposed Class.

26 B. Commonality

27 42. There are questions of law and fact common to the Proposed Class that  
28 predominate over any questions affecting only individual members of the Class.



1 These common questions of law and fact include, without limitation:

- 2 a. Whether Defendant required members of the Proposed Class to fill out  
3 a standard disclosure and authorization form permitting Defendant to  
4 obtain consumer reports;
- 5 b. Whether Defendant's standard disclosure and authorization form  
6 permitting Defendant to obtain consumer reports complies with 15  
7 U.S.C. §1681, et seq.;
- 8 c. Whether Defendant violated 15 U.S.C. §1681, et seq. by including  
9 extraneous information in its standard disclosure and authorization  
10 form permitting Defendant to obtain consumer reports;
- 11 d. Whether Defendant violated 15 U.S.C. §1681, et seq. by failing to  
12 obtain signatures on its standard disclosure and authorization form;
- 13 e. Whether Defendant violated 15 U.S.C. §1681, et seq. by procuring  
14 consumer reports without valid authorization; and
- 15 f. Whether Defendant's violations of 15 U.S.C. §1681, et seq. were  
16 willful.

17 C. Typicality

18 43. The claims of the named Plaintiff are typical of the claims of the  
19 members of the Proposed Class.

20 44. Plaintiff is a member of the Proposed Class. Plaintiff was an applicant  
21 and filled out Defendant's standard disclosure and authorization form permitting  
22 Defendant to obtain consumer reports during his application process. Plaintiff was  
23 subjected to the same unlawful practices as other members of the Proposed Class.

24 45. Plaintiff and other members of the Proposed Class suffered the same  
25 injuries and seek the same relief.

26 D. Adequacy of Representation

27 46. Plaintiff will fairly and adequately represent and protect the interests of  
28 the members of the Proposed Class.

1 47. Counsel for Plaintiff are competent and experienced in litigating large  
2 complex consumer and wage and hour class actions.

3 E. Predominance and Superiority of a Class Action

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

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

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

24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1 VII.

2 FIRST CAUSE OF ACTION

3 FAILURE TO MAKE PROPER DISCLOSURE IN VIOLATION OF THE

4 FCRA

5 [15 U.S.C. § 1681b(b)(2)(A)(I), ET SEQ.]

6 (BY PLAINTIFF AND ALL MEMBERS OF THE PROPOSED CLASS

7 AGAINST ALL DEFENDANTS)

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

11 52. Defendant violated 15 U.S.C. §1681b(b)(2)(A)(i) of the FCRA by  
12 including extraneous information in its standard disclosure and authorization form  
13 permitting it to obtain consumer reports verifying an applicant's background and  
14 experience that Defendant required Plaintiff and all other members of the Proposed  
15 Class to fill out as a condition of seeking employment with Defendant.

16 53. The violations of the FCRA were willful. Defendant knew that its  
17 standard disclosure and authorization form permitting it to obtain a consumer report  
18 verifying an applicant's background and experience should not include extraneous  
19 information that is prohibited by the FCRA, and acted in deliberate disregard of its  
20 obligations and the rights of Plaintiff and all other members of the Proposed Class  
21 under 15 U.S.C. § 1681b(b)(2)(A)(i).

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

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

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

**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)**

57. 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.

58. 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).

59. 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).

60. 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).

61. 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).

62. 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  
6 extraneous information in its standard disclosure and authorization form  
7 permitting it to obtain consumer reports verifying an applicant's  
8 background and experience and by obtaining consumer reports on  
9 Plaintiff and all other members of the Proposed Class without having  
10 proper authorization to do so;
- 11 C) Pursuant to 15 U.S.C. § 1681n(a)(1)(A), an award of statutory damages to  
12 Plaintiff and all other members of the Proposed Class in an amount equal  
13 to \$1,000 for Plaintiff and all other members of the Proposed Class for  
14 Defendant's willful violation of the FCRA;
- 15 D) Pursuant to 15 U.S.C. § 1681n(a)(2), an award of punitive damages to  
16 Plaintiff and all other members of the Proposed Class;
- 17 E) An award for costs of suit and reasonable attorneys' fees pursuant to 15  
18 U.S.C. § 1681n(a)(3); and,
- 19 F) Such other and further relief as the Court deems just and equitable.

20  
21 **DEMAND FOR JURY TRIAL**

22  
23 DATED: December 11, 2018

KINGSLEY & KINGSLEY, APC

24  
25 By: \_\_\_\_\_

Eric B. Kingsley  
Kelsey M. Szamet  
Attorneys for Plaintiff



CIVIL COVER SHEET

The JS 44 civil cover sheet and the original complaint must be filed with the clerk of the court in which the case is filed... Case 1:18-cv-00888-Document 1-1 Filed 12/11/18 Page 1 of 2

I. (a) PLAINTIFFS
Ernesto Limon, an individual, on behalf of himself and others similarly situated
(b) County of Residence of First Listed Plaintiff Modesto
(c) Attorneys (Firm Name, Address, and Telephone Number) Kingsley & Kingsley, APC

DEFENDANTS
Circle K Stores Inc.; and DOES 1 thru 50, inclusive
County of Residence of First Listed Defendant AZ
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
[ ] 1 U.S. Government Plaintiff
[ ] 2 U.S. Government Defendant
[ X ] 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
Citizen of This State [ ] 1 [ ] 1
Citizen of Another State [ ] 2 [ ] 2
Citizen or Subject of a Foreign Country [ ] 3 [ ] 3
Incorporated or Principal Place of Business In This State [ ] 4 [ ] 4
Incorporated and Principal Place of Business In Another State [ ] 5 [ ] 5
Foreign Nation [ ] 6 [ ] 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)
[X] 1 Original Proceeding
[ ] 2 Removed from State Court
[ ] 3 Remanded from Appellate Court
[ ] 4 Reinstated or Reopened
[ ] 5 Transferred from Another District (specify)
[ ] 6 Multidistrict Litigation - Transfer
[ ] 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
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 Disclosures and Violation of the Fair Credit Reporting Act for Failure to Obtain Proper Authorization

VII. REQUESTED IN COMPLAINT:
[X] CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE DOCKET NUMBER

DATE 12/11/2018
SIGNATURE OF ATTORNEY OF RECORD
FOR OFFICE USE ONLY



**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
- (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
- (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" 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 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.  
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.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Ex-Employee Says Circle K Stores Performed Background Check Without Proper Authorization](#)

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