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6 Attorneys for Defendant
ALCLEAR, LLC
7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11 MEREDITH MEAD on behalf of herself
12 and all others similarly situated,

13 Plaintiff,

14 v.

15 ALCLEAR, LLC and DOES 1 through
16 10, inclusive,

17 Defendants.

Case No.

**DEFENDANT ALCLEAR, LLC'S
NOTICE OF REMOVAL**

[Removal from the Superior Court of
the State of California, County of Los
Angeles, Case No. 20STCV19395]

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**
2 **CENTRAL DISTRICT OF CALIFORNIA, AND TO ALL PARTIES AND**
3 **THEIR COUNSEL OF RECORD:**

4 PLEASE TAKE NOTICE that Defendant Alclear, LLC (“Defendant” or
5 “CLEAR”) hereby removes the above-captioned action, *Margaret Mead v. Alclear,*
6 *LLC*, Case No. 20STCV19395, which is currently pending in the Superior Court of
7 the State of California for the County of Los Angeles (the “State Court Action”), to
8 the United States District Court for the Central District of California, Western
9 Division, pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453.¹ As grounds for
10 removal, Defendant states as follows:

11 **INTRODUCTION**

12 This case is removable under 28 U.S.C. § 1441 and the Class Action Fairness
13 Act of 2005, P.L. 109-2, as codified at 28 U.S.C. § 1332(d) and 28 U.S.C. § 1453
14 (“CAFA”). Pursuant to CAFA, federal courts have original jurisdiction over class
15 actions where: (1) the putative class consists of at least 100 members (28 U.S.C.
16 § 1332(d)(5)(B)); (2) there is minimal diversity between the parties (28 U.S.C.
17 § 1332(d)(2)(A)); and (3) the aggregate classwide amount in controversy exceeds
18 \$5,000,000, exclusive of interest and costs (28 U.S.C. § 1332(d)(2) and (d)(6)).
19 Based upon Plaintiff’s allegations (which CLEAR expressly denies and intends to
20 demonstrate are without merit), removal here is proper because CAFA’s
21 requirements are met, no exception to CAFA jurisdiction applies, and CLEAR has
22 timely removed.

23 **BACKGROUND**

24 1. On May 20, 2020, Plaintiff Meredith Mead (“Plaintiff”) filed a

25 _____
26 ¹ Defendant sets forth the allegations in Plaintiff’s Complaint solely to establish the
27 prerequisites for jurisdiction and removal of this action. By filing this Notice of
28 Removal, Defendant does not waive any objections it may have as to lack of
jurisdiction over Defendant, or venue, or any other defenses or objections to the
State Court Action, including, but not limited to, the viability of class certification.
Defendant intends no admission of fact, law, or liability by this Notice, and reserves
all defenses, motions, and pleas.

1 putative Class Action Complaint against Defendant and Does 1-10 for (1) Violation
2 of California Consumers Legal Remedies Act, Cal. Civ. Code §§ 1750, *et seq.*
3 (“CLRA”); (2) Violation of California’s Unfair Competition Law, Cal. Bus. & Prof.
4 Code §§ 17200, *et seq.* (“UCL”); (3) Violation of California’s False Advertising
5 Law, Cal. Bus. & Prof. Code §§ 17500, *et seq.* (“FAL”); (4) Money Had and
6 Received; and (5) Unjust Enrichment, in California Superior Court, Los Angeles
7 County.

8 2. Defendant was served with the Summons and Complaint on July 21,
9 2020 by personal service.

10 3. Plaintiff alleges that Defendant’s advertising and marketing of its
11 biometric identification services (“CLEAR”) as being offered at “65 plus airports,
12 stadiums, and other venues” was inaccurate and misleading because Defendant
13 allegedly closed its locations following the COVID-19 pandemic. *See* Compl. ¶¶ 2,
14 13, 45-49. Plaintiff further alleges that Defendant unlawfully retained Plaintiff’s
15 and the putative class members’ enrollment fees for memberships with CLEAR,
16 despite the alleged closures. *See id.* ¶¶ 3, 13-14, 28, 36-37, 44, 52, 56-58. Finally,
17 Plaintiff claims that, as a result, she and the putative class members suffered
18 injuries because they allegedly were unable to access CLEAR for a full year. *See*
19 *id.* ¶¶ 29, 38, 49, 60.

20 4. Plaintiff, on behalf of herself and those similarly situated, seeks
21 certification of a class and subclass, a declaratory judgment that Defendant’s
22 conduct violated the law, an award finding in favor of Plaintiff and the putative
23 class, compensatory damages, prejudgment interest, restitution and other equitable
24 monetary relief, injunctive relief, attorney’s fees, expenses, and costs. *See id.*,
25 Prayer for Relief.

26 **REMOVAL IS PROPER UNDER 28 U.S.C. §§ 1332(d) AND 1453**

27 **(CAFA JURISDICTION)**

28 5. This Court has original jurisdiction under 28 U.S.C. §§ 1332(d) and

1 1453 on the basis of CAFA jurisdiction because (1) the citizenship of at least one
2 putative class member is different from that of Defendant, (2) the putative class
3 consists of more than 100 proposed class members, and (3) “the matter in
4 controversy exceeds the sum or value of \$5,000,000, exclusive of interest and
5 costs.” *See* 28 U.S.C. §§ 1332(d)(2), (d)(2)(A), (d)(5)(B), (d)(6).

6 *Citizenship of the Parties (28 U.S.C. § 1332(d)(2)(A)).*

7 6. Diversity of citizenship exists because Plaintiff and members of the
8 putative class are citizens of a state different from Defendant.

9 7. For purposes of diversity, Plaintiff is, as she alleges, “a citizen of
10 California, residing in Los Angeles, California.” Compl. ¶ 7.

11 8. Defendant CLEAR is, and at the time this action was filed was, a
12 limited liability company duly organized under the laws of the State of Delaware,
13 with its principal place of business located in the State of New York. *Id.* ¶ 8.²
14 Defendant is comprised of members that are citizens of thirteen (13) states,
15 including California, Colorado, Connecticut, Florida, Georgia, Illinois, Maryland,
16 Massachusetts, Michigan, New York, Pennsylvania, Virginia, and Washington, and
17 the District of Columbia.

18 9. In traditional diversity jurisdiction cases, a limited liability company is
19 deemed a citizen of each state of which its members are citizens. *See Johnson v.*
20 *Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). However,
21 for purposes of CAFA jurisdiction, “an unincorporated association shall be deemed
22 to be a citizen of the State where it has its principal place of business and the State
23 under whose laws it is organized.” *See* 28 U.S.C. § 1332(d)(10); *Abrego v. Dow*
24 *Chem. Co.*, 443 F.3d 676, 684 (9th Cir. 2006) (“[A]n unincorporated association
25 shall be deemed to be a citizen of the State where it has its principal place of
26 business and the State under whose laws it is organized.”). As such, Defendant is a

27 _____
28 ² Plaintiff alleges that CLEAR is “a *corporation* organized and operating under the
laws of Delaware.” Compl. ¶ 8 (emphasis added). Although this is incorrect, the
error is immaterial for purposes of this Notice of Removal.

1 citizen of the States of Delaware and New York for purposes of diversity under
2 CAFA. *See Ferrell v. Express Check Advance of SC LLC*, 591 F.3d 698, 700 (4th
3 Cir. 2010) (holding that an LLC is properly considered an “unincorporated
4 association” within the meaning of § 1332(d)(10) “and therefore is a citizen of the
5 State under whose laws it is organized and the State where it has its principal place
6 of business.”); *Ramirez v. Carefusion Res., LLC*, No. 18-CV-2852-BEN-MSB,
7 2019 WL 2897902, at *2 (S.D. Cal. July 5, 2019) (noting that “most courts to
8 consider the issue have reached the same conclusion” as the Fourth Circuit that an
9 LLC constitutes an “unincorporated association” under § 1332(d)(10)).

10 10. Regardless, even to the extent Defendant’s citizenship was deemed to
11 be that of every state of which its members are citizens, there would still be
12 minimal diversity here. Plaintiff purports to represent a nationwide class of “[a]ll
13 consumers in the United States who paid usage fees to Defendants for CLEAR
14 from March 17, 2019 to a date to be determined.” Compl. ¶ 15. As such, at least
15 one such person (if not most such persons) must be a citizen of a state different than
16 those states of which Defendant may be considered a citizen. *See Rosas v.*
17 *Carnegie Mortg., LLC*, No. CV 11-7692 CAS CWX, 2012 WL 1865480, at *5
18 (C.D. Cal. May 21, 2012) (holding that “[b]ecause the complaint alleges a
19 ‘nationwide class,’ . . . minimal diversity necessarily exists” under the Class Action
20 Fairness Act).

21 11. Accordingly, the diversity of citizenship requirement is satisfied here
22 because Plaintiff—and, at a minimum, other members of the putative nationwide
23 class—is a citizen of a state different than Defendant. 28 U.S.C. § 1332(d)(2)(A).

24 *Putative Class Size (28 U.S.C. § 1332(d)(5)(B)).*

25 12. Removal is proper under 28 U.S.C. § 1332(d)(5)(B) because the
26 number of members of the proposed class exceeds 100.

27 13. Plaintiff defines the proposed class as:
28

1 All consumers in the United States who paid usage fees
2 to Defendants for CLEAR from March 17, 2019 to a date
3 to be determined.

4 Compl. ¶ 15.

5 14. Plaintiff also defines a proposed subclass of:

6 All consumers in California who paid usage fees to
7 Defendants for CLEAR from March 17, 2019 to a date to
8 be determined.

9 *Id.*

10 15. The class definition clearly encompasses more than 100 people
11 because, as drafted, it literally includes all consumers who paid usage fees to
12 CLEAR for more than a one-year period. *Id.* Plaintiff herself contends that “[t]he
13 Class members consists [sic] of thousands, if not hundreds of thousands, of CLEAR
14 customers.” *Id.* ¶ 17.

15 16. Defendant’s records confirm that the putative class size is in excess of
16 100.

17 17. Accordingly, CAFA’s numerosity requirement is satisfied pursuant to
18 28 U.S.C. § 1332(d)(5)(B).

19 *Amount in Controversy (28 U.S.C. §§ 1332(d)(2) and (d)(6)).*

20 18. For removal purposes, establishing the amount in controversy under
21 CAFA requires only that a defendant provide a short and plain statement of the
22 basis for jurisdiction—the equivalent of that required for a plaintiff filing a
23 complaint. *See Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81,
24 89 (2014). This means “a defendant’s notice of removal need only include a
25 plausible allegation that the amount in controversy exceeds the jurisdictional
26 threshold.” *Id.*³

27 ³ Indeed, the determination of the amount in controversy does not require a
28 prospective assessment of the defendant’s liability, but simply an estimate of the
total amount in dispute. *See Lewis v. Verizon Communications, Inc.*, 627 F.3d 395,
400-01 (9th Cir. 2010) (amount-in-controversy requirement satisfied where “[t]he

1 19. While Defendant denies that Plaintiff is entitled to recover any
2 amount, and specifically denies that certification of any class is proper, the
3 Plaintiff’s putative class definition, allegations, and requests for relief plausibly
4 place the amount in controversy in this case above CAFA’s \$5,000,000 aggregate
5 threshold, exclusive of interest and costs, for jurisdictional purposes. *See* 28 U.S.C.
6 §§ 1332(d)(2), (d)(6).

7 20. Plaintiff alleges that her claims are “typical of those belonging to
8 Class” and that she “is advancing the same claims and legal theories on behalf of
9 herself and all members of the Class.” Compl. ¶ 18. As noted previously, Plaintiff
10 alleges the Class “consists [sic] of thousands, if not hundreds of thousands, of
11 CLEAR customers.” *Id.* ¶ 17. Indeed, Plaintiff’s proposed Class includes, “[a]ll
12 consumers in the United States who paid usage fees to Defendants for CLEAR
13 from March 17, 2019...” *Id.* ¶ 15. Plaintiff alleges a broad class which clearly
14 places more than \$5,000,000 in controversy.

15 21. Specifically, Plaintiff alleges that she and the other Class members
16 paid an \$179.00 enrollment fee, but were “deprived full value of [the] fully paid
17 service.” *Id.* ¶ 29. She further alleges that Defendant has been “unjustly enriched
18 in retaining the revenues derived from Plaintiff and Class members’ enrollment fees
19 without providing the expected full year service.” *Id.* ¶ 58.

20 22. Consequently, Plaintiff seeks, on behalf of herself and the putative
21 class, “restitution . . . for Defendants’ unjust enrichment,” *id.* ¶ 61, and either a full
22 “refund or proportional refund as a result of [Defendant’s] unfair business acts and
23 practices,” *id.* ¶ 39. CLEAR’s preliminary investigation identified over 30,000
24 consumers in the United States who paid usage fees to CLEAR during the alleged
25 class period. Thus, Plaintiff’s request for restitution alone places more than

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27 Plaintiff is seeking recovery from a pot that Defendant has shown *could exceed* \$5
28 million” (emphasis added). This “burden is not ‘daunting,’ and ‘a removing
defendant is *not* obligated to research, state, and prove the plaintiff’s claims for
damages.” *Coleman v. Estes Express Lines, Inc.*, 730 F. Supp. 2d 1141, 1148
(C.D. Cal. 2010) (citation omitted).

1 \$5,000,000 in controversy even without consideration of the additional relief
2 Plaintiff seeks.⁴ Even taking the California Subclass standing alone, the alleged
3 amount in controversy would exceed the \$5 million threshold for CAFA
4 jurisdiction.

5 23. Plaintiff also seeks an unidentified amount of compensatory damages;
6 declaratory relief and injunctive relief;⁵ and attorneys' fees.⁶ Compl., Prayer for
7 Relief. Moreover, Plaintiff's request also seeks "such other and further relief as the
8 Court deems just and proper" (*id.*), beyond that specifically alleged in the
9 Complaint.⁷

10 24. Thus, the total amount in controversy in this matter is well in excess of
11 the \$5,000,000 jurisdictional threshold set by 28 U.S.C. § 1332(d)(2).

12 *No Exception to CAFA Jurisdiction Exists.*

13 25. Although Defendant denies that it bears the burden of showing that
14 CAFA's exceptions to jurisdiction in 28 U.S.C. §§ 1332(d)(3), (4), (5), and (9) are
15 inapplicable, none apply.

16 26. First, the discretionary exception in 28 U.S.C. § 1332(d)(3) does not
17 apply because Defendant is a citizen of Delaware and New York, so no defendant is
18 a citizen of the State in which the Complaint was originally filed—California.
19 Moreover, California citizens do not make up more than one-third of the members of
20 the proposed nationwide class.⁸

21 ⁴ See *Lewis*, 627 F.3d at 400.

22 ⁵ "In actions seeking declaratory or injunctive relief, it is well established that the
23 amount in controversy is measured by the value of the object of the litigation."
Hunt v. Washington State Apple Advertising Comm'n, 432 U.S. 333, 347 (1997),
superseded by statute on other grounds.

24 ⁶ See *Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1155-56 (9th Cir. 1998)
25 (attorneys' fees properly considered in determining amount in controversy where
26 legal claims may support award of attorney's fees); see also Cal Civ. Code
§ 1780(e) (prevailing plaintiff may recover attorneys' fees under CLRA).

27 ⁷ See Fed. R. Civ. P. 54(c) (providing that a court should award "relief to which
each party is entitled," though not specifically demanded in the pleadings).

28 ⁸ Nor does Plaintiff's Complaint contain any allegations that California citizens
make up more than one-third of the class.

1 27. Second, the exceptions in 28 U.S.C. § 1332(d)(4) do not apply for the
2 same reasons as above—Defendant is not a citizen of California and the proposed
3 class would not be comprised of two-thirds California citizens with injuries occurring
4 in California.

5 28. Third, the exception in 28 U.S.C. § 1332(d)(5)(A) does not apply
6 because Defendant is not a State, State official, or other governmental entity.

7 29. Fourth, the exception in 28 U.S.C. § 1332(d)(5)(B) does not apply
8 because, as previously indicated, the number of putative class members is greater
9 than 100.

10 30. Finally, the exceptions in 28 U.S.C. § 1332(d)(9) do not apply because
11 this case does not involve a claim that: (i) concerns a covered security as defined
12 under federal securities laws (28 U.S.C. § 1332(d)(9)(A)); (ii) “relates to the
13 internal affairs or governance of a corporation or other form of business enterprise”
14 or “arises under or by virtue of the laws of the State in which such corporation or
15 business enterprise is incorporated or organized” (28 U.S.C. § 1332(d)(9)(B)); or
16 (iii) “relates to the rights, duties . . . and obligations relating to or created by or
17 pursuant to any security” (28 U.S.C. § 1332(d)(9)(C)).

18 *Jurisdiction is Mandatory.*

19 31. Jurisdiction is mandatory, not discretionary, under CAFA because
20 Defendant is not a citizen of California, the “state in which th[is] action was
21 originally filed,” and more than one-third of the proposed class would not be
22 California citizens. 28 U.S.C. § 1332(d)(3).

23 **PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED**

24 32. *Removal is Timely.* This removal is timely under 28 U.S.C.
25 § 1446(b)(1) because Defendant removed the State Court Action within 30 days of
26 service of the Complaint. *See* 28 U.S.C. § 1446(b)(1) (“The notice of removal of a
27 civil action or proceeding shall be filed within 30 days after the receipt by the
28 defendant, through service or otherwise, of a copy of the initial pleading setting

1 forth the claim for relief upon which such action or proceeding is based, or within
2 30 days after the service of summons upon the defendant if such initial pleading has
3 then been filed in court and is not required to be served on the defendant, whichever
4 period is shorter.”). Defendant was served with the Summons and Complaint on
5 July 21, 2020.

6 33. Removal to Proper Court. Pursuant to 28 U.S.C. §§ 1332(d), 1441(a),
7 and 1446(a), this Notice of Removal is being filed in the United States District
8 Court for the Central District of California, Western Division, which is the “district
9 court” embracing the place where the State Court Action was filed.

10 34. Signature. This Notice of Removal is signed pursuant to Rule 11 of
11 the Federal Rules of Civil Procedure, in compliance with 28 U.S.C. § 1446(a).

12 35. Pleadings and Process. Copies of all process, pleadings and orders
13 served upon Defendant in the State Court Action are attached hereto as **Exhibit A**,
14 in compliance with 28 U.S.C. § 1446(a).

15 36. Notice of Filing of Notice of Removal. Attached hereto as **Exhibit B** is
16 a copy of the Notice of Filing of Notice of Removal, without exhibits, which will
17 be promptly filed with the Clerk of the Los Angeles County Superior Court in Los
18 Angeles, California, pursuant to 28 U.S.C. § 1446(d).

19 37. Notice of Removal to All Adverse Parties. Attached hereto as **Exhibit**
20 **C** is a copy of the Notice of Removal to All Adverse Parties, which will be
21 promptly served upon Plaintiff’s counsel. *See* 28 U.S.C. § 1446(d).

22 38. Bond and Verification. Pursuant to Section 1016 of the Judicial
23 Improvements and Access to Justice Act of 1988, no bond is required in connection
24 with this Notice of Removal. Pursuant to Section 1016 of the Act, this Notice need
25 not be verified.

26 CONCLUSION

27 Based upon the foregoing, this Court has jurisdiction over this matter
28 pursuant to 28 U.S.C. §§ 1332(d) and 1453, and the State Court Action is properly

1 removed to this Court under 28 U.S.C. §§ 1441 and 1446.

2 In filing this Notice of Removal, Defendant reserves the right to a jury trial
3 and any and all defenses, objections, and exceptions, and nothing in this Notice of
4 Removal shall be interpreted or construed as a waiver or relinquishment of its right
5 to arbitrate this action, or any portion thereof, or to assert any defenses or
6 counterclaims including, without limitation, insufficiency of process or service of
7 process, jurisdiction, improper joinder or misjoinder of claims and/or parties, failure
8 to join a necessary party, failure to state a claim, the viability of class certification,
9 and any other procedural or substantive defense available to Defendant. Defendant
10 further reserves the right to amend or supplement this Notice of Removal.

11
12 Dated: August 18, 2020

Respectfully submitted,

GOODWIN PROCTER LLP

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15 By: /s/ Laura A. Stoll

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20 Attorneys for Defendant
ALCLEAR, LLC

EXHIBIT A



Search

- Home**
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Case Access



LANGUAGE ACCESS

English

PRINT NEW SEARCH

CASE INFORMATION

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Case Number: 20STCV19395
MEREDITH MEAD VS ALCLEAR, LLC

Filing Courthouse: Spring Street Courthouse

Filing Date: 05/20/2020

Case Type: Other Non-Personal Injury/Property Damage tort (General Jurisdiction)

Status: Pending

[Click here to access document images for this case](#)

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FUTURE HEARINGS

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09/09/2020 at 13:30 PM in Department 10 at 312 North Spring Street, Los Angeles, CA 90012

Initial Status Conference

PARTY INFORMATION

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ALCLEAR LLC - Defendant

HAWKINS JAMES R. - Attorney for Plaintiff

MEAD MEREDITH - Plaintiff

DOCUMENTS FILED

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Documents Filed (Filing dates listed in descending order)

08/03/2020 Proof of Service Summons

Filed by Meredith Mead (Plaintiff)

07/08/2020 Certificate of Mailing for ((Court Order Re: Initial Status Conference) of 07/08/2020)

Filed by Clerk

07/08/2020 Minute Order ((Court Order Re: Initial Status Conference))

Filed by Clerk

05/20/2020 Notice of Case Assignment - Unlimited Civil Case

Filed by Clerk

05/20/2020 Summons (on Complaint)

Filed by Clerk

05/20/2020 Civil Case Cover Sheet

Filed by Meredith Mead (Plaintiff)

05/20/2020 Complaint

Filed by Meredith Mead (Plaintiff)

PROCEEDINGS HELD

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Proceedings Held (Proceeding dates listed in descending order)

07/08/2020 at 3:12 PM in Department 10, William F. Highberger, Presiding Court Order

REGISTER OF ACTIONS

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Register of Actions (Listed in descending order)

08/03/2020 Proof of Service Summons

Filed by Meredith Mead (Plaintiff)

07/08/2020 at 3:12 PM in Department 10, William F. Highberger, Presiding

Court Order

07/08/2020 Certificate of Mailing for ((Court Order Re: Initial Status Conference) of 07/08/2020)

Filed by Clerk

07/08/2020 Minute Order ((Court Order Re: Initial Status Conference))

Filed by Clerk

05/20/2020 Notice of Case Assignment - Unlimited Civil Case

Filed by Clerk

05/20/2020 Civil Case Cover Sheet

Filed by Meredith Mead (Plaintiff)

05/20/2020 Complaint

Filed by Meredith Mead (Plaintiff)

05/20/2020 Summons (on Complaint)

Filed by Clerk

NEW SEARCH

ORIGINAL

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James Hawkins, SBN 192925 Isandra Fernandez, SBN 220482 JAMES HAWKINS APLC 9880 Research Dr., Suite 200 Irvine, CA 92618 TELEPHONE NO.: (949)387-7200 FAX NO.: (949) 387-6676 ATTORNEY FOR (Name): MEREDITH MEAD		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles MAY 20 2020 Sherri A. [Signature], Executive Officer/Clerk By [Signature], Deputy Steven Drew	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill St. MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: MEREDITH MEAD			
CASE NAME: Mead v. Alclear, LLC			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: 20STCV19395 JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

FAXED

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input checked="" type="checkbox"/> Large number of witnesses
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 5

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 19, 2020
 Isandra Fernandez
 (TYPE OR PRINT NAME)

[Signature]
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
Auto (22)–Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)	Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>)	Construction Defect (10)
	Contract/Warranty Breach–Seller Plaintiff (<i>not fraud or negligence</i>)	Claims Involving Mass Tort (40)
	Negligent Breach of Contract/Warranty	Securities Litigation (28)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)
Asbestos Property Damage	Collection Case–Seller Plaintiff	Enforcement of Judgment
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Enforcement of Judgment (20)
Product Liability (<i>not asbestos or toxic/environmental</i>) (24)	Insurance Coverage (<i>not provisionally complex</i>) (18)	Abstract of Judgment (Out of County)
Medical Malpractice (45)	Auto Subrogation	Confession of Judgment (<i>non-domestic relations</i>)
Medical Malpractice–Physicians & Surgeons	Other Coverage	Sister State Judgment
Other Professional Health Care Malpractice	Other Contract (37)	Administrative Agency Award (<i>not unpaid taxes</i>)
Other PI/PD/WD (23)	Contractual Fraud	Petition/Certification of Entry of Judgment on Unpaid Taxes
Premises Liability (e.g., slip and fall)	Other Contract Dispute	Other Enforcement of Judgment Case
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Real Property	Miscellaneous Civil Complaint
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	RICO (27)
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Other Complaint (<i>not specified above</i>) (42)
Other PI/PD/WD	Other Real Property (e.g., quiet title) (26)	Declaratory Relief Only
Non-PI/PD/WD (Other) Tort	Writ of Possession of Real Property	Injunctive Relief Only (<i>non-harassment</i>)
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Mechanics Lien
Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08)	Quiet Title	Other Commercial Complaint Case (<i>non-tort/non-complex</i>)
Defamation (e.g., slander, libel) (13)	Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>)	Other Civil Complaint (<i>non-tort/non-complex</i>)
Fraud (16)	Unlawful Detainer	Miscellaneous Civil Petition
Intellectual Property (19)	Commercial (31)	Partnership and Corporate Governance (21)
Professional Negligence (25)	Residential (32)	Other Petition (<i>not specified above</i>) (43)
Legal Malpractice	Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)	Civil Harassment
Other Professional Malpractice (<i>not medical or legal</i>)	Judicial Review	Workplace Violence
Other Non-PI/PD/WD Tort (35)	Asset Forfeiture (05)	Elder/Dependent Adult Abuse
Employment	Petition Re: Arbitration Award (11)	Election Contest
Wrongful Termination (36)	Writ of Mandate (02)	Petition for Name Change
Other Employment (15)	Writ–Administrative Mandamus	Petition for Relief From Late Claim
	Writ–Mandamus on Limited Court Case Matter	Other Civil Petition
	Writ–Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal–Labor	
	Commissioner Appeals	

ORIGINAL

SHORT TITLE: Mead v. Alclear, LLC	CASE NUMBER: 20STCV19395
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

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Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|---|
| <ul style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. 2. Permissive filing in central district. 3. Location where cause of action arose. 4. Mandatory personal injury filing in North District. 5. Location where performance required or defendant resides. 6. Location of property or permanently garaged vehicle. | <ul style="list-style-type: none"> 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office. 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
|--|---|

Auto Tort

Other Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11

SHORT TITLE: Mead v. Alclear, LLC	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
Other (35)	<input checked="" type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	①②③	
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1, 2, 3
		<input type="checkbox"/> A6109 Labor Commissioner Appeals	10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
		<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5
		<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
		<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	5, 6, 11
		<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	5, 11
Insurance Coverage (18)	<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11	
	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8	
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1, 2, 3, 5	
	<input type="checkbox"/> A6031 Tortious Interference	1, 2, 3, 5	
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2, 6
<input type="checkbox"/> A6032 Quiet Title		2, 6	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2, 6	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE: Mead v. Alclear, LLC	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
		<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8	
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> A6100 Other Civil Petition	2, 9

SHORT TITLE: Mead v. Alclear, LLC	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input checked="" type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.	ADDRESS:			
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; border-right: 1px solid black; padding: 5px;">CITY:</td> <td style="width:16%; border-right: 1px solid black; padding: 5px;">STATE:</td> <td style="padding: 5px;">ZIP CODE:</td> </tr> </table>	CITY:	STATE:	ZIP CODE:	
CITY:	STATE:	ZIP CODE:		

Step 5: Certification of Assignment: I certify that this case is properly filed in the Stanley Mosk District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: May 19, 2020


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

ORIGINAL

1 James R. Hawkins, Esq. SBN 192925
2 Isandra Fernandez, Esq. SBN 220482
3 **JAMES HAWKINS APLC**
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FILED
Superior Court of California
County of Los Angeles

MAY 20 2020

Sherri R. [Signature], Executive Officer/Clerk
By [Signature], Deputy
Steven Drew

5 Attorneys for Plaintiff, MEREDITH MEAD
6 on behalf of herself and all others similarly situated

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 MEREDITH MEAD on behalf of herself and all
11 others similarly situated

CASE No.: **20STCV19395**

JUDGE:
DEPT:

12 Plaintiff,

CLASS ACTION COMPLAINT

13 vs.

14 ALCLEAR, LLC., a Delaware corporation, and
15 DOES 1 through 10, inclusive,

- 1) Violation of California Consumer Legal Remedies Act, California Civil Code §§ 1750, *et. seq.* (injunctive relief only);
- 2) Violation of California's Unfair Competition Law, California Business & Professions Code §§ 17200, *et. seq.*;
- 3) Violation of California's False Advertising Law, California Business & Professions Code §§17500, *et. seq.*;
- 4) Money Had and Received; and
- 5) Unjust Enrichment.

16 Defendants.

JURY TRIAL DEMANDED

24 Plaintiff MEREDITH MEAD (hereinafter "Plaintiff") on behalf of herself and all others
25 similarly situated assert claims against Defendants ALCLEAR, LLC., and DOES 1 through 10
26 (hereinafter "Defendants") as follows:
27
28

FAXED

I.

INTRODUCTION

1
2
3 1. This is a consumer protection class action, pursuant to Code of Civil Procedure
4 section 382, brought against Defendants and any subsidiaries and affiliated companies on behalf
5 of Plaintiff and all others similarly situated.

6 2. Defendants charge customers a yearly fee to use its biometric secure identity
7 platform, known as CLEAR. It stores individuals' personal information and links it to biometric
8 data, allowing them to bypass the travel document checker at security checkpoints by using
9 fingerprint and/or iris. CLEAR is in 65 plus airports, stadiums, and other venues nationwide.
10 On March 16, 2020, as the Coronavirus pandemic grew throughout the world, Defendants closed
11 CLEAR throughout the country, preventing Plaintiff and others from fully using its service.

12 3. Plaintiff seeks relief in this action individually and on behalf of all of Defendants'
13 customers who paid fees and were enrolled when Defendants closed access to CLEAR.

II.

JURISDICTION AND VENUE

14
15
16 4. This Court has jurisdiction over this action pursuant to the California Constitution,
17 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those
18 given by statutes to other courts. The statutes under which this action is brought do not specify
19 any other basis for jurisdiction.

20 5. This Court has jurisdiction over all Defendants because, upon information and
21 belief, they sufficient minimum contacts in California or otherwise intentionally avail themselves
22 of the California market so as to render the exercise of jurisdiction over them by the California
23 courts consistent with traditional notions of fair play and substantial justice

24 6. Venue as to each defendant is proper in this judicial district, pursuant to California
25 Code of Civil Procedure section 395. On information and belief, Defendants distribute, market
26 and sell their products/services in Los Angeles County and throughout California, and each
27 defendant is within the jurisdiction of this Court for service of process purposes. The unlawful
28

1 acts alleged herein have a direct effect on Plaintiff and those similarly situated within the State
2 of California and the United States.

3 **III.**

4 **PARTIES**

5 7. Plaintiff is a citizen of California, residing in Los Angeles, California. At all
6 relevant times, Plaintiff was enrolled in CLEAR.

7 8. Defendant ALCLEAR is a Delaware corporation with its headquarters, upon
8 information and belief, located in New York, NY. It is the parent technology company that owns
9 and operates CLEAR, a biometric secure identity platform.

10 9. The true names and capacities of Defendants, whether individual, corporate,
11 associate, or otherwise, sued herein as DOES 1 through 10, inclusive, are currently unknown to
12 Plaintiff, who therefore sues Defendants by such fictitious names. Plaintiff is informed and
13 believes and based thereon alleges that each of the Defendants designated herein as a DOE is
14 legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will seek
15 leave of court to amend this Complaint to reflect the true names and capacities of the Defendants
16 designated hereinafter as DOES when such identities become known.

17 10. Plaintiff is informed and believes, and based thereon alleges, that Defendants
18 acted in all respects pertinent to this action as the agent of the other Defendants, carried out a
19 joint scheme, business plan or policy in all respects pertinent hereto, and the acts of each
20 Defendant are legally attributable to the other Defendants.

21 **IV.**

22 **FACTUAL BACKGROUND**

23 11. Defendants operate CLEAR, a biometric secure identity platform most known
24 for its expedited access through security in airports and stadiums. On the first page of its website,
25 Defendants promote that CLEAR will make you “Feel peace of mind accessing our nationwide
26 network of 65 plus airports, stadiums, and other locations.” The same page instructs customers
27 to provide their name, date of birth, and an email.

28 12. The second page requests payment information and acceptance of CLEAR’s

1 Terms and Conditions. When both are submitted, customers are then charged \$179.00 for one
2 year of access to CLEAR¹. Accepting CLEAR's Terms and Conditions can be done by checking
3 a box and clicking "submit," without reading or scrolling through any term.

4 13. Plaintiff paid the yearly fee in December 2019, then on March 16, 2020, as the
5 coronavirus pandemic spread throughout the United States, Defendants closed its CLEAR
6 platforms.

7 14. As of date, Defendants have not issued/offered refunds or any other type of credit.
8 By not doing so, Defendants are able to keep tens of millions of dollars.

9 **IV.**

10 **CLASS DEFINITION AND ALLEGATIONS**

11 15. Pursuant to California Code of Civil Procedure 382, Plaintiff brings this action on
12 behalf of herself and on behalf of all members of the following class and subclass of similarly
13 situated individuals (hereinafter collectively "Class members"):

14 **Class:**

15 All consumers in the United States who paid usage fees to Defendants for CLEAR
16 from March 17, 2019 to a date to be determined.

17 **California Subclass:**

18 All consumers in California who paid usage fees to Defendants for CLEAR from
19 March 17, 2019 to a date to be determined.

20 16. Excluded from the Class members are (1) Defendants, each of its corporate parents
21 subsidiaries and affiliates, officers and directors, and any entity in which Defendants has a
22 controlling interest; (2) persons who properly and timely request to be excluded; and (3) the legal
23 representatives, successors, or assigns of any such excluded person or entities.

24 17. **Numerosity.** The Class members consists of thousands, if not hundreds of
25 thousands, of CLEAR customers and is thus so numerous that joinder of all members is
26 impractical. Although the exact number of members is currently unknown to Plaintiff, the
27 identities and addresses of the Class members can be readily determined from business records

28 ¹ First page of Defendants website displays "CLEAR \$15/month."

1 maintained by Defendants.

2 **18. Typicality.** Plaintiff's claims are typical of those belonging to Class members and
3 stem from Defendants' improper and illegal practices as alleged in this complaint. Plaintiff is
4 advancing the same claims and legal theories on behalf of herself and all members of the Class.

5 **19. Common questions of law and fact predominate** over any individualized
6 questions affecting Class members. Such questions include, but not limited to:

- 7 a. Whether the claims discussed above are true, misleading, or reasonably
8 likely to deceive;
- 9 b. Whether Defendant engaged in false or misleading advertising
- 10 c. Whether Plaintiff and Class members are entitled to declaratory relief;
- 11 d. Whether Plaintiff and Class members are entitled to injunctive or other
12 equitable relief;
- 13 e. Whether Defendants' alleged conduct violates public policy; and
- 14 f. Whether Plaintiff and Class members have sustained monetary loss
15 and the proper measure of that loss.

16 **20. Adequacy of Representation.** Plaintiff will fairly and adequately protect the
17 interests of the members of the Class members. Plaintiff has retained highly competent counsel
18 and experienced class action attorneys to represent her interests and that of the Class members.
19 Plaintiff and her counsel have the financial resources to adequately and vigorously litigate this
20 class action. Plaintiff has no adverse or antagonistic interests to those of the Class members.
21 Plaintiff is willing and prepared to serve the Court and the Class members in a representative
22 capacity with all of the obligations and duties material thereto and is determined to diligently
23 discharge those duties by vigorously seeking the maximum possible recovery for Class members.

24 **21. Superiority.** A class action is superior to other available methods for the fair and
25 efficient adjudication of this controversy since individual joinder of all Class members is
26 impractical. The injuries suffered by individual Class members are, though important to them,
27 relatively small compared to the burden and expense of individual prosecution needed to address
28

1 Defendants' conduct. Furthermore, even if Class members could afford such individualized
2 litigation, the court system could not. Individualized litigation would create the danger of
3 inconsistent or contradictory judgments arising from the same set of facts. Individualized
4 litigation would also increase the delay and expense to all parties and the court system from the
5 issues raised by this action. By contrast, the class action device provides the benefits of
6 adjudication of these issues in a single proceeding, economies of scale, and comprehensive
7 supervision by a single court, and presents no unusual management difficulties under the
8 circumstances here.

9 22. Plaintiff cannot be certain of the form and manner of a proposed notice to Class
10 members until the Class is finally defined and discovery is completed regarding the identity of
11 Class members. Plaintiff anticipates, however, that notice by mail or email will be given to Class
12 members who can be identified specifically. In addition, notice may be published in appropriate
13 publications, on the Internet, in press releases and in similar communications in a way that is
14 targeted to reach class members. The cost of notice, after class certification, trial, or settlement
15 before trial, should be borne by Defendant.

16 23. Unless a Class is certified, Defendant will retain monies received as a result of its
17 conduct that were taken from Plaintiff and Class members. Unless a Class-wide injunction is
18 issued, Defendant will continue to commit the violations alleged, and the members of the Class
19 and the general public will continue to be deceived

20 24. Plaintiff reserves the right to modify or amend the definition of the proposed Class
21 at any time before the Class is certified by the Court.

22 **VI.**
23 **CAUSES OF ACTION**

24 **First Cause of Action**

25 Violation of California Consumer Legal Remedies Act
26 California Civil Code §§ 1750 (injunctive relief only)

26 25. Plaintiff repeats and incorporates herein by reference every allegation set forth
27 above, as though fully set forth herein.

1 37. The actions of Defendants, as alleged within this Complaint, constitute unlawful and
2 unfair within the meaning of Business and Professions Code section 17200, *et seq.*

3 38. Plaintiff and Class Members have been personally aggrieved by Defendants'
4 unlawful and unfair business acts and practices alleged herein.

5 39. As a direct and proximate result of the unfair business practices of Defendants,
6 Plaintiff, individually and on behalf of all Class members, are entitled to a refund or proportional
7 refund as a result of the unfair business acts and practices described herein.

8 40. WHEREFORE, Plaintiff and the Class members she seeks to represent request
9 relief as described herein and below.

10 **Third Cause of Action**

11 Violation of California's False Advertising Law,
12 California Business & Professions Code §§17500, *et. seq.*)

13 41. Plaintiff repeats and incorporates herein by reference every allegation set forth
14 above, as though fully set forth herein.

15 42. Plaintiff brings this claim individually and on behalf of the Class members.

16 43. California's False Advertising Law, Cal. Bus. & Prof. Code §§ 17500,
17 *et seq.*, makes it "unlawful for any person to make or disseminate or cause to be made or
18 disseminated before the public in this state, ... in any advertising device ... or in any other manner
19 or means whatever, including over the Internet, any statement, concerning ... personal property or
20 services, professional or otherwise, or performance or disposition thereof, which is untrue or
21 misleading and which is known, or which by the exercise of reasonable care should be known, to
22 be untrue or misleading."

23 44. Defendants engage(d) in a practice of charging customers a yearly enrollment fee
24 even after CLEAR closed, consequently, denying access to Plaintiff and the Class members.

25 45. Defendants' national advertising and marketing of CLEAR as being accessible at
26 65 plus airports, stadiums, and other venues nationwide misrepresented and/or omitted the true
27 content and nature of Defendants' services. Defendants' advertisements and inducements were
28 made in California and come within the definition of advertising as contained in Bus. & Prof. Code
§ 17500, *et seq.* in that the promotional materials were intended as inducements to enroll in

1 CLEAR, and are statements disseminated by Defendant to Plaintiff and Class members. Defendant
2 knew that these statements were inaccurate and misleading.

3 46. Defendants' advertising that CLEAR is available at 65 plus airports, stadiums, and
4 other venues nationwide, and that its customers would have access to it upon paying a fee is false
5 and misleading to a reasonable consumer, including Plaintiff, because Defendant in fact closed
6 CLEAR while continuing to charge customers for access.

7 47. Defendant violated § 17500, *et seq.* by misleading Plaintiff and Class members to
8 believe that they would be charged fees only when they have access to CLEAR.

9 48. Defendant knew or should have known, through the exercise of reasonable care that
10 its advertising of CLEAR as being at 65 plus airports, stadiums, and other venues nationwide is
11 false and misleading. Further, Defendant knew or should have known that it was breaching its
12 contracts with its customers and fraudulently charging fees when it continued charging fees while
13 CLEAR was closed.

14 49. Plaintiff and Class members lost money or property as a result of Defendants'
15 violation because (a) they would not have enrolled in CLEAR absent Defendants' representations
16 and omission of a warning that it would continue charging customers' credit cards and debit cards
17 while CLEAR nationwide are closed; (b) they would not have purchased or paid for CLEAR on
18 the same terms absent Defendants' representations and omissions; (c) they paid a price premium
19 for CLEAR based on Defendants' misrepresentations and omissions; and (d) CLEAR did not have
20 the characteristics, benefits, or quantities as promised.

21 **Fourth Cause of Action**
22 **Money had and Received**

23 50. Plaintiff repeats and incorporates herein by reference every allegation set forth
24 above, as though fully set forth herein.

25 51. Plaintiff brings this claim individually and on behalf of the Class members.

26 52. Defendant received enrollment fees that were intended to be used for the benefit of
27 Plaintiff and the Class members. Defendant did not use those membership fees for the benefit of
28 Plaintiff and the Class members and has not returned any of the wrongfully obtained money.

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VII.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated, seeks judgment against Defendant, as follows:

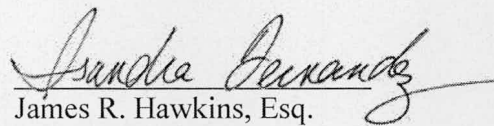
1. Certifying the Class and California Subclass as requested and naming Plaintiff as representative of the Class and Plaintiff’s attorneys as Class Counsel to represent the Class members;
2. Award declaring that Defendants’ conduct violates the statutes and laws referenced herein;
3. For an award finding in favor of Plaintiff and the Class members on all counts asserted herein;
4. For compensatory damages in amounts to be determined by the Court and/or jury;
5. For prejudgment interest on all amounts awarded;
6. For an order of restitution and all other forms of equitable monetary relief;
7. For injunctive relief as pleaded or as the Court may deem proper;
8. For an order awarding Plaintiff and the Class their reasonable attorneys’ fees and expenses and costs of suit; and
9. For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial of her claims by jury to the extent authorized by law.

Dated: May 19, 2020

JAMES HAWKINS, APLC



James R. Hawkins, Esq.
Isandra Y. Fernandez, Esq.
Attorneys for Plaintiff
MEREDITH MEAD

EXHIBIT A

1 James R. Hawkins, Esq. SBN 192925
Isandra Fernandez, Esq. SBN 220482
2 **JAMES HAWKINS APLC**
9880 Research Drive, Suite 200
3 Irvine, CA 92618
TEL: (949) 387-7200
4 FAX: (949) 387-6676

5 Attorneys for Plaintiff, MEREDITH MEAD
on behalf of herself and all others similarly situated
6

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

10
11 MEREDITH MEAD on behalf of herself and all
12 others similarly situated

CASE No.:
JUDGE:
DEPT:

13 Plaintiff,

**AFFIDAVIT OF VENUE BY
PLAINTIFF MEREDITH MEAD**

14 vs.

15 ALCLEAR, LLC., a Delaware corporation, and
16 DOES 1 through 10, inclusive,

17 Defendants.
18
19
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21
22 I, MEREDITH MEAD, hereby declare as follows:

- 23 1. I am over the age of 18, and if called as a witness I would testify truthfully to the
24 matters set forth in this Declaration. All the matters set forth below are within my
25 personal knowledge, except those matters that are stated to be upon information and
26 belief. As to such matters, I believe them to be true.
27 2. I am the Plaintiff in the above entitled action
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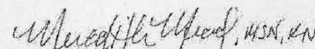
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3. Pursuant to Cal. Civ. Code §1780(d), I make this Declaration in support of the Class Action Complaint and the claim for relief stated in herein under Cal. Civ. Code § 1780(a).

4. This action for relief under Cal. Civ. Code § 1780(a) has been commenced in a county that is a proper place for trial of this action because I reside in Los Angeles County and this is the county where the transaction or any substantial portion thereof occurred.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: May 18, 2020
Los Angeles, CA


Meredith Mead

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	<small>Reserved for Clerk's File Stamp</small> FILED Superior Court of California County of Los Angeles 05/20/2020 Sherri R. Carter, Executive Officer / Clerk of Court By: <u> S. Drew </u> Deputy
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE	
Your case is assigned for all purposes to the judicial officer indicated below.	CASE NUMBER: 20STCV19395

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	William F. Highberger	10					

Given to the Plaintiff/Cross-Complainant/Attorney of Record **Sherri R. Carter, Executive Officer / Clerk of Court**

on 05/21/2020
(Date)

By S. Drew, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within **15** days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

STATUS CONFERENCE

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

***Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.

ORIGINAL

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

ALCLEAR, LLC., a Delaware corporation, and DOES 1 through 10, inclusive,

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

MEREDITH MEAD on behalf of herself and all others similarly situated

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE) FILED Superior Court of California County of Los Angeles MAY 20 2020 Sherri R. Carter, Executive Officer/Clerk By Steven Drew, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be on proper legal form if you want the court to hear your case.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program.

AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro.

The name and address of the court is: (El nombre y dirección de la corte es): Los Angeles Superior Court 111 North Hill St., Los Angeles, CA 90012

CASE NUMBER: (Número del caso) 20STCV19395

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): JAMES HAWKINS APLC, 9880 Research Drive, Suite 200 Irvine CA 92618 (949) 387-7200

DATE: MAY 20 2020 Sherri R. Carter, Clerk Clerk, by Steven Drew, Deputy (Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



- NOTICE TO THE PERSON SERVED: You are served 1. as an individual defendant. 2. as the person sued under the fictitious name of (specify): 3. on behalf of (specify): under: CCP 416.10 (corporation) CCP 416.20 (defunct corporation) CCP 416.40 (association or partnership) other (specify): 4. by personal delivery on (date):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

20STCV19395

MEREDITH MEAD vs ALCLEAR, LLC

July 8, 2020

3:12 PM

Judge: Honorable William F. Highberger

CSR: None

Judicial Assistant: Patricia Flores

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order Re: Initial Status Conference

By this order, the Court determines this case to be Complex according to Rule 3.400 of the California Rules of Court. The Clerk's Office has randomly assigned this case to this department for all purposes.

By this order, the Court stays the case, except for service of the Summons and Complaint. The stay continues at least until the Initial Status Conference. Initial Status Conference is set for 09/09/2020 at 01:30 PM in this department. At least 10 days prior to the Initial Status Conference, counsel for all parties must discuss the issues set forth in the Initial Status Conference Order issued this date. The Initial Status Conference Order is to help the Court and the parties manage this complex case by developing an orderly schedule for briefing, discovery, and court hearings. The parties are informally encouraged to exchange documents and information as may be useful for case evaluation.

Responsive pleadings shall not be filed until further Order of the Court. Parties must file a Notice of Appearance in lieu of an Answer or other responsive pleading. The filing of a Notice of Appearance shall not constitute a waiver of any substantive or procedural challenge to the Complaint. Nothing in this order stays the time for filing an Affidavit of Prejudice pursuant to Code of Civil Procedure Section 170.6.

Counsel are directed to access the following link for information on procedures in the Complex litigation Program courtrooms: <http://www.lacourt.org/division/civil/CI0037.aspx>

Pursuant to Government Code Sections 70616(a) and 70616(b), a single complex fee of one thousand dollars (\$1,000.00) must be paid on behalf of all plaintiffs. For defendants, a complex fee of one thousand dollars (\$1,000.00) must be paid for each defendant, intervenor, respondent or adverse party, not to exceed, for each separate case number, a total of eighteen thousand dollars (\$18,000.00), collected from all defendants, intervenors, respondents, or adverse parties.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

20STCV19395

MEREDITH MEAD vs ALCLEAR, LLC

July 8, 2020

3:12 PM

Judge: Honorable William F. Highberger

CSR: None

Judicial Assistant: Patricia Flores

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

All such fees are ordered to be paid to Los Angeles Superior Court, within 10 days of service of this order.

The plaintiff must serve a copy of this minute order and the attached Initial Status Conference Order on all parties forthwith and file a Proof of Service in this department within 7 days of service.

Please disregard any mention of attached Initial Status Conference Order. This Department no longer issue a separate Initial Status Conference Order. This minute order is the Court's Initial Status Conference Order.

Please note the Court has changed its order as to the timing of the selection by the parties of a third-party cloud service. Due to the pandemic and the urgent need to avoid court appearances, the parties MUST sign up with the service at least ten court days in advance of the Initial Status Conference. See Section 15.

The Court orders counsel to prepare for the Initial Status Conference by identifying and discussing the central legal and factual issues in the case. Counsel for plaintiff is ordered to initiate contact with counsel for defense to begin this process. Counsel then must negotiate and agree, as possible, on a case management plan. To this end, counsel must file a Joint Initial Status Conference Class Action Response Statement five (5) court days before the Initial Status Conference. The Joint Response Statement must be filed on line-numbered pleading paper and must specifically answer each of the below-numbered questions. Do not the use the Judicial Council Form CM-110 (Case Management Statement) for this purpose.

1. PARTIES, COUNSEL AND ISSUES: Please list all presently-named class representatives and presently-named defendants, together with all counsel of record, including counsel's contact and email information. Provide a short summary of plaintiff's causes of actions and contentions and, if possible, defendant's defenses.

2. POTENTIAL ADDITIONAL PARTIES: Does any plaintiff presently intend to add more class representatives? If so, and if known, by what date and by what name? Does any plaintiff presently intend to name more defendants? If so, and if known, by what date and by what name? Does any appearing defendant presently intend to file a cross-complaint? If so, who will be named.

3. IMPROPERLY NAMED DEFENDANT(S): If the complaint names the wrong person or entity, please explain.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

20STCV19395

MEREDITH MEAD vs ALCLEAR, LLC

July 8, 2020

3:12 PM

Judge: Honorable William F. Highberger

CSR: None

Judicial Assistant: Patricia Flores

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

4. ADEQUACY OF PROPOSED CLASS REPRESENTATIVE(S): If any party believes one or more named plaintiffs might not be an adequate class representative, please explain. No prejudice will attach to these responses.

5. ESTIMATED CLASS SIZE: Please discuss and indicate the estimated class size.

6. OTHER ACTIONS WITH OVERLAPPING CLASS DEFINITIONS: Please list other cases with overlapping class definitions. Please identify the court, the short caption title, the docket number, and the case status.

7. POTENTIALLY RELEVANT ARBITRATION AND/OR CLASS ACTION WAIVER CLAUSES: Please include a sample of any clause of this sort. Opposing parties must summarize their views on this issue.

8. POTENTIAL EARLY CRUCIAL MOTIONS: Opposing counsel are to identify and describe the significant core issues in the case. Counsel then are to identify efficient ways to resolve those issues. The vehicles include: • Early motions in limine, • Early motions about particular jury instructions, • Demurrers, • Motions to strike, • Motions for judgment on the pleadings, and • Motions for summary judgment and summary adjudication.

9. CLASS CONTACT INFORMATION: Does plaintiff need class contact information from the defendant's records? If so, do the parties consent to an "opt-out" notice process (as approved in *Belaire-West Landscape, Inc. v. Superior Court* (2007) 149 Cal.App.4th 554, 561) to precede defense delivery of this information to plaintiff's counsel? If the parties agree on the notice process, who should pay for it? Should there be a third-party administrator?

10. PROTECTIVE ORDERS: Parties considering an order to protect confidential information from general disclosure should begin with the model protective orders found on the Los Angeles Superior Court Website under "Civil Tools for Litigators."

11. DISCOVERY: Please discuss discovery. Do the parties agree on a plan? If not, can the parties negotiate a compromise? At minimum, please summarize each side's views on discovery. The Court generally allows discovery on matters relevant to class certification, which (depending on circumstances) may include factual issues also touching the merits. The Court generally does not permit extensive or expensive discovery relevant only to the merits (for example, detailed damages discovery) unless a persuasive showing establishes early need. If any party seeks discovery from absent class members, please estimate how many, and also state the kind of

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

20STCV19395

MEREDITH MEAD vs ALCLEAR, LLC

July 8, 2020

3:12 PM

Judge: Honorable William F. Highberger

CSR: None

Judicial Assistant: Patricia Flores

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

discovery you propose.

12. **INSURANCE COVERAGE:** Please state if there is insurance for indemnity or reimbursement.

13. **ALTERNATIVE DISPUTE RESOLUTION:** Please discuss ADR and state each party's position about it. If pertinent, how can the Court help identify the correct neutral and prepare the case for a successful settlement negotiation?

14. **TIMELINE FOR CASE MANAGEMENT:** Please recommend dates and times for the following:

- The next status conference, if a status conference is needed. The Court does not schedule status conferences for "routine" cases. The normal procedure is the Court will give a deadline for the motion for class certification with a non-appearance hearing set a few court days after the deadline;
- A schedule for alternative dispute resolution, if it is relevant;
- A filing deadline for the motion for class certification; and
- Filing deadlines and descriptions for other anticipated non-discovery motions.

15. **ELECTRONIC SERVICE OF PAPERS:** For efficiency the complex program requires the parties in every new case to use a third-party cloud service (also known as an e-service provider). The parties must sign up with the provider at least ten court days in advance of the initial status conference and advise the Court, via email to sscdept10@lacourt.org, which provider was selected.

16. **REMINDER WHEN SEEKING TO DISMISS OR TO OBTAIN SETTLEMENT APPROVAL:** "A dismissal of an entire class action, or of any party or cause of action in a class action, requires Court approval . . . Requests for dismissal must be accompanied by a declaration setting forth the facts on which the party relies. The declaration must clearly state whether consideration, direct or indirect, is being given for the dismissal and must describe the consideration in detail." If the parties have settled the class action, that too will require judicial approval based on a noticed motion (although it may be possible to shorten time by consent for good cause shown).

17. **STAY OF PROCEEDINGS.** Pending further order of this Court, and except as otherwise provided in this Initial Status Conference Order, these proceedings are stayed in their entirety. This stay shall preclude the filing of any answer, demurrer, motion to strike, or motions challenging the jurisdiction of the Court. However, any defendant may file a Notice of

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

20STCV19395

MEREDITH MEAD vs ALCLEAR, LLC

July 8, 2020

3:12 PM

Judge: Honorable William F. Highberger

CSR: None

Judicial Assistant: Patricia Flores

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

Appearance for purposes of identification of counsel and preparation of a service list. The filing of such a Notice of Appearance shall be without prejudice to any challenge to the jurisdiction of the Court, substantive or procedural challenges to the Complaint, without prejudice to any affirmative defense, and without prejudice to the filing of any cross-complaint in this action. This stay is issued to assist the Court and the parties in managing this “complex” case through the development of an orderly schedule for briefing and hearings on procedural and substantive challenges to the complaint and other issues that may assist in the orderly management of these cases. This stay shall not preclude the parties from informally exchanging documents that may assist in their initial evaluation of the issues presented in this case, however shall stay all outstanding discovery requests.

18. SERVICE OF THIS ORDER. Plaintiff’s counsel is directed to serve a copy of this Initial Status Conference Order on counsel for all parties, or if counsel has not been identified, on all parties, within five (5) days of service of this order. If any defendant has not been served in this action, service is to be completed within twenty (20) days of the date of this order.

Certificate of Mailing is attached.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	FILED Superior Court of California County of Los Angeles 07/08/2020
PLAINTIFF/PETITIONER: Meredith Mead	Sherri R. Carter, Executive Officer / Clerk of Court By: <u> P. Flores </u> Deputy
DEFENDANT/RESPONDENT: Alclear, LLC	
CERTIFICATE OF MAILING	CASE NUMBER: 20STCV19395

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Court Order Re: Initial Status Conference) of 07/08/2020 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

James R. Hawkins
James Hawkins APLC
9880 Research Dr Ste 200
Irvine, CA 92618

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 07/10/2020

By: P. Flores
Deputy Clerk

CERTIFICATE OF MAILING

ORIGINAL

Attorney or Party without Attorney: James R. Hawkins, Esq. (#192925) JAMES HAWKINS, APLC 9880 Research Drive, Suite 800 Irvine, CA 92618 Telephone No: (949) 387-7200 Attorney For: Plaintiff				For Court Use Only FILED Superior Court of California County of Los Angeles AUG 03 2020 Sherri R. Carter, Executive Officer/Clerk By <u>Maisha Pryor</u> , Deputy	
Ref. No. or File No.: ALCLEAR LLC					
Insert name of Court, and Judicial District and Branch Court: Los Angeles Superior Court					
Plaintiff: MEREDITH MEAD on behalf of herself and all others similarly situated Defendant: ALCLEAR, LLC., a Delaware corporation					
PROOF OF SERVICE SUMMONS		Hearing Date:	Time:		

RECEIVED

AUG 03 2020

Filing Window

FAXED

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons; Class Action Complaint; Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location (Certificate of Grounds for Assignment to Courthouse Location); Notice of Case Assignment- Unlimited Civil Case; Minute Order Re: Initial Status Conference
3.
 - a. Party served: ALCLEAR, LLC., a Delaware corporation
 - b. Person served: Kaitlyn Mannix, CSC Lawyers Incorporating Service, Registered Agent
4. Address where the party was served: 2710 Gateway Oaks Dr, #150N, Sacramento, CA 95833
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): Tue, Jul 21 2020 (2) at (time): 11:25 AM
 - (1) (business)
 - (2) (home)
 - (3) (other) :
6. The "Notice to the Person Served" (on the summons) was completed as follows:
 - a. as an individual defendant.
 - b. as the person sued under the fictitious name of (specify):
 - c. as occupant.
 - d. On behalf of (specify): ALCLEAR, LLC., a Delaware corporation under the following Code of Civil Procedure section:

<input checked="" type="checkbox"/> 416.10 (corporation)	<input type="checkbox"/> 415.95 (business organization, form unknown)
<input type="checkbox"/> 416.20 (defunct corporation)	<input type="checkbox"/> 416.60 (minor)
<input type="checkbox"/> 416.30 (joint stock company/association)	<input type="checkbox"/> 416.70 (ward or conservatee)
<input type="checkbox"/> 416.40 (association or partnership)	<input type="checkbox"/> 416.90 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.46 (occupant)
<input type="checkbox"/> other:	

08/18/2020



Attorney or Party without Attorney: James R. Hawkins, Esq. (#192925) JAMES HAWKINS, APLC 9880 Research Drive, Suite 800 Irvine, CA 92618 Telephone No: (949) 387-7200 Attorney For: Plaintiff				For Court Use Only	
Ref. No. or File No.: ALCLEAR LLC					
Insert name of Court, and Judicial District and Branch Court: Los Angeles Superior Court					
Plaintiff: MEREDITH MEAD on behalf of herself and all others similarly situated Defendant: ALCLEAR, LLC., a Delaware corporation					
PROOF OF SERVICE SUMMONS		Hearing Date:	Time:	Dept/Div:	Case Number: 20STCV19395

Recoverable cost Per CCP 1033.5(a)(4)(B)

7. Person who served papers

- a. Name: Michael Morris
- b. Address: **FIRST LEGAL**
600 W. Santa Ana Blvd., Ste. 101
SANTA ANA, CA 92701
- c. Telephone number: (714) 541-1110
- d. The fee for service was: \$208.85
- e. I am:
 - (1) not a registered California process server.
 - (2) exempt from registration under Business and Professions Code section 22350(b).
 - (3) a registered California process server:
 - (i) owner employee independent contractor
 - (ii) Registration No: 2102-33
 - (iii) County: Sacramento

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

08/06/2020

07/31/2020

(Date)



Michael Morris



EXHIBIT B

1 LAURA A. STOLL (SBN 255023)
LStoll@goodwinlaw.com
2 HONG-AN VU (SBN 266268)
HVu@goodwinlaw.com
3 **GOODWIN PROCTER LLP**
601 South Figueroa Street, 41st Floor
4 Los Angeles, California 90017
Tel.: +1 213 426 2500
5 Fax: +1 213 623 1673

6 Attorneys for Defendant
ALCLEAR, LLC
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10 MEREDITH MEAD on behalf of herself and
all others similarly situated,

11 Plaintiff,

12 v.

13 ALCLEAR, LLC and DOES 1 through 10,
14 inclusive,

15 Defendants.
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Case No. 20STCV19395

**NOTICE OF FILING OF NOTICE OF
REMOVAL TO FEDERAL COURT**

Dept: 10
Judge: William F. Highberger

Action Filed: May 20, 2020

1 **TO THE CLERK OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR**
2 **THE COUNTY OF LOS ANGELES:**

3 PLEASE TAKE NOTICE that on August 18, 2020, Defendant Alclear, LLC filed a
4 Notice of Removal of the above-captioned action to the United States District Court for the
5 Central District of California, Western Division. A true and correct copy of the Notice of
6 Removal to the United States District Court is attached hereto as Exhibit A. A true and correct
7 copy of the Notice to Adverse Party of Removal of Action to Federal Court is also attached hereto
8 as Exhibit B. The Superior Court of the State of California for the County of Los Angeles is
9 hereby respectfully advised to proceed no further with this matter unless the case is remanded.

10
11 Dated: August 18, 2020

Respectfully submitted,

GOODWIN PROCTER LLP

By: /s/ Laura A. Stoll

Laura A. Stoll
LStoll@goodwinlaw.com
Hong-An Vu
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601 South Figueroa Street, 41st Floor
Los Angeles, California 90017
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Attorneys for Defendant
ALCLEAR, LLC

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PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is Three Embarcadero Center, San Francisco, California 94111.

On **August 18, 2020**, I caused to be served the following documents on the persons below:

NOTICE OF FILING OF NOTICE OF REMOVAL TO FEDERAL COURT

JAMES HAWKINS APLC
James R. Hawkins, Esq.
Isandra Fernandez, Esq.
9880 Research Drive, Suite 200
Irvine, CA 92618

Attorneys for Plaintiff Meredith Mead
james@jameshawkinsapl.com
isandra@jameshawkinsapl.com
Telephone: (949) 387-7200
Facsimile: (949) 387-6676

The documents were served by the following means:

- (E-MAIL or ELECTRONIC TRANSMISSION) By electronic service. Based upon a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **August 18, 2020**, at San Francisco, California.

Bethannie Tamargo
(Type or print name)

Bethannie Tamargo
(Signature)

EXHIBIT C

1 LAURA A. STOLL (SBN 255023)
LStoll@goodwinlaw.com
2 HONG-AN VU (SBN 266268)
HVu@goodwinlaw.com
3 **GOODWIN PROCTER LLP**
601 South Figueroa Street, 41st Floor
4 Los Angeles, California 90017
Tel.: +1 213 426 2500
5 Fax: +1 213 623 1673

6 Attorneys for Defendant
ALCLEAR, LLC
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10 MEREDITH MEAD on behalf of herself and
all others similarly situated,

11 Plaintiff,

12 v.

13 ALCLEAR, LLC and DOES 1 through 10,
14 inclusive,

15 Defendants.
16

Case No. 20STCV19395

**NOTICE TO ADVERSE PARTIES OF
REMOVAL TO FEDERAL COURT**

Dept: 10
Judge: William F. Highberger

Action Filed: May 20, 2020

1 **TO ALL ADVERSE PARTIES AND TO THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that on August 18, 2020, Defendant Alclear, LLC
3 (“Defendant”) filed a Notice of Removal of the above-captioned action to the United States
4 District Court for the Central District of California, Western Division (“Notice of Removal”).
5 True and correct copies of the Notice of Removal and accompanying papers are attached hereto.
6 This Notice is served upon you as counsel of record for Plaintiff in compliance with 28 U.S.C.
7 § 1446.

8

9 Dated: August 18, 2020

GOODWIN PROCTER LLP

10

By: /s/ Laura A. Stoll

11

Laura A. Stoll

12

LStoll@goodwinlaw.com

13

Hong-An Vu

14

HVu@goodwinlaw.com

15

601 South Figueroa Street, 41st Floor

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Attorneys for Defendant

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ALCLEAR, LLC

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PROOF OF SERVICE

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On **August 18, 2020**, I caused to be served the following documents on the persons below:

NOTICE TO ADVERSE PARTIES OF REMOVAL TO FEDERAL COURT

JAMES HAWKINS APLC
James R. Hawkins, Esq.
Isandra Fernandez, Esq.
9880 Research Drive, Suite 200
Irvine, CA 92618

Attorneys for Plaintiff Meredith Mead
james@jameshawkinsaplc.com
isandra@jameshawkinsaplc.com
Telephone: (949) 387-7200
Facsimile: (949) 387-6676

The documents were served by the following means:

- (E-MAIL or ELECTRONIC TRANSMISSION) By electronic service. Based upon a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **August 18, 2020**, at San Francisco, California.

Bethannie Tamargo

(Type or print name)



(Signature)

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Customers Denied Refunds After CLEAR Platforms Closed Amid COVID-19 Pandemic, Lawsuit Alleges](#)
