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7 Attorneys for Defendant
TRUTHFINDER, LLC

8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11
12 ABRAHAM MEJIA, on behalf of)
himself and all others similarly situated,)
13)
Plaintiff,)
14)
vs.)
15)
TRUTHFINDER, LLC,)
16)
Defendant.)

CASE NO. **'22CV1010 CAB AGS**
San Diego Superior Court Case No.:
37-2022-00022488-CU-NP-CTL
**DEFENDANT TRUTHFINDER,
LLC'S NOTICE OF REMOVAL**
Complaint Filed in State Court:
June 10, 2022

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20 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO
21 PLAINTIFF'S COUNSEL OF RECORD:

22 PLEASE TAKE NOTICE that Defendant TruthFinder, LLC ("TruthFinder")
23 hereby removes this action from the Superior Court of the State of California,
24 County of San Diego to the United States District Court for the Southern District
25 of California, the District and Division encompassing the place where the state
26 court is located. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1331,
27 1441 and 1446 on the grounds of federal question jurisdiction. In support of
28 removal, TruthFinder alleges as follows:

Gordon Rees Scully Mansukhani, LLP
101 W. Broadway, Suite 2000
San Diego, CA 92101

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1 1. Plaintiff filed his Complaint in the Superior Court of the State of
2 California, County of San Diego, styled *Mejia v. Truthfinder, LLC*, Case No. 37-
3 2022-00022488-CU-NP-CTL (the ‘‘State Court Action’’) on June 10, 2022.

4 2. The following documents, which include copies of all pleadings,
5 process, and orders in the State Court Action, are attached to this Notice of
6 Removal:

7 Exhibit 1: Summons issued on June 10, 2022;

8 Exhibit 2: Complaint filed on June 10, 2022;

9 Exhibit 3: Civil Case Cover Sheet filed June 10, 2022;

10 Exhibit 4: Process received by Truthfinder, LLC dated June 14, 2022.

11 Exhibit 5: Notice of Case Assignment and Case Management Conference

12

13

REMOVAL IS TIMELY

14 3. Removal is timely because this Notice of Removal is filed within 30
15 days of Truthfinder receiving process on June 14, 2022. (Exhibit 4.) *See* 28
16 U.S.C. § 1666(b); *Destfino v. Reiswig*, 630 F.3d 952, 956 (9th Cir. Cal. 2011) (‘‘we
17 hold that each defendant is entitled to thirty days to exercise his removal rights
18 after being served’’).

19

20

GROUND FOR REMOVAL

21 4. This Court has original federal question jurisdiction over this case
22 under 28 U.S.C. § 1331.

23 5. In the state court action, Plaintiff alleges violation of the federal Fair
24 Credit Reporting Act (‘‘FCRA’’), under 15 U.S.C. § 1681g(a); 15 U.S.C. §
25 1681b(b)(1)(A); and 15 U.S.C. § 1681k(a)(1).

26 ///

27 ///

28 ///

Gordon Rees Scully Mansukhani, LLP
101 W. Broadway, Suite 2000
San Diego, CA 92101

1 6. This Court has original jurisdiction over this case because Plaintiff
2 brings claims under FCRA, a federal statute. (*See generally Exhibit 2*); *see* 28
3 U.S.C. § 1331; *Palmer v. Citizens Bank, N.A.*, No. 20-cv-06309-JSC, 2021 U.S.
4 Dist. LEXIS 8499, at *3 (N.D. Cal. Jan. 15, 2021) (“The Court has federal question
5 jurisdiction over Plaintiff’s FCRA claim pursuant to 28 U.S.C. § 1331.”).
6 Additionally, FCRA vests district courts with jurisdiction over any “action to
7 enforce any liability created under [the FCRA].” 15 U.S.C. § 1681p. As such, this
8 case is within this Court’s removal jurisdiction under 28 U.S.C. § 1441(a).

9 7. TruthFinder is the only named defendant in the state court action.

10 8. The United States District Court for the Southern District of
11 California is the appropriate court to which this action should be removed because
12 this is the judicial district and division embracing actions filed in San Diego,
13 California, where Plaintiff initiated the state court action. 28 U.S.C. §§ 1441(a),
14 1446(a); 28 U.S.C. § 84(d).

15 9. TruthFinder will promptly provide a true and correct copy of this
16 Notice of Removal to Plaintiff and file a copy with the clerk in the state court
17 action pursuant to 28 U.S.C. § 1446(d).

18
19 **PROCEDURAL REQUIREMENTS ARE MET**

20 10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal,
21 including exhibits, is being served on Plaintiff’s counsel and will be filed with the
22 Superior Court of the State of California for the County of San Diego in Case No.
23 37-2022-00022488-CU-NP-CTL.

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CONCLUSION

Therefore, Defendant hereby removes this action from the Superior Court of the State of California for the County of San Diego and request that this Court exercise jurisdiction over all further proceedings in this action.

Dated: July 12, 2022

GORDON REES SCULLY MANSUKHANI, LLP

By: /s/ Hannah E. Brown
Sean D. Flaherty
Rachel E. Waters
Hannah E. Brown
Attorneys for Defendant
TRUTHFINDER, LLC

Gordon Rees Scully Mansukhani, LLP
101 W. Broadway, Suite 2000
San Diego, CA 92101

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ABRAHAM MEJIA, on behalf of himself and all others similarly situated

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

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

Matthew Loker, Loker Law 1303 E. Grand Ave, Ste 101 Arroyo Grande, CA 93420 Tel: (805) 994-0177

Craig Marchiando, Consumer Litigation Associates 763 J. Clyde Morris Blvd, Ste 1-A Newport News, VA 23601 Tel: (757) 930-3662

DEFENDANTS

TRUTHFINDER, LLC

'22CV1010 CAB AGS

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

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

Attorneys (If Known)

Sean D. Flaherty, Rachel E. Waters, Hannah E. Brown GORDON REES SCULLY MANSUKHANI, LLP 101 W. Broadway, Suite 2000, San Diego CA 92101 Tel: (619) 230-7473/Fax: (619) 696-7124

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

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

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, HABEAS CORPUS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Notice of Removal filed pursuant to 28 U.S.C. §§ 1331, 1441 and 1446

Brief description of cause:

Alleged violation of the federal Fair Credit Reporting Act, under 15 U.S.C. § 1681g(a); 15 U.S.C. § 1681b(b)(1)(A); and 15 U.S.C. § 1681k(a)(1)

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE July 12, 2022 SIGNATURE OF ATTORNEY OF RECORD /s/ Hannah E. Brown

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

EXHIBIT 1

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

06/10/2022 at 01:08:32 PM

Clerk of the Superior Court
By James Dean Schneider, Deputy Clerk

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

TRUTHFINDER, LLC

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

ABRAHAM MEJIA, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED

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 in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

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. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

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. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

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. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
Central Division
330 W. Broadway
San Diego, 92101

CASE NUMBER: (Número del Caso):
37-2022-00022488-CU-NP-CTL

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):

Matthew M. Loker, Loker Law, APC, 1303 E. Grand Ave., Ste. 101, Arroyo Grande, CA 93420, (805) 994-0177, matt@loker.law

DATE: 08/13/2022
(Fecha)

Clerk by
(Secretario)


J. Schneider

Deputy
(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

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): Truthfinder, LLC
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify): Limited Liability Company
- by personal delivery on (date):

SUMMONS

EXHIBIT 2

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

06/10/2022 at 01:08:32 PM

Clerk of the Superior Court
By James Dean Schneider, Deputy Clerk

1 **LOKER LAW, APC**
2 Matthew M. Loker, Esq. (279939)
3 matt@loker.law
4 1303 East Grand Avenue, Suite 101
5 Arroyo Grande, CA 93420
6 Telephone: (805) 994-0177

7 **CONSUMER LITIGATION ASSOCIATES, P.C.**
8 Craig C. Marchiando, SBN 283829
9 763 J. Clyde Morris Blvd., Suite 1-A
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12 (757) 930-3662 fax
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Attorneys for Plaintiff and the proposed classes

**SAN DIEGO COUNTY SUPERIOR COURT
CENTRAL JUSTICE CENTER**

14 ABRAHAM MEJIA, *on behalf of*
15 *himself and all others similarly situated,* }

16 Plaintiff,

17 vs.

18 TRUTHFINDER, LLC,

19 Defendant.

CASE NO.: 37-2022-00022488-CU-NP-CTL

**CLASS ACTION COMPLAINT
FOR DAMAGES**

JURY TRIAL DEMANDED

20 Plaintiff ABRAHAM MEJIA complains against Defendant Truthfinder
21 TRUTHFINDER, LLC, and alleges as follows:

NATURE OF THE ACTION

22
23 1. The Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681–
24 1681x, was enacted to ensure that background screening companies or
25 “consumer reporting agencies” (“CRAs”) exercise their “grave
26 *responsibilities* with fairness, impartiality, and a respect for the consumer’s
27 right to privacy.” *Id.* § 1681(a)(4) (emphasis added).
28

1 2. Plaintiff was denied employment opportunities because of
2 Defendant Truthfinder’s actions described herein, resulting in a lost job, lost
3 pay, and lost benefits.

4 3. Defendant Truthfinder is a company that used automated
5 processes to webscrape criminal histories off of court websites and assign them
6 to specific consumers – largely based on name alone. It sold these records to
7 its various customers, including Plaintiff’s former employer.

8 4. Ultimately, Plaintiff lost a job opportunity because of a
9 background check generated by Defendant Truthfinder, and because
10 Defendant Truthfinder unilaterally (and illegally) decided the reports it sells
11 do not qualify as “consumer reports.” Thus, neither Plaintiff nor the putative
12 class members were provided with any of the rights afforded to them under the
13 FCRA, not the least of which is notification of Truthfinder’s publication to an
14 employer of records likely to affect these consumers’ ability to obtain
15 employment. 15 U.S.C. § 1681k(a)(1). Accordingly, here Plaintiff alleges that
16 Defendant Truthfinder violated the FCRA in several ways.

17 5. *First*, because it claims not to be governed by the FCRA, when
18 the Plaintiff requested a copy of his full file from Defendant Truthfinder,
19 Truthfinder failed to provide all of the information reported about each
20 requesting consumer (commonly known as a file disclosure). In Plaintiff’s
21 case, Truthfinder provided nothing at all when Plaintiff requested his file
22 disclosure.

23 6. As a result, Defendant Truthfinder violated 15 U.S.C. § 1681g(a),
24 which requires that a CRA provide not only “all information”, but also “the
25 sources of the information” in the consumer’s file, and comprehensive list of
26 everyone, including end-users, to whom the CRA has provided a report about
27 the consumer. 15 U.S.C. § 1681g(a)(1)–(3). *See* Count I (class claim).

28

1 information to Plaintiff's former employer who, in turn, used it for an
2 employment purpose (to fire Plaintiff).

3 14. Defendant Truthfinder sells such consumer reports to customers
4 throughout the country, using facilities of interstate commerce to transmit such
5 reports, including but not limited to electronic transmission.

6 JURISDICTION AND VENUE

7 15. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §
8 1331 and 15 U.S.C. § 1681p.

9 16. Venue is proper in here because Defendant Truthfinder is subject
10 to personal jurisdiction in San Diego County, California, as its principal place
11 of business is here. Additionally, Defendant Truthfinder sells consumer reports
12 regarding individuals residing in this District from its business located in this
13 District (including on Plaintiff).

14 FACTS

15 A. Defendant Truthfinder is a Consumer Reporting Agency

16 17. Despite the fact that Defendant Truthfinder is a consumer
17 reporting agency and sells consumer reports as defined by the FCRA, it
18 attempts to avoid its obligations under the FCRA by disclaiming FCRA
19 governance in its marketing materials and contracts with third-parties.

20 18. Notwithstanding its statements to the contrary, Defendant
21 Truthfinder specifically markets itself as a company that provides information
22 and services that are governed by the FCRA.

23 19. According to its website, Defendant Truthfinder "provide[s]
24 sensitive information (criminal record, address, phone number, property, civil
25 judgment, and more) that can be used to satisfy your curiosity, protect your
26 family, and find the truth about people in your life."

1 20. But, in a transparent effort to avoid liability for failure to comply
2 with the FCRA, Defendant Truthfinder also includes FCRA-related
3 disclaimers on its website.¹

4 21. Truthfinder's report about Plaintiff included a trove of
5 information governed by the FCRA, such as criminal history, address history,
6 and lists of individuals supposedly associated with Plaintiff.

7 22. Further, because Defendant Truthfinder provides information to
8 companies like Plaintiff's former employer, Security Solutions Unlimited,
9 which then uses the consumer reports for an employment purpose, Defendant
10 Truthfinder has consented to the FCRA's governance of its activities.

11 23. The FCRA imposes several obligations upon Defendant
12 Truthfinder which are not only well-established, but they are easy to follow.
13 It is clear from the Defendant Truthfinder's website, it knows about the FCRA
14 and has chosen not to abide by its strictures.

15 24. Despite marketing its solutions for employment purposes,
16 including selling products under the heading "Background Checks," among
17 many other things, it disclaims that the information in the reports that it
18

19 _____
20 ¹ For example, currently Defendant Truthfinder includes the following
21 disclaimer on its website:

22 You may not use our site or the information we provide unless
23 you agree to our Terms of Use and agree not to use our site and
24 the information we provide to make decisions about consumer
25 credit, employees, tenant screening, or any other purposes that
26 would require FCRA compliance. and supplies data solutions,
medical solutions, volunteer solutions, court record solutions, and
investigative solutions whereby it collects information about
individual consumers, compiles it into a report, and then sells it
to third parties.

27 See www.truthfinder.com (disclaimer included on homepage), last accessed
28 May 18, 2022.

1 markets and sells for employment purposes can be used for employment
2 purposes.

3 25. Defendant Truthfinder is aware of the entire text of the FCRA and
4 its legislative history, as well as the regulatory oversight by the Federal Trade
5 Commission.

6 26. In fact, Defendant Truthfinder has been sued at least twice before
7 for violating the Fair Credit Reporting Act, including in *Doe v. TruthFinder,*
8 *LLC*, No. 3:21-cv-06559 (N.D. Cal.) and *Oppman v. Truthfinder, LLC*, No.
9 8:20-CV-00463 (M.D. Fla.).

10 27. Defendant Truthfinder accesses large databases of public records
11 and related employment histories as a nationwide CRA. It accesses, collects,
12 and compiles that information into its own databases to prepare and furnish
13 consumer reports for employment and other purposes.

14 28. Plaintiff and other putative class members lost employment
15 opportunities based in whole or in part on the contents of the consumer reports
16 Defendant Truthfinder sold about them.

17 29. Defendant Truthfinder does not supply any notice to consumers
18 about whom it has sold a report containing adverse employment information
19 to a third party, such as the criminal records in the cases of Plaintiff (nor any
20 of the putative class members).

21 30. Providing notice at the time Truthfinder supplies such a report to
22 the third-party CRA or employer arms the nation's millions of job applicants
23 with the knowledge and information needed to challenge inaccurate,
24 incomplete, and misleading public-records-based consumer reports. The
25 FCRA is designed to permit individuals whose reports are inaccurate with
26 ample time to identify the inaccuracies and correct them before the employer
27 has made an employment decision.

28

1 31. Even where reports are accurate, the FCRA still demands notice
2 of the reporting under Section 1681k(a)(1), which allows consumers to discuss
3 potentially negative information with employers and potentially soften the
4 blow of such information in the employer's hiring decision.

5 32. Defendant Truthfinder does not maintain any procedure by which
6 it ensures that the public-record information it reports to its customers is
7 complete or up-to-date. Defendant Truthfinder therefore cannot rely on this
8 option for complying with 15 U.S.C. § 1681k(a).

9 **B. Facts Regarding Plaintiff.**

10 33. Plaintiff lost his job because of a consumer report sold by
11 Defendant Truthfinder to his former employer, Security Solutions Unlimited,
12 which purchased Plaintiff's consumer report and subsequently used it for an
13 employment purpose when firing Plaintiff. Plaintiff was terminated from his
14 job at Security Solutions Unlimited because Security Solutions Unlimited
15 relied on information in the consumer report Truthfinder sold about him.

16 34. Security Solutions Unlimited bought an employment-purposed
17 report from Defendant Truthfinder on June 17, 2020.

18 35. That report contained the criminal record supplied in a consumer
19 report compiled by Defendant Truthfinder. As a result of the consumer report
20 sold to Security Solutions Unlimited by Defendant Truthfinder, Plaintiff was
21 left jobless and humiliated.

22 36. Truthfinder did not provide Plaintiff with contemporaneous
23 notice that it was furnishing a consumer report to Plaintiff's prospective
24 employer that contained public-record information likely to adversely affect
25 Plaintiff's ability to obtain employment. 15 U.S.C. § 1681k(a)(1).

26 37. Because of Defendant Truthfinder's actions, on June 17, 2020,
27 Plaintiff lost his job, lost his salary, and even lost his health benefits.

1 38. Hoping to get to the bottom of the issues raised in the report to
2 his former employer, on August 31, 2020, Plaintiff wrote to Defendant
3 Truthfinder and asked for his Section 1681g file disclosure. Defendant
4 Truthfinder ignored and/or never responded to his letter.

5 39. Notably, in addition to failing to provide all the information it
6 possesses about consumers like Plaintiff, Defendant Truthfinder also failed to
7 disclose any sources of information it possessed about Plaintiff, and it did not
8 provide a list of recipients of information, like his former employer Security
9 Solutions Unlimited.

10 40. Plaintiff asserts a nationwide class claims against Defendant
11 Truthfinder under 15 U.S.C. § 1681g, because Plaintiff requested his full file
12 disclosure from Defendant Truthfinder, and Defendant Truthfinder to provide
13 the information required by 15 U.S.C. § 1681g.

14 41. Additionally, Plaintiff asserts a nationwide class claims against
15 Defendant Truthfinder under 15 U.S.C. §§ 1681b(b)(1)(A)(i)-(ii) because
16 Defendant Truthfinder provided consumer reports used for employment
17 purposes without valid certification from Plaintiff's former employer that it
18 had complied with the disclosure, authorization and notice requirements set
19 forth in 15 U.S.C. §§ 1681b(b)(2)(A)(i)-(ii).

20 42. Plaintiff also asserts a nationwide class claims against Defendant
21 Truthfinder under 15 U.S.C. § 1681k(a), because it provided Plaintiff's former
22 employer with a consumer report containing criminal information likely to
23 adversely affect Plaintiff's ability to obtain employment without providing
24 Plaintiff with notice at the time it provided the report to Security Solutions
25 Unlimited.

1 43. Among other things, the FCRA regulates the collection,
2 maintenance, and disclosure of consumer credit report information by CRAs,
3 including public record information like criminal history.

4 44. Additionally, the FCRA mandates conditions, procedures, and
5 limitations on the use of consumer reports for employment purposes by CRAs,
6 prospective employers, and other individuals.

7 45. The FCRA mandates that a report user, before taking any adverse
8 action based in whole or in part on a consumer report, must provide to the
9 consumer a copy of the applicant's report and a summary of the applicant's
10 rights under the FCRA.

11 46. Under the FCRA, Plaintiff's former employer (Security Solutions
12 Unlimited) must certify that each consumer report it requests from Defendant
13 Truthfinder is for a permissible purpose.

14 47. Defendant Truthfinder may not supply a consumer report to
15 Plaintiff's former employer (Security Solutions Unlimited), or any other
16 person or business, without obtaining a certification that the consumer report
17 is being provided for a permissible purpose enumerated in the statute. *See* 15
18 U.S.C. 1681b(b)(1).

19 48. Defendant Truthfinder has an independent obligation to comply
20 with the FCRA.

21 49. Defendant Truthfinder's violations of the FCRA have been
22 willful, wanton, and reckless in that it knew, or should have known, that it was
23 failing to comply with the requirements of the FCRA.

24 50. Defendant Truthfinder willfully disregards its duties under the
25 FCRA, which exacts serious consequences on job applicants and interstate
26 commerce. The natural result of Defendant Truthfinder's failures to abide by
27 the conditions, procedures and limitations of the FCRA prejudices consumers'
28

1 ability to challenge information contained in consumer reports it sells to third
2 parties.

3 51. Defendant Truthfinder does not provide notification to consumers
4 that it furnished an employment-purposed consumer report containing a
5 criminal record likely to adversely affect employment *at the time* it provides
6 the report to third parties.

7 52. Defendant Truthfinder expressly disclaims that it is providing
8 consumer reports for employment purposes, yet it knowingly supplies such
9 reports to third parties that it knows uses the reports for employment purposes.

10 53. Given this lack of notice, if consumers are lucky enough to learn
11 that Defendant Truthfinder reported information about them, Defendant
12 Truthfinder freezes them out when these consumers ask for their file
13 disclosures.

14 54. Instead of revealing the information it possesses, the sources, and
15 to whom it has provided such information, Defendant Truthfinder simply
16 ignores the request for information.

17 55. This is problematic not just because it fails to meet the most-basic
18 disclosure requirement the FCRA demands, but Defendant Truthfinder does
19 not let consumers know where it obtained the information it is reporting, or to
20 whom Defendant Truthfinder gave it.

21 56. Adding to the difficulty, wading through Defendant Truthfinder's
22 litany of disclaimers that the information may not be accurate and the FCRA
23 does not govern it, nowhere does Defendant Truthfinder even commit that the
24 information it provides consumers is also information it provided to someone
25 else.

26 57. Such secrecy and misdirection are the antithesis of the
27 transparency Congress anticipated when it enacted Section 1681g.
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CLASS ACTION ALLEGATIONS

PLAINTIFF’S PROPOSED CLASSES

58. Plaintiff brings this action on a class basis, with initial class definitions that follow.

59. *The § 1681g Disclosure Class.* Plaintiff brings this action for themselves and on behalf of the following “Section 1681g Disclosure Class,” of which they are members, initially defined as:

All natural persons residing in the United States (including all territories and other political subdivisions of the United States) who requested their full file disclosure from Defendant Truthfinder on or after June 17, 2020, through the present.

60. *The § 1681b(b)(1) Certification Class.* Plaintiff brings this action for themselves and on behalf of the following “§ 1681b(b)(1) Certification Class,” of which they are members, initially defined as:

All natural persons residing in the United States (including all territories and other political subdivisions of the United States) (a) who were the subject of the sale by Defendant Truthfinder of one or more criminal public records on or after June 17, 2020, (b) sold to a consumer reporting agency that resold the data to an end-user for an employment purpose, (c) or sold directly to an end user (other than the consumer) for an employment purpose, (d) to whom Defendant Truthfinder failed to obtain from its customers certifications of compliance with 15 U.S.C. §§ 1681b(b)(2) and (b)(3) before issuing a background check.

61. *The § 1681k(a)(1) Notice Class.* Pursuant to Federal Rule of Civil Procedure 23 and 15 U.S.C. § 1681k, Plaintiff brings this action for himself and on behalf of the following “Section 1681k Notice Class,” of which he is a member, initially defined as:

1 **All natural persons residing in the United States (including all**
2 **territories and other political subdivisions of the United**
3 **States) (a) who were the subject of the sale by Defendant**
4 **Truthfinder of one or more criminal public records after June**
5 **17, 2020, (b) sold to a consumer reporting agency that resold**
6 **the data to an end-user for an employment purpose, (c) or**
7 **sold directly to an end user (other than the consumer) for an**
8 **employment purpose, (d) to whom Defendant Truthfinder did**
9 **not place in the United States mail postage pre-paid, on the**
10 **day it furnished the report, a written notice to the subject**
11 **consumer that it was furnishing the report and containing the**
12 **name of the person that was to receive the report.**

13 62. **Numerosity.** Upon information and belief, the putative Classes
14 exceed 40 members each. Information concerning the exact size of the putative
15 Class is within the exclusive possession of Defendant Truthfinder or its agents.
16 The Class members are so numerous and geographically dispersed that joinder
17 of all members is impracticable.

18 63. **Typicality.** Plaintiff's claims are typical of the claims of the other
19 Class members as all Class members were similarly affected by Defendant
20 Truthfinder's unlawful conduct in violation of the FCRA.

21 64. **Adequacy.** Plaintiff will fairly and adequately protect the interest
22 of the Class Members and have retained counsel competent and experienced
23 in complex litigation. Plaintiff is a member of the Classes and do not have any
24 interests antagonistic to or in conflict with the members of the Classes.
25 Plaintiff's claims are the same as those of the Classes, which all arise from the
26 same operative facts and are based upon the same legal theories.

27 65. **Commonality.** Common questions of law and fact exist as to all
28 Class members and predominate over any questions solely affecting individual
29 Class members, including by example only and without limitation:

- a. Whether the uniform failure to provide timely a copy of
 employment purposed consumer reports containing a
 negative public record violated the FCRA;
- b. Whether Defendant Truthfinder's disclaimer that the
 report was not to be used for employment purposes

1 rendered the Plaintiff's authorization a nullity and the
2 procurement of the report illegal;

3 c. Whether Defendant Truthfinder maintains strict
4 procedures designed to insure complete and up-to-date
5 reports when it never obtains a complete and up-to-date
6 court record, therefore § 1681k(a)(2) is inapplicable;

7 d. Whether Defendant Truthfinder supplied employment-
8 purposed consumer reports to users without a permissible
9 purpose to do so in violation of 15 U.S.C. § 1681e(a);

10 e. Whether Defendant Truthfinder's full file disclosures
11 meet the requirements of 15 U.S.C. § 1681g;

12 f. Whether Defendant Truthfinder's violations of the FCRA were
13 "willful."

14 **66. Superiority.** A class action is superior to other available methods
15 for the fair and efficient adjudication of this controversy because the
16 membership of the Classes is so numerous and involves claims that, taken
17 individually, may not justify the costs and effort of bringing suit.

18 **67.** Further, the prosecution of several actions by individual members
19 of the Classes would create a risk of varying adjudications with respect to
20 members of the Classes, as well as create inconsistent standards of conduct for
21 those opposing the Classes. Additionally, individual actions by members of
22 the Classes may be dispositive of the interests of other members not parties to
23 the adjudication of the claim, which would impair or impede the ability of
24 those individuals to protect their interests.

25 **68. Predominance.** The claims of the class members, including the
26 common questions of law and fact, predominate over any individual facts or
27 legal issues present in the class claims. There are no factual or legal issues that
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1 differ among the putative class members. The principal issues are: (a) whether
2 Defendant Truthfinder sold a consumer report to third parties about Plaintiff
3 and each putative class member for a permissible purpose; (b) whether
4 Defendant Truthfinder had reasonable procedures in place to comply with the
5 FCRA; (c) whether Defendant Truthfinder required that prospective users of
6 the information identify themselves, certify the purposes for which the
7 information is sought, and certify that the information will be used for no other
8 purpose; (d) whether Defendant Truthfinder made a reasonable effort to verify
9 the uses certified by Security Solutions Unlimited, Inc., prior to furnishing
10 such user a consumer report; (e) whether and how Defendant Truthfinder
11 maintained strict procedures to ensure that the criminal public records were
12 complete and up-to-date; (f) whether Defendant Truthfinder sold consumer
13 reports that contained obsolete information to third parties; (g) whether
14 Defendant Truthfinder received advice, guidance, counsel, or legal advice that
15 it was not a consumer reporting agency and/or that the reports it compiled and
16 sold to third parties were consumer reports; (h) whether Defendant Truthfinder
17 delivers compliant full-file disclosures; and (i) whether Defendant Truthfinder
18 acted willfully. Defendant Truthfinder's violations were negligent, reckless,
19 knowing or intentionally committed in conscious disregard for the rights of the
20 Plaintiff and putative Class Members.

21 69. The members of the classes can be identified and ascertained by
22 using the Defendant Truthfinder's records, records maintained by its
23 customers and the end-users of consumer reports furnished by Defendant
24 Truthfinder to its clients.

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COUNT ONE – CLASS CLAIM
Incomplete Disclosures – 15 U.S.C. § 1681g(a)

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3 70. Plaintiff reiterates each of the allegations in the preceding
4 paragraphs as if set forth herein at length.

5 71. Plaintiff requested from Defendant Truthfinder their full file
6 disclosures as permitted by the FCRA.

7 72. Section 1681g required Defendant Truthfinder to respond with all
8 of the information it possessed about Plaintiff, including the sources of such
9 information, as well as a list of those third parties to whom Defendant
10 Truthfinder furnished information.

11 73. Defendant Truthfinder instead provided a litany of excuses as to
12 why it supposedly did not have to comply with Plaintiff's requests, as well as
13 a non-compliant, inaccurate criminal history search about Plaintiff.

14 74. Defendant Truthfinder violated 15 U.S.C. § 1681g(a) by refusing
15 to provide nearly all of the information required by Section 1681g(a).

16 75. Defendant Truthfinder knew that the FCRA required it to provide
17 a fulsome disclosure, including all the information it possessed about Plaintiff
18 at the time of their request, the sources of that information, and a list of the
19 entities—like Security Solutions Unlimited, Inc.—to whom it had provided
20 information about Plaintiff.

21 76. Despite this knowledge and the easy-to interpret and follow
22 statutory mandates, Defendant Truthfinder failed to meet its statutory duties to
23 provide valid disclosures.

24 77. As a result, Plaintiff was deprived of information to which he was
25 statutorily entitled, and was also prevented from being able to learn the sources
26 of information so that he could potentially correct inaccuracies Defendant
27 Truthfinder was perpetuating about them, as well as being kept in the dark as
28 to whom Defendant Truthfinder had provided information about them.

1 78. As to Plaintiff and the “Disclosure Class,” Defendant Truthfinder
2 regularly fails to provide fulsome file disclosures in violation of 15 U.S.C. §
3 1681g(a).

4 79. As a result of the failure to provide compliant disclosures,
5 Plaintiff and the “1681g Disclosure Class” were subjected to the deprivation
6 of information to which Congress has deemed him entitled to upon a simple
7 request.

8 80. The value of a full file disclosure is significant and easily greater
9 than \$12.50.

10 81. The denial of the full information required in such disclosure
11 caused actual monetary harm in some amount at or over \$12.50.

12 82. The failure to provide disclosures also deprives consumers of
13 information Congress has decided they should be provided whenever they
14 request it.

15 83. The conduct, action, and inaction of Defendant Truthfinder was
16 willful, rendering it liable for statutory and punitive damages in an amount to
17 be determined by the Court pursuant to 15 U.S.C. § 1681n.

18 84. Plaintiff and other members of the putative “1681g Disclosure
19 Class” are entitled to recover costs and attorneys’ fees as well as appropriate
20 equitable relief from Defendant Truthfinder in an amount to be determined by
21 the Court pursuant to 15 U.S.C. § 1681n.

22 **COUNT TWO – CLASS CLAIM**
23 *Failure to Obtain Certification Prior to Furnishing a*
24 *Consumer Report for Employment Purposes in Violation of*
15 U.S.C. § 1681b(b)(1)(A)

25 85. Plaintiff reiterates each of the allegations in the preceding
26 paragraphs as if set forth herein at length.

1 86. Defendant Truthfinder willfully violated 15 U.S.C. §
2 1681b(b)(1)(A) because it provided consumer reports about Plaintiff, which
3 was used for employment purposes, without the user’s certification of
4 compliance with the disclosure, authorization and notification requirements set
5 forth in 15 U.S.C. § 1681b(b)(2) and § 1681b(b)(3).

6 87. Defendant Truthfinder invaded Plaintiff’s privacy by compiling
7 Plaintiff’s personal, private and sensitive information into a consumer report
8 for employment purposes, and furnishing said consumer reports without a
9 permissible purpose.

10 88. Defendant Truthfinder instead provided a litany of excuses as to
11 why it supposedly did not have to comply with Plaintiff’s requests, as well as
12 a non-compliant, inaccurate criminal history search about Plaintiff.

13 89. Defendant Truthfinder caused Plaintiff and the putative class
14 members injury because the reports it furnished on them were used, in whole
15 or in part, as the basis for an adverse employment action.

16 90. Defendant Truthfinder caused Plaintiff injury because it
17 permitted the user of its consumer reports to circumvent the disclosure,
18 authorization and notification requirements of the FCRA when using
19 consumer reports for employment purposes.

20 91. The conduct, action, and inaction of Defendant Truthfinder was
21 willful, rendering it liable for statutory and punitive damages in an amount to
22 be determined by the Court pursuant to 15 U.S.C. § 1681n.

23 92. Plaintiff and other members of the putative “1681b(b)(1)
24 Certification Class” are entitled to recover costs and attorneys’ fees as well as
25 appropriate equitable relief from Defendant Truthfinder in an amount to be
26 determined by the Court pursuant to 15 U.S.C. § 1681n.

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COUNT THREE – CLASS CLAIM

Failure To Provide “At The Time” Notice – 15 U.S.C. § 1681k(a)(1)

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2 93. Plaintiff incorporates by reference those paragraphs set out above
3 as though fully set forth herein.

4 94. The consumer report of Plaintiff and of each member of the
5 “1681k Notice Class” was furnished for an employment purpose and contained
6 one or more public records of the type that may adversely affect a consumer’s
7 ability to obtain employment.

8 95. As to Plaintiff and the “1681k Notice Class,” Defendant
9 Truthfinder uniformly fails to comply with the rigors of FCRA § 1681k(a)(2)
10 and therefore must necessarily rely on the contemporaneous-notice
11 requirement of § 1681k(a)(1) to comply with the FCRA.

12 96. On information and belief, Plaintiff alleges that Defendant
13 Truthfinder obtains public records including criminal records from a third-
14 party consumer reporting agency and does not attempt to obtain this
15 information through its own courthouse searches.

16 97. On information and belief, Plaintiff alleges that as to the “1681k
17 Notice Class,” Defendant Truthfinder did not send such class members a notice
18 pursuant to 15 U.S.C. § 1681k(a)(1).

19 98. On information and belief, Plaintiff alleges that as to the “1681k
20 Notice Class,” Defendant Truthfinder did not itself or by its own court
21 researchers or vendors attempt to verify the completeness or current status of
22 the public records pursuant to 15 U.S.C. § 1681k(a)(2), within 30 days before
23 it furnishes and sells these records in one of its reports.

24 99. Defendant Truthfinder’s failure to timely provide the required
25 FCRA notices to the Plaintiff and other members of the “1681k Notice Class”
26 violated 15 U.S.C. § 1681k(a)(1).

1 100. The conduct, action, and inaction of Defendant Truthfinder was
2 willful, rendering it liable for statutory and punitive damages in an amount to
3 be determined by the Court pursuant to 15 U.S.C. § 1681n.

4 101. Plaintiff and other members of the putative “1681k Notice Class”
5 are entitled to recover costs and attorneys’ fees as well as appropriate equitable
6 relief from Defendant Truthfinder in an amount to be determined by the Court
7 pursuant to 15 U.S.C. § 1681n.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for judgment against Defendant
10 Truthfinder, and each of them, as follows:

- 11 a. For a declaration that Defendant Truthfinder’s practices violated
12 the statutory provisions as specified above;
- 13 b. For statutory, compensatory, special, general, and punitive damages
14 according to proof and as applicable against all Defendants;
- 15 c. For interest upon such damages as permitted by law;
- 16 d. For an award of reasonable attorneys’ fees provided by law under
17 all applicable statutes;
- 18 e. For the costs of suit;
- 19 f. For injunctive relief as applicable; and
- 20 g. For such other orders of the Court and further relief as the Court
21 deems just and proper.

22 **DEMAND FOR JURY TRIAL**

23 Plaintiff hereby request and demand a jury trial on all issues triable by
24 jury.

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Dated: June 10, 2022

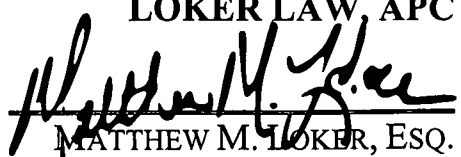
By: 
LOKER LAW, APC
MATTHEW M. LOKER, ESQ.
ATTORNEY FOR PLAINTIFF

EXHIBIT 3

Matthew M. Loker, Esq. (279939)
 LOKER LAW, APC, 1303 E. Grand Ave., Ste. 101, Arroyo Grande, CA 93420

TELEPHONE NO.: (805) 994-0177 FAX NO. (Optional):
 E-MAIL ADDRESS: matt@loker.law
 ATTORNEY FOR (Name): Plaintiff

ELECTRONICALLY FILED
 Superior Court of California,
 County of San Diego

06/10/2022 at 01:08:32 PM
 Clerk of the Superior Court
 By James Dean Schneider, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS: 330 W. Broadway
 MAILING ADDRESS: San Diego, 92101
 CITY AND ZIP CODE: Central Division
 BRANCH NAME:

CASE NAME:
 Mejia, et al. v. Truthfinder, LLC, et al.

CIVIL CASE COVER SHEET

Unlimited **Limited**
 (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
 37-2022-00022488-CU-NP-CTL

JUDGE: Judge Eddie C Sturgeon
 DEPT.:

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

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

<p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PI/PD/WD (23)</p> <p>Non-PI/PD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p>	<p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p>
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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 type="checkbox"/> Large number of witnesses |
| b. <input 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 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. 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-019.)

Date: 06/10/2022
 Matthew M. Loker, Esq.
 (TYPE OR PRINT NAME)

Matthew M. Loker
 (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.

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

- | | | |
|---|--|--|
| <p>Auto Tort</p> <ul style="list-style-type: none"> Auto (22)—Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) <i>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <ul style="list-style-type: none"> Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability <i>(not asbestos or toxic/environmental)</i> (24) Medical Malpractice (45) Medical Malpractice—Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PI/PD/WD <p>Non-PI/PD/WD (Other) Tort</p> <ul style="list-style-type: none"> Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) <i>(not civil harassment)</i> (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) Legal Malpractice Other Professional Malpractice <i>(not medical or legal)</i> Other Non-PI/PD/WD Tort (35) <p>Employment</p> <ul style="list-style-type: none"> Wrongful Termination (36) Other Employment (15) | <p>Contract</p> <ul style="list-style-type: none"> Breach of Contract/Warranty (06) Breach of Rental/Lease Contract <i>(not unlawful detainer or wrongful eviction)</i> Contract/Warranty Breach—Seller Plaintiff <i>(not fraud or negligence)</i> Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) Collection Case—Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage <i>(not provisionally complex)</i> (18) Auto Subrogation Other Coverage Other Contract (37) Contractual Fraud Other Contract Dispute <p>Real Property</p> <ul style="list-style-type: none"> Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property <i>(not eminent domain, landlord/tenant, or foreclosure)</i> <p>Unlawful Detainer</p> <ul style="list-style-type: none"> Commercial (31) Residential (32) Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</i> <p>Judicial Review</p> <ul style="list-style-type: none"> Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) Writ—Administrative Mandamus Writ—Mandamus on Limited Court Case Matter Writ—Other Limited Court Case Review Other Judicial Review (39) Review of Health Officer Order Notice of Appeal—Labor Commissioner Appeals | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</p> <ul style="list-style-type: none"> Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims <i>(arising from provisionally complex case type listed above)</i> (41) <p>Enforcement of Judgment</p> <ul style="list-style-type: none"> Enforcement of Judgment (20) Abstract of Judgment (Out of County) Confession of Judgment <i>(non-domestic relations)</i> Sister State Judgment Administrative Agency Award <i>(not unpaid taxes)</i> Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case <p>Miscellaneous Civil Complaint</p> <ul style="list-style-type: none"> RICO (27) Other Complaint <i>(not specified above)</i> (42) Declaratory Relief Only Injunctive Relief Only <i>(non-harassment)</i> Mechanics Lien Other Commercial Complaint Case <i>(non-tort/non-complex)</i> Other Civil Complaint <i>(non-tort/non-complex)</i> <p>Miscellaneous Civil Petition</p> <ul style="list-style-type: none"> Partnership and Corporate Governance (21) Other Petition <i>(not specified above)</i> (43) Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition |
|---|--|--|

EXHIBIT 4



Service of Process Transmittal Summary

TO: Richard Siegel, Vice President and General Counsel
Hig Capital Management
1450 BRICKELL AVE FL 31
MIAMI, FL 33131-3460

RE: Process Served in California

FOR: Truthfinder, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: ABRAHAM MEJIA, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED //
To: Truthfinder, LLC

CASE #: 37202200022488CUNPCTL

NATURE OF ACTION: Product Liability Litigation - Personal Injury

PROCESS SERVED ON: C T Corporation System, GLENDALE, CA

DATE/METHOD OF SERVICE: By Process Server on 06/14/2022 at 01:44

JURISDICTION SERVED: California

ACTION ITEMS: CT will retain the current log
Image SOP
Email Notification, Richard Siegel rsiegel@higcapital.com
Email Notification, Erick Marin emarin@higcapital.com
Email Notification, Zulay Napoles znapoles@higcapital.com

REGISTERED AGENT CONTACT: C T Corporation System
330 N BRAND BLVD
STE 700
GLENDALE, CA 91203
866-203-1500
DealTeam@wolterskluwer.com

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PROCESS SERVER DELIVERY DETAILS

Date: Tue, Jun 14, 2022
Server Name: Jimmy Lizama

Entity Served	TRUTHFINDER, LLC
Case Number	37-2022-00022488-CU-NP-CTL
Jurisdiction	CA

Inserts		



EXHIBIT 5

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS:	330 W Broadway
MAILING ADDRESS:	330 W Broadway
CITY AND ZIP CODE:	San Diego, CA 92101-3827
DIVISION:	Central
TELEPHONE NUMBER:	(619) 450-7067
PLAINTIFF(S) / PETITIONER(S):	Abraham Mejia
DEFENDANT(S) / RESPONDENT(S):	Truthfinder LLC
MEJIA VS TRUTHFINDER LLC [IMAGED]	
NOTICE OF CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCE (CIVIL)	CASE NUMBER: 37-2022-00022488-CU-NP-CTL

CASE ASSIGNED FOR ALL PURPOSES TO:

Judge: Eddie C Sturgeon

Department: C-67

COMPLAINT/PETITION FILED: 06/10/2022

TYPE OF HEARING SCHEDULED	DATE	TIME	DEPT	JUDGE
Civil Case Management Conference	03/10/2023	10:30 am	C-67	Eddie C Sturgeon

Due to the COVID-19 pandemic, all Case Management Conferences (CMCs) are being conducted virtually unless there is a court order stating otherwise. Prior to the hearing date, visit the "virtual hearings" page for the most current instructions on how to appear for the applicable case-type/department on the court's website at www.sdcourt.ca.gov.

A Case Management Statement (JC Form #CM-110) must be completed by counsel for all parties and by all self-represented litigants and timely filed with the court at least 15 days prior to the initial CMC. (San Diego Superior Court (SDSC) Local Rules, rule 2.1.9; Cal. Rules of Court, rule 3.725).

All counsel of record and self-represented litigants must appear at the CMC, be familiar with the case, and be fully prepared to participate effectively in the hearing, including discussions of Alternative Dispute Resolution (ADR) options.

It is the duty of each plaintiff (and cross-complainant) to serve a copy of this Notice of Case Assignment and Case Management Conference (SDSC Form #CIV-721) with the complaint (and cross-complaint), the Alternative Dispute Resolution (ADR) Information Form (SDSC Form # CIV-730), a Stipulation to Use Alternative Dispute Resolution (ADR) (SDSC Form # CIV-359), and other documents on all parties to the action as set out in SDSC Local Rules, rule 2.1.5.

TIME FOR SERVICE AND RESPONSE: The following rules apply to civil cases except for collections cases under California Rules of Court, rule 3.740(a), unlawful detainer actions, proceedings under the Family Code, and other proceedings for which different service requirements are prescribed by law (Cal. Rules of Court, rule 3.110; SDSC Local Rules, rule 2.1.5):

- **Service:** The complaint must be served on all named defendants, and proof of service filed with the court within 60 days after filing the complaint. An amended complaint adding a defendant must be served on the added defendant and proof of service filed within 30 days after filing of the amended complaint. A cross-complaint against a party who has appeared in the action must be accompanied by proof of service on that party at the time it is filed. If it adds a new party, the cross-complaint must be served on all parties and proof of service on the new party must be filed within 30 days of the filing of the cross-complaint.
- **Defendant's appearance:** Unless a special appearance is made, each defendant served must generally appear (as defined in Code of Civ. Proc. § 1014) within 30 days of service of the complaint/cross-complaint.
- **Extensions:** The parties may stipulate without leave of court to one 15-day extension beyond the 30-day time period prescribed for the response after service of the initial complaint (SDSC Local Rules, rule 2.1.6). If a party fails to serve and file pleadings as required under this rule, and has not obtained an order extending time to serve its pleadings, the court may issue an order to show cause why sanctions shall not be imposed.

JURY FEES: In order to preserve the right to a jury trial, one party for each side demanding a jury trial shall pay an advance jury fee in the amount of one hundred fifty dollars (\$150) on or before the date scheduled for the initial case management conference in the action.

COURT REPORTERS: Official Court Reporters are not normally available in civil matters, but may be requested in certain situations no later than 10 days before the hearing date. See SDSC Local Rules, rule 1.2.3 and Policy Regarding Normal Availability and Unavailability of Official Court Reporters (SDSC Form #ADM-317) for further information.

ALTERNATIVE DISPUTE RESOLUTION (ADR): The court discourages any unnecessary delay in civil actions; therefore, continuances are discouraged and timely resolution of all actions, including submitting to any form of ADR is encouraged. The court encourages and expects the parties to consider using ADR options prior to the CMC. The use of ADR will be discussed at the CMC. Prior to the CMC, parties stipulating to the ADR process may file the Stipulation to Use Alternative Dispute Resolution (SDSC Form #CIV-359).

NOTICE OF E-FILING REQUIREMENTS AND IMAGED DOCUMENTS

Effective April 15, 2021, e-filing is required for attorneys in represented cases in all limited and unlimited civil cases, pursuant to the San Diego Superior Court General Order: In Re Procedures Regarding Electronically Imaged Court Records, Electronic Filing and Access to Electronic Court Records in Civil and Probate Cases. Additionally, you are encouraged to review CIV-409 for a listing of documents that are not eligible for e-filing. E-filing is also encouraged, but not mandated, for self-represented litigants, unless otherwise ordered by the court. All e-filers are required to comply with the e-filing requirements set forth in Electronic Filing Requirements (Civil) (SDSC Form #CIV-409) and Cal. Rules of Court, rules 2.250-2.261.

All Civil cases are assigned to departments that are part of the court's "Imaging Program." This means that original documents filed with the court will be imaged, held for 30 days, and then destroyed, with the exception of those original documents the court is statutorily required to maintain. The electronic copy of the filed document(s) will be the official court record, pursuant to Government Code § 68150. Thus, original documents should not be attached to pleadings filed with the San Diego Superior Court, unless it is a document for which the law requires an original be filed. Any original documents necessary for a motion hearing or trial shall be lodged in advance of the hearing pursuant to California Rules of Court, rule 3.1302(b).

It is the duty of each plaintiff, cross-complainant, or petitioner to serve a copy of this Notice of Case Assignment and Case Management Conference (Civil) (SDSC Form #CIV-721) with the complaint, cross-complaint, or petition on all parties to the action.

On all pleadings filed after the initial case originating filing, all parties must, to the extent it is feasible to do so, place the words "IMAGED FILE" in all caps immediately under the title of the pleading on all subsequent pleadings filed in the action.

The official court file will be electronic and accessible at one of the kiosks located in the Civil Business Office and may be found on the court's website at www.sdcourt.ca.gov.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2022-00022488-CU-NP-CTL

CASE TITLE: Mejia vs Truthfinder LLC [IMAGED]

NOTICE: All plaintiffs/cross-complainants in a general civil case are required to serve a copy of the following three forms on each defendant/cross-defendant, together with the complaint/cross-complaint:

- (1) this Alternative Dispute Resolution (ADR) Information form (SDSC form #CIV-730),
- (2) the Stipulation to Use Alternative Dispute Resolution (ADR) form (SDSC form #CIV-359), and
- (3) the Notice of Case Assignment form (SDSC form #CIV-721).

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts, community organizations, and private providers offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. The San Diego Superior Court expects that litigants will utilize some form of ADR as a mechanism for case settlement before trial, and it may be beneficial to do this early in the case.

Below is some information about the potential advantages and disadvantages of ADR, the most common types of ADR, and how to find a local ADR program or neutral. A form for agreeing to use ADR is attached (SDSC form #CIV-359).

Potential Advantages and Disadvantages of ADR

ADR may have a variety of advantages or disadvantages over a trial, depending on the type of ADR process used and the particular case:

Potential Advantages

- Saves time
- Saves money
- Gives parties more control over the dispute resolution process and outcome
- Preserves or improves relationships

Potential Disadvantages

- May take more time and money if ADR does not resolve the dispute
- Procedures to learn about the other side's case (discovery), jury trial, appeal, and other court protections may be limited or unavailable

Most Common Types of ADR

You can read more information about these ADR processes and watch videos that demonstrate them on the court's ADR webpage at <http://www.sdcourt.ca.gov/adr>.

Mediation: A neutral person called a "mediator" helps the parties communicate in an effective and constructive manner so they can try to settle their dispute. The mediator does not decide the outcome, but helps the parties to do so. Mediation is usually confidential, and may be particularly useful when parties want or need to have an ongoing relationship, such as in disputes between family members, neighbors, co-workers, or business partners, or when parties want to discuss non-legal concerns or creative resolutions that could not be ordered at a trial.

Settlement Conference: A judge or another neutral person called a "settlement officer" helps the parties to understand the strengths and weaknesses of their case and to discuss settlement. The judge or settlement officer does not make a decision in the case but helps the parties to negotiate a settlement. Settlement conferences may be particularly helpful when the parties have very different ideas about the likely outcome of a trial and would like an experienced neutral to help guide them toward a resolution.

Arbitration: A neutral person called an "arbitrator" considers arguments and evidence presented by each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are usually relaxed. If the parties agree to binding arbitration, they waive their right to a trial and agree to accept the arbitrator's decision as final. With nonbinding arbitration, any party may reject the arbitrator's decision and request a trial. Arbitration may be appropriate when the parties want another person to decide the outcome of their dispute but would like to avoid the formality, time, and expense of a trial.

Other ADR Processes: There are several other types of ADR which are not offered through the court but which may be obtained privately, including neutral evaluation, conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR processes. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute. Be sure to learn about the rules of any ADR program and the qualifications of any neutral you are considering, and about their fees.

Local ADR Programs for Civil Cases

Mediation: The San Diego Superior Court maintains a Civil Mediation Panel of approved mediators who have met certain minimum qualifications and have agreed to charge \$150 per hour for each of the first two (2) hours of mediation and their regular hourly rate thereafter in court-referred mediations.

On-line mediator search and selection: Go to the court's ADR webpage at www.sdcourt.ca.gov/adr and click on the "Mediator Search" to review individual mediator profiles containing detailed information about each mediator including their dispute resolution training, relevant experience, ADR specialty, education and employment history, mediation style, and fees and to submit an on-line Mediator Selection Form (SDSC form #CIV-005). The Civil Mediation Panel List, the Available Mediator List, individual Mediator Profiles, and Mediator Selection Form (CIV-005) can also be printed from the court's ADR webpage and are available at the Mediation Program Office or Civil Business Office at each court location.

Settlement Conference: The judge may order your case to a mandatory settlement conference, or voluntary settlement conferences may be requested from the court if the parties certify that: (1) settlement negotiations between the parties have been pursued, demands and offers have been tendered in good faith, and resolution has failed; (2) a judicially supervised settlement conference presents a substantial opportunity for settlement; and (3) the case has developed to a point where all parties are legally and factually prepared to present the issues for settlement consideration and further discovery for settlement purposes is not required. Refer to SDSC Local Rule 2.2.1 for more information. To schedule a settlement conference, contact the department to which your case is assigned.

Arbitration: The San Diego Superior Court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. Refer to SDSC Local Rules Division II, Chapter III and Code Civ. Proc. § 1141.10 et seq or contact the Arbitration Program Office at (619) 450-7300 for more information.

More information about court-connected ADR: Visit the court's ADR webpage at www.sdcourt.ca.gov/adr or contact the court's Mediation/Arbitration Office at (619) 450-7300.

Dispute Resolution Programs Act (DRPA) funded ADR Programs: The following community dispute resolution programs are funded under DRPA (Bus. and Prof. Code §§ 465 et seq.):

- In Central, East, and South San Diego County, contact the National Conflict Resolution Center (NCRC) at www.ncrconline.com or (619) 238-2400.
- In North San Diego County, contact North County Lifeline, Inc. at www.nclifeline.org or (760) 726-4900.

Private ADR: To find a private ADR program or neutral, search the Internet, your local telephone or business directory, or legal newspaper for dispute resolution, mediation, settlement, or arbitration services.

Legal Representation and Advice

To participate effectively in ADR, it is generally important to understand your legal rights and responsibilities and the likely outcomes if you went to trial. ADR neutrals are not allowed to represent or to give legal advice to the participants in the ADR process. If you do not already have an attorney, the California State Bar or your local County Bar Association can assist you in finding an attorney. Information about obtaining free and low cost legal assistance is also available on the California courts website at www.courtinfo.ca.gov/selfhelp/lowcost.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 BRANCH NAME: Central	FOR COURT USE ONLY
PLAINTIFF(S): Abraham Mejia	
DEFENDANT(S): Truthfinder LLC	
SHORT TITLE: MEJIA VS TRUTHFINDER LLC [IMAGED]	
STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR)	CASE NUMBER: 37-2022-00022488-CU-NP-CTL

Judge: Eddie C Sturgeon

Department: C-67

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution (ADR) process. Selection of any of these options will not delay any case management timelines.

- | | |
|---|--|
| <input type="checkbox"/> Mediation (court-connected) | <input type="checkbox"/> Non-binding private arbitration |
| <input type="checkbox"/> Mediation (private) | <input type="checkbox"/> Binding private arbitration |
| <input type="checkbox"/> Voluntary settlement conference (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 15 days before trial) |
| <input type="checkbox"/> Neutral evaluation (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 30 days before trial) |
| <input type="checkbox"/> Other (specify e.g., private mini-trial, private judge, etc.): _____ | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate neutral (for court Civil Mediation Program and arbitration only): _____

Date: _____

Date: _____

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

Dated: 06/13/2022

JUDGE OF THE SUPERIOR COURT

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [TruthFinder Hit with Class Action Over 'Unlawful' Background Checks](#)
