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5 Attorneys for Defendants  
THE SALVATION ARMY and THE SALVATION  
6 ARMY EL SOBRANTE RESIDENCES, INC.

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 CASEDRIA PARKER, on behalf of herself  
and all others similarly situated,

11 Plaintiff,

12 v.

13 THE SALVATION ARMY, a California  
14 corporation; SALVATION ARMY OF  
THE UNITED STATES, a New York  
15 corporation; THE SALVATION ARMY  
EL SOBRANTE RESIDENCES, INC., a  
16 California corporation; and DOES 1  
through 50, inclusive,

17 Defendants.  
18

Case No. 3:20-cv-08585

**DEFENDANTS' NOTICE OF REMOVAL  
OF ACTION TO FEDERAL COURT**

**[28 U.S.C. §§ 1331, 1332(d), 1441(a) and (b)  
and 1446]**

(San Mateo County Superior Court  
Case No. 20-CIV-04787)

1                   **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**  
2 **NORTHERN DISTRICT OF CALIFORNIA, AND TO PLAINTIFF AND HER**  
3 **ATTORNEYS OF RECORD:**

4                   PLEASE TAKE NOTICE that Defendants THE SALVATION ARMY and THE  
5 SALVATION ARMY EL SOBRANTE RESIDENCES, INC. (“Defendants”) hereby remove this  
6 action brought by Plaintiff CASEDRIA PARKER (“Plaintiff”) (collectively, the “Parties”) in the  
7 California Superior Court, County of San Mateo — with reservation of all defenses and rights — to  
8 the United States District Court for the Northern District of California pursuant to 28 U.S.C.  
9 §§ 1331, 1441(a) and (b), and 1446.

10 **I. INTRODUCTION**

11                   1. On November 2, 2020, Plaintiff Casedria Parker filed a Complaint against  
12 Defendants in San Mateo County Superior Court entitled “CASEDRIA PARKER, on behalf of  
13 herself and all others similarly situated v. THE SALVATION ARMY, a California corporation;  
14 SALVATION ARMY OF THE UNITED STATES, a New York corporation; THE SALVATION  
15 ARMY EL SOBRANTE RESIDENCES, INC., a California corporation; and DOES 1 through 50,  
16 inclusive, Case No. 20-CIV-04787 (hereinafter the “State Court Action”).

17 **II. REMOVAL IS TIMELY**

18                   2. This Notice of Removal is timely because Defendants are filing the Notice of  
19 Removal within 30 days from the date on which the Summons was deemed effectively served. *See*  
20 *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999). A true and correct  
21 copy of the Complaint, Summons, and all other process that have been served on Defendants to  
22 initiate the State Court Action is attached hereto as **Exhibit A**. Service on THE SALVATION  
23 ARMY and THE SALVATION ARMY EL SOBRANTE RESIDENCES, INC. was completed on  
24 November 4, 2020, and proofs of service were filed with San Mateo County Superior Court on  
25 November 6, 2020. Thus, in accordance with 28 U.S.C. § 1446(b), Defendants are timely filing this  
26 Notice of Removal within 30 days of service. Named Defendant SALVATION ARMY OF THE  
27 UNITED STATES has not been served as of this filing to the best of Defendants’ knowledge and no  
28 proof of service as to that entity has been filed.

### III. REMOVAL JURISDICTION BASED ON THE PRESENTATION OF A FEDERAL QUESTION

3. Plaintiff's Complaint alleges violations of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* ("FCRA"). Plaintiff contends that "Defendant did not provide legally compliant disclosure and authorization forms to Plaintiff and the putative class as they contained extraneous and superfluous language. Additionally, the inclusion of the extraneous provisions causes the disclosure to fail to be 'clear and conspicuous' and 'clear and accurate,' and thus violates Sections 1681b(b)(2)(A) and 1681d(a)." (Complaint, ¶ 25.) Plaintiff further alleges that "Defendant did not [provide] the disclosure and authorization forms properly and accurately provide a summary of rights and the law under the FCRA." (Complaint, ¶ 27.) Plaintiff therefore alleges two causes of action for (1) Failure to Provide Proper Disclosure Under the FCRA, 15 U.S.C. § 1681b(b)(2)(A) (Complaint, ¶¶ 28-48), and (2) Failure to Give Proper Summary of Rights In Violation of the FCRA, 15 U.S.C. §§ 1681d(a)(1) and 1681g(c). (Complaint, ¶¶ 49-62). Thus, the State Court Action is removable to this Court because it has original jurisdiction over the federal questions presented by Plaintiff's Complaint pursuant to 28 U.S.C. §§ 1331 and 1441(a).

4. By filing the Notice of Removal, Defendants do not waive any objections they may have as to service, jurisdiction, venue, or any other defenses available at law, in equity or otherwise. Defendants intend no admission of fact or law by this Notice and expressly reserve all defenses and motions.

### IV. VENUE IS PROPER

5. The district and division embracing the place where the State Court Action is pending is the San Francisco or Oakland Division of this Court. *See* 28 U.S.C. §§ 84(a) and 1441(a).

### V. INTRADISTRICT ASSIGNMENT

6. The State Court action was filed in the County of San Mateo, and Plaintiff's employment and related actions giving rise to this action took place in Contra Costa County. Therefore, this matter shall be assigned to the San Francisco or Oakland Division. Northern District Local Rule 3-2(c), (d), 3-5(b).

1 **VI. EXHIBITS**

2 7. Pursuant to 28 U.S.C. § 1446(a), the following are attached as Exhibits hereto:  
 3 A copy of the Complaint, Summons, and the Civil Case Cover Sheet that have been served on  
 4 Defendants to initiate the State Court Action is attached hereto as **Exhibit A**. A copy of the Court's  
 5 Class Action Complex Notice is attached hereto as **Exhibit B**. A copy of the Proofs of Service filed  
 6 by Plaintiff with the Court reflecting service on Defendants on November 4, 2020, of the pleadings  
 7 initiating the State Court Action is attached hereto as **Exhibit C**. A copy of the Superior Court's  
 8 Order Reassigning Complex Case and associated affidavit of mailing is attached hereto as  
 9 **Exhibit D**. A copy of the Answer to the Complaint filed in the State Court Action December 3,  
 10 2020, is attached hereto as **Exhibit E**.

11 **VII. NOTICE TO PLAINTIFF AND STATE COURT**

12 8. Promptly after the filing of this Notice of Removal in this Court, written  
 13 notice of such filing will be given by the undersigned to Plaintiff's counsel of record, and a copy of  
 14 the Notice of Removal, including exhibits, will be filed with the San Mateo County Superior Court  
 15 Clerk, as required by 28 U.S.C. § 1446(d).

16 9. Counsel for Defendants has signed this Notice of Removal in compliance with  
 17 the requirements of 28 U.S.C. § 1446(a) and Rule 11 of the Federal Rules of Civil Procedure.

18 WHEREFORE, based on the foregoing, Defendants give notice that they have  
 19 removed to this Court the Action now pending in San Mateo County Superior Court.

20 Dated: December 4, 2020

/s/ Angela J. Rafoth  
 ROD M. FLIEGEL  
 ANGELA J. RAFOTH  
 LITTLER MENDELSON, P.C.  
 Attorneys for Defendants THE SALVATION  
 ARMY and THE SALVATION ARMY EL  
 SOBRANTE RESIDENCES, INC.

24 4820-6594-2739.1 058620.1270

# **EXHIBIT A**

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Electronically  
**FILED**  
by Superior Court of California, County of San Mateo  
ON 11/2/2020  
By /s/ Wai Shan Lee  
Deputy Clerk

6 Attorneys for Plaintiff CASEDRIA PARKER

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN MATEO  
10 UNLIMITED JURISDICTION

11 CASEDRIA PARKER, on behalf of herself  
12 and all others similarly situated,

13 *Plaintiff,*

14 vs.

15 THE SALVATION ARMY, a California  
16 corporation; SALVATION ARMY OF THE  
17 UNITED STATES, a New York corporation;  
18 THE SALVATION ARMY EL SOBRANTE  
19 RESIDENCES, INC., a California  
corporation; and DOES 1 through 50,  
inclusive,

20 *Defendants.*

Case No. 20-CIV-04787

**CLASS ACTION COMPLAINT FOR:**

1. Violation of 15 U.S.C. §§ 1681b(b)(2)(A) (Fair Credit Reporting Act)
2. Violation of 15 U.S.C. §§ 1681d(a)(1) and 1681g(c) (Fair Credit Reporting Act).

**JURY TRIAL DEMANDED**

1 Plaintiff CASEDRIA PARKER (“Plaintiff”), on behalf of herself, all others similarly situated,  
2 and the general public, complain and allege as follows:

3 **INTRODUCTION**

4 1. Plaintiff brings this class action against Defendants THE SALVATION ARMY, a  
5 California corporation; SALVATION ARMY OF THE UNITED STATES, a New York corporation;  
6 THE SALVATION ARMY EL SOBRANTE RESIDENCES, INC., a California corporation; and  
7 DOES 1 through 50, inclusive (collectively referred to as “Defendants”) for alleged violations of the  
8 Fair Credit Reporting Act (“FCRA”) and similar California laws.

9 2. Plaintiff alleges that Defendants routinely acquire criminal, consumer, and  
10 investigative consumer and/or consumer credit reports (referred to collectively as “background  
11 reports”) to conduct background checks on Plaintiff and other prospective, current and former  
12 employees and use information from background reports in connection with their hiring process  
13 without providing proper disclosures and obtaining proper authorization in compliance with the law.

14 3. Plaintiff, individually and on behalf of all others similarly situated current, former and  
15 prospective employees, seeks compensatory and punitive damages due to Defendants’ systematic and  
16 willful violations of the FCRA (15 U.S.C. §§ 1681 *et seq.*).

17 **JURISDICTION AND VENUE**

18 4. This Court has subject matter jurisdiction to hear this case because the monetary  
19 damages and restitution sought by Plaintiff from Defendants conduct exceeds the minimal jurisdiction  
20 of the Superior Court of the State of California.

21 5. Venue is proper in the County of San Mateo pursuant to Code of Civil Procedure  
22 sections 395(a) and 395.5 in that liability arose this county because at least some of the transactions  
23 that are the subject matter of this Complaint occurred therein and/or each defendant is found,  
24 maintains offices, transacts business and/or has an agent therein.

25 6. Venue is proper in San Mateo County because Defendants’ have at all times alleged  
26 herein, conducted business in San Mateo County, and throughout California. As such, venue is  
27 proper in any county in California.

28 7. Plaintiff is informed and believes, and thereupon alleges that the individual claims of

1 the classes defined below are under the \$75,000 threshold for federal diversity jurisdiction and the  
2 aggregate claim is under the \$5,000,000 threshold for federal jurisdiction under the Class Action  
3 Fairness Act of 2005.

4 **PARTIES**

5 8. Plaintiff CASEDRIA PARKER is, and at all relevant times mentioned herein, an  
6 individual residing in the State of California.

7 9. Plaintiff is informed and believes, and thereupon alleges that Defendant THE  
8 SALVATION ARMY, is, and at all relevant times mentioned herein, a California corporation doing  
9 business in the State of California.

10 10. Plaintiff is informed and believes, and thereupon alleges that Defendant SALVATION  
11 ARMY OF THE UNITED STATES, is, and at all relevant times mentioned herein, a New York  
12 corporation doing business in the State of California.

13 11. Plaintiff is informed and believes, and thereupon alleges that Defendant THE  
14 SALVATION ARMY EL SOBRANTE RESIDENCES, INC., is, and at all relevant times mentioned  
15 herein, a California corporation doing business in the State of California.

16 12. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as  
17 DOES 1 through 50, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff  
18 will amend this Complaint to allege the true names and capacities of the DOE defendants when  
19 ascertained. Plaintiff is informed and believes, and thereupon alleges that each of the fictitiously  
20 named defendants are responsible in some manner for the occurrences, acts and omissions alleged  
21 herein and that Plaintiff's alleged damages were proximately caused by these defendants, and each of  
22 them. Plaintiff will amend this complaint to allege both the true names and capacities of the DOE  
23 defendants when ascertained.

24 13. Plaintiff is informed and believes, and thereupon alleges that, at all relevant times  
25 mentioned herein, some or all of the defendants were the representatives, agents, employees, partners,  
26 directors, associates, joint venturers, joint employers, principals or co-participants of some or all of  
27 the other defendants, and in doing the things alleged herein, were acting within the course and scope  
28 of such relationship and with the full knowledge, consent and ratification by such other defendants.



1 14. Plaintiff is informed and believes, and thereupon alleges that, at all relevant times  
2 mentioned herein, some of the defendants pursued a common course of conduct, acted in concert and  
3 conspired with one another, and aided and abetted one another to accomplish the occurrences, acts  
4 and omissions alleged herein.

5 **CLASS ALLEGATIONS**

6 15. This action has been brought and may be maintained as a class action pursuant to Code  
7 of Civil Procedure section 382 because there is a well-defined community of interest among the  
8 persons who comprise the readily ascertainable classes defined below and because Plaintiff is  
9 unaware of any difficulties likely to be encountered in managing this case as a class action.

10 16. Plaintiff seeks to represent a class defined s follows:

11 **FCRA Class:** All of Defendants' current, former and prospective applicants for employment  
12 in the United States who applied for a job with Defendants at any time during the period for  
13 which a background check was performed beginning five years prior to the filing of this action  
and ending on the date that final judgment is entered in this action.

14 17. **Reservation of Rights:** Pursuant to Rule of Court 3.765(b), Plaintiff reserves the right  
15 to amend or modify the class definitions with greater specificity, by further division into sub-classes  
16 and/or by limitation to particular issues.

17 18. **Numerosity:** The class members are so numerous that the individual joinder of each  
18 individual class member is impractical. While Plaintiff does not currently know the exact number of  
19 class members, Plaintiff is informed and believes, and thereupon alleges that the actual number  
20 exceeds the minimum required for numerosity under California law.

21 19. **Commonality and Predominance:** Common questions of law and fact exist as to all  
22 class members and predominate over any questions which affect only individual class members.  
23 These common questions include, but are not limited to:

- 24 A. Whether Defendants failed to comply with the requirements of 15 U.S.C. §  
25 7001 §§ 1681b(b)(2)(A);
- 26 B. Whether Defendants willfully failed to provide the class with stand-alone  
27 written disclosures before obtaining a credit or background report in  
28 compliance with the statutory mandates; and

1 C. Whether Defendants willfully failed to comply with the FCRA;

2 20. **Typicality:** Plaintiff's claims are typical of the other class members' claims. Plaintiff  
3 is informed and believes and thereupon alleges that Defendants have a policy or practice of failing to  
4 comply with the FCRA, ICRAA and/or the CCRAA, as alleged in this Complaint.

5 21. **Adequacy of Class Representatives:** Plaintiff is an adequate class representatives in  
6 that she has no interests that are adverse to, or otherwise conflict with, the interests of absent class  
7 members and is dedicated to vigorously prosecuting this action on their behalf. Plaintiff will fairly  
8 and adequately represent and protect the interests of the other class members.

9 22. **Adequacy of Class Counsel:** Plaintiff's counsel are adequate class counsel in that  
10 they have no known conflicts of interest with Plaintiff or absent class members, are experienced in  
11 wage and hour class action litigation, and are dedicated to vigorously prosecuting this action on behalf  
12 of Plaintiff and absent class members.

13 23. **Superiority:** A class action is vastly superior to other available means for fair and  
14 efficient adjudication of the class members' claims and would be beneficial to the parties and the  
15 Court. Class action treatment will allow a number of similarly situated persons to simultaneously and  
16 efficiently prosecute their common claims in a single forum without the unnecessary duplication of  
17 effort and expense that numerous individual actions would entail. In addition, the monetary amounts  
18 due to many individual class members are likely to be relatively small and would thus make it  
19 difficult, if not impossible, for individual class members to both seek and obtain relief. Moreover, a  
20 class action will serve an important public interest by permitting class members to effectively pursue  
21 the recovery of monies owed to them. Further, a class action will prevent the potential for inconsistent  
22 or contradictory judgments inherent in individual litigation.

23 **GENERAL ALLEGATIONS**

24 24. Plaintiff worked for Defendants during the relevant time period. When Plaintiff  
25 applied for employment, Defendants performed a background investigation on Plaintiff. When  
26 Plaintiff applied for employment with Defendant, Defendant provided her with a disclosure and  
27 authorization form to perform background investigations.

28 25. Defendant did not provide legally compliant disclosure and authorization forms to

1 Plaintiff and the putative class as they contained extraneous and superfluous language. Additionally,  
2 the inclusion of the extraneous provisions causes the disclosure to fail to be “clear and conspicuous”  
3 and “clear and accurate,” and thus violates Sections 1681b(b)(2)(A) and 1681d(a). Specifically, the  
4 disclosure does not comply with the “clear and conspicuous” requirement because (1) the disclosure  
5 is not in all capital letters; (2) the disclosure is not in boldface to set off the required disclosure; (3)  
6 the disclosure is part of an employment application and is therefore not a standalone documents; and  
7 (3) the disclosure describes multi-state law differences which is not a permissible element in an FCRA  
8 disclosure and reduces clarity as to what rights each applicant or employee possesses.

9 26. The FCRA disclosure should be a standalone document and, if desired, a bare  
10 authorization to obtain information, without being weighed down by irrelevant state law references,  
11 confusing and contradictory rights summaries, and impermissible references to side documents  
12 containing information not set forth in the attempted disclosure.

13 27. Furthermore, Defendant did not the disclosure and authorization forms properly and  
14 accurately provide a summary of rights and the law under the FCRA.

15 **FIRST CAUSE OF ACTION**

16 **FAILURE TO PROVIDE PROPER DISCLOSURE IN VIOLATION OF THE FCRA**

17 **(15 U.S.C. §§ 1681b(b)(2)(A))**

18 **(Plaintiff and FCRA Class Against All Defendants)**

19 28. Plaintiff incorporates the preceding paragraphs of this Complaint as if fully alleged  
20 herein.

21 29. Defendants are “persons” as defined by Section 1681a(b) of the FCRA.

22 30. Plaintiff and class members are “consumers” within the meaning of Section 1681a(c)  
23 of the FCRA because they are “individuals.”

24 31. Section 1681a(d)(1) of the FCRA defines “consumer report” as:

25 “The term “consumer report” means any written, oral, or other communication of any  
26 information by a consumer reporting agency bearing on a consumer’s credit  
27 worthiness, credit standing, credit capacity, character, general reputation, personal  
28 characteristics, or mode of living which is used or expected to be used or collected in  
whole or in part for the purpose of serving as a factor in establishing the consumer’s  
eligibility for–

- 1 (A) credit or insurance to be used primarily for personal, family, or household  
2 purposes;
- 3 (B) employment purposes; or
- 4 (C) any other purpose authorized under section 1681b of this title.”

5 Accordingly, a credit and background report qualifies as a consumer report.

6 32. Section 1681a(e) of the FCRA defines “investigative consumer report” as:

7 “The term ‘investigative consumer report’ means a consumer report or portion thereof  
8 in which information on a consumer’s character, general reputation, personal  
9 characteristics, or mode of living is obtained through personal interviews with  
10 neighbors, friends, or associates of the consumer reported on or with others with whom  
11 he is acquainted or who may have knowledge concerning any such items off  
12 information. However, such information shall not include specific factual information  
13 on a consumer’s credit record obtained directly from a creditor of the consumer or  
14 from a consumer reporting agency when such information was obtained directly from  
15 a creditor of the consumer or from the consumer.”

16 Accordingly, a credit and background report qualifies as an investigative consumer report.

17 33. Section 1681b(b)(2)(A) of the FCRA provides:

18 Conditions for furnishing and using consumer reports for employment purposes  
19 Except as provided in subparagraph (B), a person may not procure a consumer report,  
20 or cause a consumer report to be procured, for employment purposes with respect to  
21 any consumer, unless—

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

34. Section 1681b(b)(2)(A)(i) requires that a clear and conspicuous disclosure be made in  
writing.

35. Because Defendants’ disclosures do not meet the requirement of 15 U.S.C. section  
7001(c), the disclosures do not satisfy the written requirement.

36. Plaintiff alleges, upon information and belief, that in evaluating their and other class  
members for employment, Defendants procured or caused to be procured credit and background  
reports (i.e. a consumer report and/or investigative consumer report as defined by 15 U.S.C. section  
1681a(d)(1)(B) and 15 U.S.C. section 1681a(e)).

1           37.     The purported disclosures do not meet the requirements under the law because they  
2 are embedded with extraneous information and are not clear and unambiguous disclosures in stand-  
3 alone documents.

4           38.     Under the FCRA, it is unlawful to procure or caused to be procured, a consumer report  
5 or investigative consumer report for employment purposes unless the disclosure is made in a  
6 document that consists solely of the disclosure and the consumer has authorized, in writing, the  
7 procurement of the report. (15 U.S.C. § 1681b(b)(2)(A)(i)-(ii).) The inclusion of extraneous  
8 information therefore violates section 1681b(b)(2)(A) of the FCRA.

9           39.     Although the disclosure and authorization may be combined in a single document, the  
10 Federal Trade Commission (“FTC”) has warned that the form should not include any extraneous  
11 information or be part of another document. For example, in response to an inquiry as to whether the  
12 disclosure may be set forth within an application for employment or whether it must be included in a  
13 separate document, the FTC stated:

14                   “The disclosure may not be part of an employment application because the language  
15 [of 15 U.S.C. section 1681b(b)(2)(A) is] intended to ensure that it appears  
16 conspicuously in a document not encumbered by any other information. The reason  
for requiring that the disclosure be in a stand-alone document is to prevent consumers  
from being distracted by other information side-by-side within the disclosure.”

17           40.     The plain language of the statute also clearly indicates that the inclusion of a liability  
18 release in a disclosure form violates the disclosure and authorization requirements of the FCRA,  
19 because such a form would not consist “solely” of the disclosure. In fact, the FTC expressly warned  
20 that the FCRA notice may not include extraneous information such as a release. In a 1998 opinion  
21 letter, the FTC stated:

22                   “[W]e note that your draft disclosure includes a waiver by the consumer of his or her  
23 rights under the FCRA. The inclusion of such a waiver in a disclosure form will violate  
24 section 604(b)(2)(A) of the FCRA, which requires that a disclosure consist ‘solely’ of  
the disclosure that a consumer report may be obtained for employment purposes.”

25           41.     In a report dated July 2011, the FTC reiterated that “the notice [under 15 U.S.C. section  
26 1681b(b)(2)(A)] may not include extraneous or contradictory information, such as a request for a  
27 consumer’s waiver of his or her rights under the FCRA.”

28           42.     By including extraneous and unlawful information, Defendants willfully disregarded



1 the FTC's regulatory guidance and violated section 1681b(b)(2)(A) of the FCRA. Additionally, the  
2 inclusion of the extraneous provisions causes the disclosure to fail to be "clear and conspicuous" and  
3 "clear and accurate" and therefore violates sections 1681b(b)(2)(A) and 1681d(a).

4 43. Defendants' conduct in violation of section 1681b(b)(2)(A) of the FCRA was and is  
5 willful. Defendants acts in deliberate or reckless disregard of their obligations and the rights of  
6 applicants and employees, including Plaintiff and class members. Defendants' willful conduct is  
7 reflected by, among other things, the following facts:

- 8 A. Defendants are a large corporation with access to legal advice;
- 9 B. Defendants required a purported authorization to perform credit and  
10 background checks in the process of employing the class members which,  
11 although defective, evidences Defendants' awareness of and willful failure to  
12 follow the governing laws concerning such authorizations;
- 13 C. The plain language of the statute unambiguously indicates that inclusion of  
14 unlawful and extraneous information in a disclosure form violates the  
15 disclosure and authorization requirements; and
- 16 D. The FTC's express statements, pre-dating Defendants' conduct, which state  
17 that it is a violation of section 1681b(b)(2)(A) of the FCRA to include a liability  
18 waiver in the disclosure form.

19 44. Based upon the facts likely to have evidentiary support after a reasonable opportunity  
20 to further investigation and discovery, Plaintiff alleges that Defendants have a policy and practice of  
21 procuring investigative consumer reports or causing investigative consumer reports to be procured  
22 for applicants and employees without informing them of their right to request a summary of their  
23 rights under the FCRA at the same time as the disclosure explaining that an investigative consumer  
24 report may be made. Pursuant to that policy and practice, Defendants procured investigative  
25 consumer reports or caused investigative consumer reports to be procured for Plaintiff and class  
26 members, as described above, without informing class members of their rights to request a written  
27 summary of their rights under the FCRA.

28 45. Accordingly, Defendants willfully violated and continue to violate the FCRA,

1 including but not limited to, sections 1681b(b)(2)(A) and 1681d(a). Defendants' willful conduct is  
2 reflected by, among other things, the facts set forth above.

3 46. As a result of Defendants' unlawful procurement of credit and background reports by  
4 way of their inadequate disclosures and misinformation as set forth above, Plaintiff and class members  
5 have been injured, including but not limited to, having their privacy and statutory rights invaded in  
6 violation of the FCRA.

7 47. Plaintiff, on behalf of herself and all class members, seeks all available remedies  
8 pursuant to 15 U.S.C. section 1681n, including statutory damages and/or actual damages, punitive  
9 damages, injunctive and equitable relief and attorneys' fees and costs.

10 48. In the alternative to Plaintiff's allegation that these violations were willful, Plaintiff  
11 alleges that the violations were negligent and seeks the appropriate remedy, if any, under 15 U.S.C.  
12 section 1681o, including statutory damages and attorneys' fees and costs.

13 **SECOND CAUSE OF ACTION**

14 **FAILURE TO GIVE PROPER SUMMARY OF RIGHTS IN VIOLATION OF THE FCRA**

15 **(15 U.S.C. § 1681d(a)(1) and 1681g(c))**

16 **(Plaintiff and FCRA Class Against All Defendants)**

17 49. Plaintiff incorporates the preceding paragraphs of this Complaint as if fully alleged  
18 herein.

19 50. Section 1681d(a) states:

20 (a) Disclosure of fact of preparation

21 A person may not procure or cause to be prepared an investigative consumer report on  
any consumer unless—

22 (1) it is *clearly and accurately disclosed to the consumer* that an investigative  
23 consumer report including information as to his character, general reputation,  
personal characteristics, and mode of living, which are applicable, may be  
24 made, and such disclosure

25 (A) is *made in a writing mailed, or otherwise delivered, to the consumer*, not  
later than three days after the date on which the report was first requested,  
26 and

27 (B) *includes a statement informing the consumer of his right to request the*  
*additional disclosures* provided for under subsection (b) of this section and  
28 *the written summary of the rights of the consumer prepared pursuant to*  
*section 1681g(c)* of this title; and

1 (Emphasis added.)

2 51. Section 1681d(b) states:

3 (b) Disclosure on request of nature and scope of investigation

4 Any person who procures or causes to be prepared an investigative consumer report  
5 on any consumer shall, upon written request made by the consumer within a reasonable  
6 period of time after the receipt by him of the disclosure required by subsection (a)(1),  
7 make a ***complete and accurate disclosure of the nature and scope of the investigation  
8 requested***. This disclosure shall be made in a writing mailed, or after the date on which  
9 the request for such disclosure was received from the consumer or such report was  
10 first requested, whichever is the later.

11 (Emphasis added.)

12 52. As previously alleged, because Defendants' disclosures do not meet the requirement  
13 of Section 101(c)(1) of 15 U.S.C. section 7001, the disclosures do not satisfy the written requirement.

14 53. Moreover, even if Defendants' disclosures are deemed to satisfy Section 101(c)(1),  
15 Defendants did not comply with Section 1681d(a)(1)(b) because the disclosures fail to inform the  
16 consumer of the right to have the person who procured the report provide a complete and accurate  
17 disclosure of the nature and scope of the investigation requested.

18 54. Section 1681g(c) further provides for summary of rights to obtain and dispute  
19 information in consumer reports and to obtain credit scores:

20 (c) Summary of rights to obtain and dispute information in consumer reports and to  
21 obtain credit scores

22 (1) Commission

23 Summary of rights required

24 (A) In general

25 The Commission shall prepare a model summary of the rights of consumers  
26 under this subchapter.

27 (B) Content of summary

28 The summary of rights prepared under subparagraph (A) shall include a  
description of—

(i) the right of a consumer to obtain a copy of a consumer report under  
subsection (a) from each consumer reporting agency;

(ii) the frequency and circumstances under which a consumer is entitled to  
receive a consumer report without charge under section 1681j of this  
title;

(iii) the right of a consumer to dispute information in the file of the consumer  
under section 1681i of this title;



- 1 (iv) the right of a consumer to obtain a credit score from a consumer reporting  
2 agency, and a description of how to obtain a credit score;
- 3 (v) the method by which a consumer can contact, and obtain a consumer  
4 report from, a consumer reporting agency without charge, as provided in  
5 the regulations of the Bureau prescribed under section 211(c) of the Fair  
6 and Accurate Credit Transactions Act of 2003; and
- 7 (vi) the method by which a consumer can contact, and obtain a consumer  
8 report from, a consumer reporting agency described in section 1681a(w)  
9 of this title, as provided in the regulations of the Bureau prescribed under  
10 section 1681j(a)(1)(C) of this title.

11 55. Defendants did not comply with 1681g(c) because the disclosure included information  
12 contrary to the FCRA. Defendants did not comply with 1681g(c)(B)(1) because the disclosures did  
13 not state the right of a consumer to obtain a copy of a consumer report from each consumer reporting  
14 agency.

15 56. Defendants did not comply with 1681g(c)(B)(2) because the disclosure did not state  
16 the frequency and circumstances under which a consumer is entitled to receive a consumer report  
17 without charge.

18 57. Defendants did not comply with 1681g(c)(B)(4) because the disclosure did not state  
19 the right of a consumer to obtain a credit score from a consumer reporting agency and a description  
20 of how to obtain a credit score.

21 58. Defendants did not comply with 1681g(c)(B)(5) because the disclosure did not state  
22 the method by which a consumer can contact, and obtain a consumer report from, a consumer  
23 reporting agency without charge.

24 59. Defendants did not comply with 1681g(c)(B)(6) because the disclosure did not state  
25 the method by which a consumer can contact, and obtain a consumer report from, a consumer  
26 reporting agency described in section 1681a(w) of this title, as provided in the regulations of the  
27 Bureau prescribed under section 1681j(a)(1)(C) of this title.

28 60. As a result of Defendants' unlawful procurement of credit and background reports by  
way of their inadequate disclosures and misinformation as set forth above, Plaintiff and class members  
have been injured, including but not limited to, having their privacy and statutory rights invaded in  
violation of the FCRA.

1           61. Plaintiff, on behalf of herself and all class members, seeks all available remedies  
2 pursuant to 15 U.S.C. section 1681n, including statutory damages and/or actual damages, punitive  
3 damages, injunctive and equitable relief and attorneys’ fees and costs.

4           62. In the alternative to Plaintiff’s allegation that these violations were willful, Plaintiff  
5 alleges that the violations were negligent and seeks the appropriate remedy, if any, under 15 U.S.C.  
6 section 1681o, including statutory damages and attorneys’ fees and costs.

7 ///

8                               **PRAYER FOR RELIEF**

9           WHEREFORE, Plaintiff, on behalf of herself, all others similarly situated, and the general  
10 public, prays for relief and judgment against Defendants as follows:

- 11                 (1)    An order that the action be certified as a class action;
- 12                 (2)    An order that Plaintiff be appointed class representative;
- 13                 (3)    An order that counsel for Plaintiff be appointed class counsel;
- 14                 (4)    Actual damages;
- 15                 (5)    Punitive damages;
- 16                 (6)    Restitution;
- 17                 (7)    Declaratory relief;
- 18                 (8)    Pre-judgment interest;
- 19                 (9)    Statutory penalties;
- 20                 (10)   Civil penalties;
- 21                 (11)   Costs of suit;
- 22                 (12)   Reasonable attorneys’ fees; and
- 23                 (13)   Such other relief as the Court deems just and proper.

24 ///

25 ///

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**DEMAND FOR JURY TRIAL**

Plaintiff, on behalf of herself, all other similarly situated, and the general public, hereby demands a jury trial on all issues so triable.

Dated: October 30, 2020

SETAREH LAW GROUP



Shaun Setareh  
David Keledjian  
Attorneys for Plaintiff  
CASEDRIA PARKER

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SUM-100

**SUMMONS**  
**(CITACION JUDICIAL)**

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

Electronically  
**FILED**

by Superior Court of California, County of San Mateo

ON 11/2/2020

By /s/ Wai Shan Lee  
Deputy Clerk

**NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO):**

THE SALVATION ARMY, a California corporation;

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

CASEDRIA PARKER, on behalf of herself 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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://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 ó 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):

Hall of Justice  
400 County Center, Redwood City, CA 94063

CASE NUMBER: (Número del Caso):

20-CIV-04787

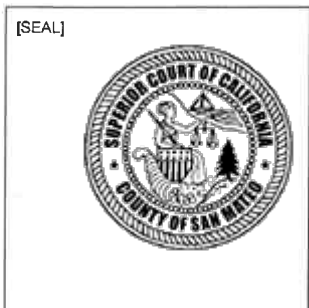
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

David Keledjian of the Setareh Law Group, 315 South Beverly Drive, Ste 315, Beverly Hills, CA 90212 (310) 888-7771

DATE: November 2, 2020 Neal I. Taniguchi Clerk, by /s/ Wai Shan Lee 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 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
4.  by personal delivery on (date)

|  |              |
|--|--------------|
| SHORT TITLE:<br>PARKER v. THE SALVATION ARMY, et al. | CASE NUMBER: |
|--|--------------|

**INSTRUCTIONS FOR USE**

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

**List additional parties** (Check only one box. Use a separate page for each type of party.):

Plaintiff
  Defendant
  Cross-Complainant
  Cross-Defendant

SALVATION ARMY OF THE UNITED STATES, a New York corporation; THE SALVATION ARMY EL SOBRANTE RESIDENCES, INC., a California corporation; and DOES 1 through 50, inclusive

|   |  |  |
|---|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br>David Keledjian (SBN 309135)<br>315 South Beverly Drive, Suite 315<br>Beverly Hills, California 90212      |  | FOR COURT USE ONLY<br><br><b>Electronically FILED</b><br>by Superior Court of California, County of San Mateo<br>ON <b>11/2/2020</b><br>By <b>/s/ Wai Shan Lee</b><br>Deputy Clerk |
| TELEPHONE NO.: (310) 888-7771 FAX NO. (Optional): (310) 888-0109<br>ATTORNEY FOR (Name): CASEDRIA PARKER  |  |  |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO<br>STREET ADDRESS: 400 County Center<br>MAILING ADDRESS:<br>CITY AND ZIP CODE: Redwood City, CA 94063<br>BRANCH NAME: Hall of Justice |  |  |
| CASE NAME:<br>PARKER v. THE SALVATION ARMY  |  | CASE NUMBER:<br><b>20-CIV-04787</b>  |
| <b>CIVIL CASE COVER SHEET</b><br><input checked="" type="checkbox"/> <b>Unlimited</b><br>(Amount demanded exceeds \$25,000)   | <input type="checkbox"/> <b>Limited</b><br>(Amount demanded is \$25,000) | <b>Complex Case Designation</b><br><input type="checkbox"/> Counter <input type="checkbox"/> Joinder<br>Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) |
|   |  | JUDGE:<br>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:

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

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 checked="" 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 checked="" 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 checked="" 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): Two
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: November 2, 2020

David Keledjian, Esq.

(TYPE OR PRINT NAME)

(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****CM-010**

**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**

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (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

**Non-PI/PD/WD (Other) Tort**

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

**Employment**

Wrongful Termination (36)  
Other Employment (15)

**Contract**

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)  
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 (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

**Real Property**

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 (*not eminent domain, landlord/tenant, or foreclosure*)

**Unlawful Detainer**

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

**Judicial Review**

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

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

**Enforcement of Judgment**

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

|  |                    |
|--|--------------------|
| Attorney or Party without Attorney (Name/Address)<br>David Keledjian, Esq., SETAREH LAW GROUP<br>315 S. Beverly Dr., Suite 315,<br>Beverly Hills, CA 90212<br>Telephone: (310) 888-7771<br>State Bar No.: 309135<br>Attorney for: Plaintiff, CASEDRIA PARKER | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA<br>COUNTY OF SAN MATEO<br>400 COUNTY CENTER<br>REDWOOD CITY, CA 94063   |                    |
| Plaintiff CASEDRIA PARKER  |                    |
| Defendant THE SALVATION ARMY, et al.   |                    |
| <b>Certificate Re Complex Case Designation</b>   | Case Number        |

**This certificate must be completed and filed with your Civil Case Cover Sheet if you have checked a Complex Case designation or Counter-Designation**

1. In the attached Civil Case Cover Sheet, this case is being designated or counter-designated as a complex case [or as not a complex case] because at least one or more of the following boxes has been checked:
  - Box 1 – Case type that is best described as being [or not being] provisionally complex civil litigation (i.e., antitrust or trade regulation claims, construction defect claims involving many parties or structures, securities claims or investment losses involving many parties, environmental or toxic tort claims involving many parties, claims involving mass torts, or insurance coverage claims arising out of any of the foregoing claims).
  - Box 2 – Complex [or not complex] due to factors requiring exceptional judicial management
  - Box 5 – Is [or is not] a class action suit.
  
2. This case is being so designated based upon the following supporting information [including, without limitation, a brief description of the following factors as they pertain to this particular case: (1) management of a large number of separately represented parties; (2) complexity of anticipated factual and/or legal issues; (3) numerous pretrial motions that will be time-consuming to resolve; (4) management of a large number of witnesses or a substantial amount of documentary evidence; (5) coordination with related actions



pending in one or more courts in other counties, states or countries or in a federal court; (6) whether or not certification of a putative class action will in fact be pursued; and (7) substantial post-judgment judicial supervision]:

Please see Attachment 2(a)

\_\_\_\_\_

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*(attach additional pages if necessary)*

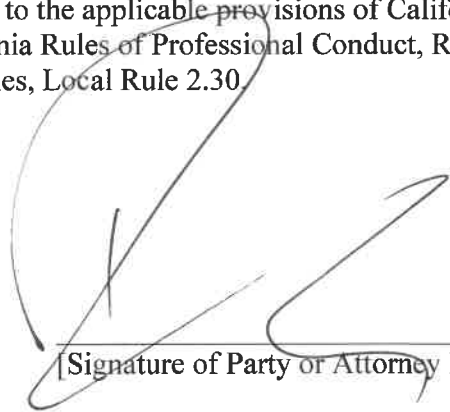
- 3. Based on the above-stated supporting information, there is a reasonable basis for the complex case designation or counter-designation [or noncomplex case counter-designation] being made in the attached Civil Case Cover Sheet.

\*\*\*\*\*

I, the undersigned counsel or self-represented party, hereby certify that the above is true and correct and that I make this certification subject to the applicable provisions of California Code of Civil Procedure, Section 128.7 and/or California Rules of Professional Conduct, Rule 5-200 (B) and San Mateo County Superior Court Local Rules, Local Rule 2.30.

Dated: 11/2/2020

David Keledjian, Esq.  
[Type or Print Name]

  
[Signature of Party or Attorney For Party]

**Attachment 2(a) to Local Form CV-59**

**Factors in Support of Complex Designation:**

1: This is a class action suit for failure to provide proper disclosures regarding the procurement of an investigative background check. Plaintiff seeks to represent:

All of Defendants' current, former and prospective applicants for employment in the United States who applied for a job with Defendants at any time during the period for which a background check was performed beginning five years prior to the filing of this action and ending on the date that final judgment is entered in this action."

Plaintiff is unaware of the number of putative class members at this time but believes that the putative class to be sufficiently numerous and that the aggregation of separate claims would be impractical, costly, and burdensome. Thus, Plaintiff believes that the class action vehicle is the superior method of adjudicating the identical claims among all putative class members.

2: Given the class allegations, this case would likely be phased. Plaintiff intends to conduct detailed discovery in support of his motion for conditional and class certification, followed by the underlying merits of the class claims.

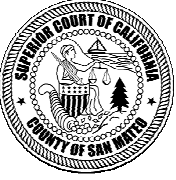
3. Once the matter is at issue, and all necessary discovery is complete, Plaintiff will move for class certification, and subsequently summary judgment. Plaintiff anticipates that Defendant will likely move to decertify the class and file its own motion for summary judgment.

4. This case involves a large number of pertinent witnesses, all expected to contribute both documentary and testimonial evidence at the class certification, summary judgment, and ultimately trial stages. In addition to Defendant's agents and corporate officers, the putative class members themselves will likely serve as witnesses in this matter.

5. While Plaintiff is unaware of any related matters, it is foreseeable that throughout the life of this suit other similar matters may be filed against Defendant throughout the state.

6: Once the matter is at issue, and all necessary discovery is complete, Plaintiff will move for class certification, and subsequently summary judgment.

# **EXHIBIT B**

|  |  |
|--|--|
|  <p style="text-align: center;"><b>SUPERIOR COURT OF SAN MATEO COUNTY</b><br/>400 County Center, Redwood City, CA 94063<br/>www.sanmateocourt.org</p> | <p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;">SAN MATEO COUNTY<br/>11/5/2020</p> <p style="text-align: center;"><b>Clerk of the Superior Court</b><br/>By <u>/s/ Padmani Singh</u><br/>Deputy Court Clerk</p> |
| <p>PLAINTIFF: <b>CASEDRIA PARKER</b></p>   |  |
| <p>DEFENDANT: <b>THE SALVATION ARMY; SALVATION ARMY OF THE UNITED STATES; THE SALVATION ARMY EL SOBRANTE RESIDENCES, INC.; DOES 1 THROUGH 50, INCLUSIVE</b></p>  |  |
| <p style="text-align: center;"><b>NOTICE OF ASSIGNMENT FOR ALL PURPOSES, DESIGNATION AS COMPLEX CASE, SETTING OF CASE MANAGEMENT CONFERENCE AND COMPLEX FEES DUE</b></p>   | <p>CASE NUMBER:<br/><b>20-CIV-04787</b></p>  |

This case has been filed by Plaintiff(s) as a putative class action. By Standing Order 18-148 of the Presiding Judge, pursuant to California Rules of Court 3.400 and 3.403, this action is automatically deemed a “complex case” and assigned for all purposes to the Court’s Complex Civil Litigation Judge, **the Honorable Marie S. Weiner, Department 2**, located at 400 County Center, Courtroom 2E, Redwood City, California 94063, (650) 261-5102.

The parties or their attorneys of record must appear for a Case Management Conference in Department 2 on **2/22/2021 at 9:00 a.m.**

**Pursuant to Government Code Section 70616(a), the complex case fee and the first appearance fee must be paid at the time of filing of the first paper in this complex case (Govt.C. 70616(b) and (d)).**

Plaintiff(s) pay a single complex case fee of \$1,000 on behalf of all plaintiffs, whether filing separately or jointly.

Defendant(s) pay a complex case fee of \$1,000 each on behalf of each defendant, intervenor, respondent, or adverse party, whether filing separately or jointly, at the time that party files its first paper in this case, not to exceed \$18,000 total.

PLAINTIFF(S) IS/ARE REQUIRED TO SERVE A COPY OF THIS NOTICE ON ALL OTHER PARTIES TO THIS ACTION OR PROCEEDING, and promptly file proof of service.

Date: 11/5/2020

Neal I Taniguchi, Court Executive Officer/Clerk

By: /s/ Padmani Singh

Padmani Singh, Deputy Court Clerk

**CLERK’S CERTIFICATE OF SERVICE**

I hereby certify that I am the clerk of this Court, not a party to this cause; that I served a copy of this notice on the below date, by personally delivering a copy of this Notice to the Plaintiff or designee at 400 County Center, Redwood City, California.

Date: 11/5/2020

By: /s/ Padmani Singh

Padmani Singh, Deputy Court Clerk

**Mailing List:**

CHAIM S SETAREH  
SETAREH LAW GROUP  
315 SOUTH BEVERLY DRIVE  
SUITE 315  
BEVERLY HILLS CA 90212

# **EXHIBIT C**

|   |  |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><b>Shaun Setareh, 204514</b><br><b>Law Office of Shaun Setareh</b><br><b>315 South Beverly Drive , Suite 315</b><br><b>Beverly Hills, CA 90212</b><br>TELEPHONE NO.: (310)888-7771<br>ATTORNEY FOR (Name): Plaintiff | FOR COURT USE ONLY<br><br><b>Electronically FILED</b><br>by Superior Court of California, County of San Mateo<br>ON <b>11/6/2020</b><br>By <u>/s/ Marcela Enriquez</u><br>Deputy Clerk |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b><br>Superior Court of California, San Mateo County<br>400 County Center<br>Redwood City, CA 94063-1655  |  |
| PLAINTIFF/PETITIONER: <b>CASEDRIA PARKER</b><br><br>DEFENDANT/RESPONDENT: <b>THE SALVATION ARMY, et al</b>  | CASE NUMBER:<br><b>20-CIV-04787</b>  |
| <b>PROOF OF SERVICE OF SUMMONS</b>  | Ref. No. or File No.:<br><b>SALVATION ARMY FCRA</b>  |

1. At the time of service I was a citizen of the United States, at least 18 years of age and not a party to this action. **BY FAX**  
 2. I served copies of:  
 Summon, Complaint, Civil Case Cover Sheet.

3. a. Party served: **THE SALVATION ARMY EL SOBRANTE RESIDENCES, INC.**  
 b. Person Served: Cogency Global Inc. - Amber Smyth - Person Authorized to Accept Service of Process
4. Address where the party was served: **1325 J St., Suite 1550**  
**Sacramento, CA 95814**
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): **11/04/2020** (2) at (time): **1:50PM**
6. The "Notice to the Person Served" (on the summons) was completed as follows:

d. on behalf of:  
**The Salvation Army El Sobrante Residences, INC.**

under: CCP 416.10 (corporation)

**7. Person who served papers**

- a. Name: **Brandon Lee Ortiz**  
 b. Address: **One Legal - P-000618-Sonoma**  
**1400 North McDowell Blvd, Ste 300**  
**Petaluma, CA 94954**

c. Telephone number: **415-491-0606**

d. The fee for service was: **\$ 80.00**

e I am:

- (3) registered California process server.  
 (i) Employee or independent contractor.  
 (ii) Registration No.: **2012-37**  
 (iii) County: **Sacramento**

8. I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.  
 Date: **11/05/2020**

**Brandon Lee Ortiz**  
 (NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE)

|   |   |
|---|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br>Shaun Setareh, 204514<br>Law Office of Shaun Setareh<br>315 South Beverly Drive , Suite 315<br>Beverly Hills, CA 90212<br>TELEPHONE NO.: (310)888-7771<br>ATTORNEY FOR (Name): Plaintiff | FOR COURT USE ONLY<br><br><b>Electronically<br/>FILED</b><br>by Superior Court of California, County of San Mateo<br>ON 11/6/2020<br>By <u>/s/ Marcela Enriquez</u><br>Deputy Clerk |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF<br>Superior Court of California, San Mateo County<br>400 County Center<br>Redwood City, CA 94063-1655   | CASE NUMBER:<br>20-CIV-04787  |
| PLAINTIFF/PETITIONER: CASEDRIA PARKER<br><br>DEFENDANT/RESPONDENT: THE SALVATION ARMY, et al  | Ref. No. or File No.:<br>SALVATION ARMY FCRA  |
| <b>PROOF OF SERVICE OF SUMMONS</b>  |   |

1. At the time of service I was a citizen of the United States, at least 18 years of age and not a party to this action. **BY FAX**  
 2. I served copies of:

Summon, Complaint, Civil Case Cover Sheet.

3. a. Party served: THE SALVATION ARMY, a California corporation

b. Person Served: Cogency Global Inc. - Amber Smyth - Person Authorized to Accept Service of Process

4. Address where the party was served: 1325 J St., Suite 1550  
 Sacramento, CA 95814

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): 11/04/2020 (2) at (time): 1:50PM

6. The "Notice to the Person Served" (on the summons) was completed as follows:

d. on behalf of:

THE SALVATION ARMY, a California corporation  
 under: CCP 416.10 (corporation)

7. **Person who served papers**

a. Name: Brandon Lee Ortiz  
 b. Address: One Legal - P-000618-Sonoma  
 1400 North McDowell Blvd, Ste 300  
 Petaluma, CA 94954

c. Telephone number: 415-491-0606

d. The fee for service was: \$ 40.00

e I am:

- (3) registered California process server.  
 (i) Employee or independent contractor.  
 (ii) Registration No.: 2012-37  
 (iii) County: Sacramento

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

Date: 11/05/2020



Brandon Lee Ortiz  
 (NAME OF PERSON WHO SERVED PAPERS)

(SIGNATURE)



# **EXHIBIT D**

**FILED**  
SAN MATEO COUNTY

DEC 01 2020

Clerk of the Superior Court

By M. E. [Signature]  
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN MATEO

CASEDRIA PARKER on behalf of  
herself and all others similarly situated,

Plaintiffs,

vs.

THE SALVATION ARMY, et al.,

Defendants.

Case No. 20CIV04787  
CLASS ACTION

Assigned for All Purposes to  
Department 4, Hon. Nancy L. Fineman

**ORDER REASSIGNING COMPLEX  
CASE FOR ALL PURPOSES and  
SETTING OF CASE  
MANAGEMENT AND TRIAL  
SETTING CONFERENCE**

Pursuant to this Court's conversion of its Civil Case Management system from a Master Calendar system to a new Civil Direct Calendar system, and adoption of substantively amended Local Rules 3.100 *et seq.*, and to facilitate the division of all unlimited civil jurisdiction, limited civil jurisdiction, and complex civil actions between and among the five designated Civil Judges,

IT IS HEREBY ORDERED as follows:

**EFFECTIVE JANUARY 1, 2021**, pursuant to San Mateo County Superior Court Local Rule 3.200, the above-entitled matter is REASSIGNED for all purposes to the

**Honorable Nancy L. Fineman in Department 4**, located at 1050 Mission Road, South San Francisco, California.

This matter is set for Case Management and Trial Setting Conference in Department 4 on **Tuesday, January 5, 2021 at 8:30 a.m. Appearances shall be remote only, using CourtCall.** ALL CASE MANAGEMENT CONFERENCE DATES previously set for Department 2 ARE VACATED. ALL HEARINGS ON MOTIONS previously set for Department WILL BE RESCHEDULED BY THE REASSIGNED CIVIL JUDGE. At the Case Management and Trial Setting Conference, counsel for the parties and the Court will discuss the rescheduling of hearing on any pending motions, and discuss whether trial or pretrial dates and deadlines, if any, will be rescheduled.

Assigned Department Information: To schedule a Law and Motion Hearing, please see Local Rule 3.402 or visit the assigned Judicial Officer's webpage at [www.sanmateocourt.org/civiljudges](http://www.sanmateocourt.org/civiljudges). Contact information for your assigned department is as follows:

Department 4 Phone: (650) 261-5104  
Department E-Mail: [dept4@sanmateocourt.org](mailto:dept4@sanmateocourt.org)  
Complex Case E-Mail: [complexcivil@sanmateocourt.org](mailto:complexcivil@sanmateocourt.org)

IT IS FURTHER ORDERED as follows:

1. **Electronic Service.** Pursuant to Code of Civil Procedure Section 1010.6(c), and California Rules of Court, Rule 2.253(c) and Rule 2.251(c), all parties and their counsel shall serve all documents electronically, and accept service of documents electronically from all other parties, in conformity with Code of Civil Procedure Section 1010.6 and the California Rules of Court, except when personal service is required by

statute. Counsel for the parties shall meet and confer, agree upon, and keep updated, an e-service list for this complex civil action. The parties are reminded that electronic service of documents may extend time periods for response by two (2) court days, pursuant to Code of Civil Procedure Section 1010.6(a)(4)(B).

2. **Mandatory E-Filing.** Pursuant to Code of Civil Procedure Section 1010.6(c), all parties shall file all documents electronically in this complex civil action, except those documents identified in Local Rule 2.1.8. Presently, the following documents must still be filed/lodged in hardcopy paper:

Ex Parte Motions and Oppositions thereto

Stipulation and Proposed Order

Proposed Judgments

Abstract of Judgment

Appeal Documents, including Notice of Appeal

Administrative Records

The document (other than exhibits) must be text searchable. Please visit [www.sanmateocourt.org](http://www.sanmateocourt.org) for further information on e-filing. Please note that exhibits to any electronically filed briefs, declarations or other documents must be electronically “bookmarked” as required by CRC Rule 3.1110(f)(4).

3. **Courtesy Copies for Assigned Department.** In the future, a courtesy copy of all pleadings, motions, applications, briefs, and any and all other papers **filed** in this complex case **shall** be electronically served upon the assigned Civil Judge and Department **by email only** at email address [complexcivil@sanmateocourt.org](mailto:complexcivil@sanmateocourt.org). Please add [complexcivil@sanmateocourt.org](mailto:complexcivil@sanmateocourt.org) to your e-service list in this complex case as to any and all papers filed with the Court. All motions and briefs shall conform with the

California Rules of Court, especially Rule 3.1113, and **indicate on the caption page that this matter is assigned for all purposes to Department 4.**

4. **Electronic Correspondence to Assigned Department.** Correspondence to the Department of the assigned Civil Judge, such as requests to take matters off calendar and requests for rescheduling, regarding complex civil actions shall be submitted electronically, rather than paper, by e-mail addressed to [complexcivil@sanmateocourt.org](mailto:complexcivil@sanmateocourt.org) All e-correspondence **must be sent in at least 12 point type.** This email address is for the Department of the assigned Civil Judge to *receive* correspondence regarding *complex civil cases*, and is not a venue for back-and-forth communications with the judge. Communications to this email address are *not* part of the official court files – just like a paper letter, they are not “filed” documents – and will be retained for at least 30 days and then be subject to deletion (destruction) thereafter.

5. **Mandatory Email Header.** All communications to the [complexcivil@sanmateocourt.org](mailto:complexcivil@sanmateocourt.org) email address **MUST** include in the header “subject line” the **Case Number and Name of Case** (e.g., CIV 654321 *Smith v. Jones*).

6. **Ex Parte Motions.** Presently, due to the Covid 19 Pandemic, no in-person ex parte appearances are permitted – until further order of the court – and any ex parte appearances must be pre-schedule with the Department of the assigned Civil Judge and pre-organized by the moving party for remote appearance by all involved parties and the Court. *Ex parte* applications in this matter shall heard by Department 4, **on Tuesday, and Fridays at 1:30 p.m.**, and the parties must meet the requirements of CRC Rule 3.120 *et seq.* With the consent of counsel for *all* parties, telephone conferences on *simple* interim case management matters may be scheduled with the Court for a mutually

convenient time and date – with the scheduling and logistics of such telephone conferences to be the responsibility of the requesting party/parties.

7. **E-Service of Discovery.** All discovery methods (C.C.P. § 2019.010), including but not limited to notice of deposition, special interrogatories, form interrogatories, requests for production of documents, and requests for admissions, shall be served electronically upon counsel for the parties. All discovery responses by a party in response to a discovery method by another party shall be served electronically upon counsel for the parties. Production of documents shall be provided in electronic form, unless the parties agree otherwise in writing. If not previously established, counsel for the parties shall meet and confer regarding possible establishment of a joint electronic document depository for the uploading and downloading of electronic document productions.

8. **Informal Discovery Conferences.**

a. Pursuant to Code of Civil Procedure Section 2016.080, and the authority of a complex civil judge under CRC Rule 3.750, no party may move to compel discovery, or file any other discovery motion, until the parties have had an Informal Discovery Conference. Counsel must have exhausted all meet and confer obligations before the Informal Discovery Conference.

b. Any party requesting an Informal Discovery Conference shall comply with Local Rule 3.700, and schedule the IDC with the Civil Commissioner.

9. **Limit to 35.** Given the nature of this complex civil action, the Court views document production and depositions as the most effective means of discovery for adjudication. Accordingly, no party may propound more than 35 special interrogatories *total* and no party may propound more than 35 requests for admissions (other than as to

the authenticity of documents) *total*, without prior court order after demonstration of need and a showing that other means of discovery would be less efficient.

10. **No Appendix of Non-California Authorities.** Pursuant to CRC Rule 3.1113(i), the Complex Civil Department, Dept. 2, does not require any appendix of non-California authorities, unless specifically stated by the Court as to a particular motion.

11. **Case Management and Trial Setting Conference.** In anticipation of the Case Management and Trial Setting Conference, counsel for the parties should be prepared to discuss at the hearing *and file and serve* written Case Management and Trial Setting Conference statements (**in prose and details, *not* using the standardized Judicial Council form**) with a courtesy copy emailed to [complexcivil@sanmateocourt.org](mailto:complexcivil@sanmateocourt.org) **at least five court days prior to the Conference**, as to the following:


- a. Status of Pleadings and Appearance of all Named Parties:
- b. Status of Discovery, including status of document production, status of depositions, status of completion of merits discovery, and status of expert discovery;
- c. Status of Settlement or Mediation;
- d. Listing of All Pending Motions and proposed new hearing date;
- e. Any anticipated motions and proposed briefing schedule;
- f. Whether Trial has been set in this case already, date of trial, whether jury or court, and anticipated length of trial;
- g. Listing of All Previously Set Pretrial Dates and Deadlines that are still scheduled;

h. Whether a further Case Management and Trial Setting Conference should be set in this matter; and

i. Any other matters for which the parties seek Court ruling or scheduling.

12. **PLAINTIFF SHALL PROMPTLY SERVE THIS ORDER UPON ALL DEFENDANTS WHO HAVE NOT YET APPEARED IN THIS ACTION, and promptly file proof of service.**

DATED: November 20, 2020

  
\_\_\_\_\_  
HON. LELAND DAVIS III  
ACTING PRESIDING JUDGE  
OF THE SUPERIOR COURT



SERVICE LIST

*Parker v. The Salvation Army*, 20CIV04787  
As of November 2020

Attorneys for Plaintiffs:

SHAUN SETAREH  
DAVID KELEDJIAN  
SETAREH LAW GROUP  
315 South Beverly Drive, Suite 315  
Beverly Hills, CA 90212  
(310) 888-7771  
[shaun@setarehlaw.com](mailto:shaun@setarehlaw.com)  
[david@setarehlaw.com](mailto:david@setarehlaw.com)

# **EXHIBIT E**

1 ROD M. FLIEGEL, Bar No. 168289  
ANGELA J. RAFOTH, Bar No. 241966  
2 LITTLER MENDELSON, P.C.  
333 Bush Street, 34th Floor  
3 San Francisco, CA 94104  
Telephone: 415.433.1940  
4 Fax No.: 415.399.8490

Electronically  
**FILED**  
by Superior Court of California, County of San Mateo  
ON 12/3/2020  
By /s/ Una Finau  
Deputy Clerk

5 Attorneys for Defendants  
THE SALVATION ARMY and THE SALVATION  
6 ARMY EL SOBRANTE RESIDENCES, INC.

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN MATEO

10 CASEDRIA PARKER, on behalf of herself  
and all others similarly situated,

Case No. 20-CIV-04787

11 Plaintiff,

**DEFENDANTS THE SALVATION ARMY  
AND THE SALVATION ARMY EL  
SOBRANTE RESIDENCES, INC.'S  
ANSWER TO CLASS ACTION  
COMPLAINT**

12 v.

13 THE SALVATION ARMY, a California  
14 corporation; SALVATION ARMY OF  
THE UNITED STATES, a New York  
15 corporation; THE SALVATION ARMY  
EL SOBRANTE RESIDENCES, INC., a  
16 California corporation; and DOES 1  
through 50, inclusive,

17 Defendants.  
18

1 Defendants THE SALVATION ARMY and THE SALVATION ARMY EL SOBRANTE  
2 RESIDENCES, INC. (“Defendants”), through undersigned counsel, answer the unverified Class  
3 Action Complaint (“Complaint”) of Plaintiff CASEDRIA PARKER (“Plaintiff”).

4 **GENERAL DENIAL**

5 1. Pursuant to California Code of Civil Procedure § 431.30(d), Defendants hereby  
6 answer Plaintiff’s Complaint by generally denying each and every allegation contained therein, by  
7 denying that Plaintiff has been damaged or has sustained any damages as a result of the conduct  
8 alleged therein and by asserting the following separate and distinct additional defenses. Defendants  
9 further deny that this case is appropriate for class treatment.

10 **ADDITIONAL DEFENSES**

11 2. Without admitting any of the allegations of the Complaint, and without admitting or  
12 acknowledging that Defendants bear any burden of proof, Defendants assert the following additional  
13 defenses. Defendants intend to rely upon any additional defenses that become available or apparent  
14 during pretrial proceedings and discovery in this action and hereby reserve the right to amend this  
15 Answer to assert all such further defenses. Defendants also expressly deny the existence of any  
16 alleged putative class of “similarly situated” individuals that Plaintiff purports to represent in this  
17 lawsuit pursuant to California Code of Civil Procedure § 382, Federal Rule of Civil Procedure 23,  
18 and California Business & Professions Code §§ 17203-17204. Defendants thus expressly deny the  
19 existence of any such group each and every time it references “Plaintiff” as if fully set forth therein.  
20 All defenses asserted are also asserted against the putative class, except where the claim is asserted  
21 only on behalf of the named Plaintiff.

22 3. Plaintiff’s claims, and those of putative class members, are barred in whole or in part  
23 because the Court lacks subject matter jurisdiction over the claims of putative class members to the  
24 extent they are subject to binding arbitration of their claims pursuant to Defendants’ arbitration  
25 agreement(s).

26 4. Plaintiff’s claims against Defendant The Salvation Army El Sobrante Residences,  
27 Inc., and those of putative class members, are barred in whole or in part because Plaintiff was never  
28 employed by, was not an applicant for employment with, and was not otherwise subjected to any

1 statutorily regulated background checks by, Defendant The Salvation Army El Sobrante Residences,  
2 Inc., and, therefore, Defendant The Salvation Army El Sobrante Residences, Inc. is improperly  
3 named as a Defendant in this action.

4 5. Plaintiff's claims, and those of putative class members, are barred in whole or in part  
5 because, at all material times, Defendants acted reasonably, in good faith and without malice based  
6 upon all relevant facts and circumstances known by Defendants at the time, and did not at any time  
7 willfully or negligently fail to comply with the applicable law, including but not limited to the Fair  
8 Credit Reporting Act ("FCRA").

9 6. Plaintiff's FCRA claims, and those of putative class members, are barred in whole or  
10 in part because their claims for statutory damages and punitive damages violate the Fourth, Fifth,  
11 Sixth, Eighth, and Fourteenth Amendments to the U.S. Constitution and corresponding Articles of  
12 the California Constitution since: (a) the punitive damages claimed are vastly disproportionate to the  
13 statutory and/or actual damages claimed or available; (b) the award of punitive and/or statutory  
14 damages would constitute an arbitrary and capricious taking of Defendants' property which is  
15 unjustified by any rational governmental interest; (c) the award of punitive damages with wholly  
16 standardless discretion is inconsistent with due process; and/or (d) the statutes, including but not  
17 limited to section 616 of the FCRA (15 U.S.C. § 1681n), are unconstitutionally vague and  
18 unjustifiably arbitrary.

19 7. Plaintiff's FCRA claims, and those of putative class members, are barred in whole or  
20 in part because the reports obtained by Defendants are excluded from the definition of a "consumer  
21 report" to the extent that Defendants obtained such reports in connection with an investigation of  
22 (a) suspected misconduct relating to employment, (b) compliance with federal, state or local laws  
23 and regulations or Defendants' pre-existing written policies, or (c) both (a) and (b). 15 U.S.C.  
24 § 1681a(y).

25 8. Plaintiff's claims, and those of putative class members, are barred in whole or in part  
26 because Defendants complied with the FCRA in the handling of Plaintiff's consumer reports and/or  
27 investigative consumer reports and are, therefore, entitled to each and every defense stated in and  
28

1 available under the FCRA and to all limitations of liability, including but not limited to 15 U.S.C.  
2 § 1681d(c).

3 9. Plaintiff's claims, and those of putative class members, are barred in whole or in part  
4 because Plaintiff failed to comply fully or at all with procedures available and/or required under the  
5 FCRA to address Plaintiff's concerns and/or otherwise failed to take reasonable steps to avoid harm.

6 10. Plaintiff's claims, and those of putative class members, are barred in whole or in part  
7 because Defendants maintained reasonable procedures to comply with applicable law at all times  
8 relevant to Plaintiff's Complaint.

9 11. Plaintiff and putative class members are not entitled to recover the equitable relief  
10 sought because: (a) an adequate remedy at law exists; (b) Plaintiff lacks standing to seek equitable  
11 relief; (c) equitable relief is only available to the Federal Trade Commission and Consumer Financial  
12 Protection Bureau, not to private plaintiffs, and the Court lacks subject matter jurisdiction to issue an  
13 injunction; and (d) Plaintiff's claim for equitable relief is moot in any event.

14 12. The damages alleged by Plaintiff and putative class members are not reasonable and  
15 are thus barred by California Civil Code § 3359.

16 13. Plaintiff's claims, and those of putative class members, are barred in whole or in part  
17 to the extent Plaintiff, and/or the putative class, seek to recover for alleged harm that is outside of the  
18 applicable statute of limitations, including but not limited to 15 U.S.C. § 1681p.

19 14. All of Plaintiff's claims on behalf of absent putative class members fail because  
20 Plaintiff cannot meet her burden of demonstrating that each requirement of class certification,  
21 including but not limited to ascertainability, adequacy, typicality, commonality, predominance, and  
22 superiority, is met here, and because certifying a class in the circumstances of this case would violate  
23 Defendants' rights to due process under the law. To the extent that class certification is nonetheless  
24 granted at a future date, Defendants allege and assert each of the defenses previously stated herein  
25 against each and every putative class member.

26 15. Plaintiff's claims, and those of putative class members, are barred, in whole or in part,  
27 because adjudication of this action on a class-wide basis, as applied to the facts and circumstances of  
28 this case, would constitute a denial of Defendants' rights to trial by jury and to substantive and

1 procedural due process, in violation of the Fourteenth Amendment of the United States Constitution  
2 and corresponding provisions of state law. *See, e.g., Wal-Mart v. Dukes*, 131 S. Ct. 2541 (2011).

3 16. Plaintiff's claims, and those of putative class members, are barred, in whole or in part,  
4 to the extent that they failed to read the background check disclosure thoroughly or at all.

5 17. Plaintiff's claims, and those of putative class members, are barred, in whole or in part,  
6 to the extent that they received multiple background check disclosures and at least one of them  
7 complied with the law, including the FCRA.

8 18. Plaintiff's claims, and those of putative class members, are barred, in whole or in part,  
9 to the extent that they received one or more background check disclosures that substantially  
10 complied with the law, including the FCRA.

11 19. Plaintiff's claims, and those of putative class members, are barred, in whole or in part,  
12 because Defendants did not adopt a reading of the law that risked any violation of the FCRA, let  
13 alone an unjustifiably high risk of doing so.

14 20. Assuming that Plaintiff and putative class members suffered or sustained any loss,  
15 damage or injury, which Defendants specifically deny, such loss, damage or injury was proximately  
16 caused or contributed to by the negligence or wrongful conduct of other parties, persons or entities,  
17 and that their negligence or wrongful conduct was an intervening or superseding cause of the  
18 purported loss, damage or injury of which Plaintiff complains.

19 21. To the extent Plaintiff, and putative class members, entered into one or more  
20 settlements with Defendants or otherwise released Defendants from any liability as alleged in the  
21 Complaint, their claims are barred in whole or in part by the doctrine of settlement, accord and  
22 satisfaction.

23 22. Plaintiff and putative class members failed to exercise reasonable care to mitigate  
24 their damages, if any were suffered, and their rights to recover against Defendants should be reduced  
25 and/or eliminated by such a failure. Defendants reserve the right to amend their Answer upon  
26 further investigation and discovery of facts supporting this defense.



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23. Plaintiff has filed this action in this Court in contravention of statutory venue rules, which provide for such action to be brought in the county in which one or both of the Defendants, who are domestic corporations, reside.

WHEREFORE, Defendants pray for judgment in its favor and against Plaintiff as follows:

1. That the Complaint be dismissed with prejudice;
2. That Plaintiff takes nothing by way of the Complaint;
3. That Defendants recover their attorney’s fees, costs and disbursements in this action; and
4. For such other and further relief as the Court deems just and proper.

Dated: December 3, 2020

/s/ Angela J. Rafoth  
 ROD M. FLIEGEL  
 ANGELA J. RAFOTH  
 LITTLER MENDELSON, P.C.  
 Attorneys for Defendants THE SALVATION  
 ARMY and THE SALVATION ARMY EL  
 SOBRANTE RESIDENCES, INC.

4844-8310-7539.1 058620.1270

|  |  |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 168289 / 241966<br>NAME <b>Rod M. Fliegel / Angela J. Rafoth</b><br>FIRM NAME: <b>Littler Mendelson, P.C.</b><br>STREET ADDRESS: <b>333 Bush Street, 34<sup>th</sup> Floor</b><br>CITY: <b>San Francisco</b> STATE: <b>CA</b> ZIP CODE: <b>94104</b><br>TELEPHONE NO.: <b>415.433.1940</b> FAX NO.: <b>415.399.8490</b><br>E-MAIL ADDRESS: <b>ahightower@littler.com</b><br><b>The Salvation Army and The Salvation Army El Sobrante</b><br>ATTORNEY FOR (name): <b>Residences, Inc.</b> | <p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;"><b>Electronically<br/>FILED</b></p> <p style="text-align: center;">by Superior Court of California, County of San Mateo</p> <p style="text-align: center;">ON <b>12/3/2020</b></p> <p style="text-align: center;">By <b>/s/ Una Finau</b><br/>Deputy Clerk</p> |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo</b><br>STREET ADDRESS: <b>400 County Center</b><br>MAILING ADDRESS:<br>CITY AND ZIP CODE: <b>Redwood City 94063</b><br>BRANCH NAME: <b>Hall of Justice</b>  |  |
| PLAINTIFF/PETITIONER: <b>Casedria Parker</b><br>DEFENDANT/RESPONDENT: <b>The Salvation Army, et al.</b>  | CASE NUMBER:<br><b>20-CIV-04787</b><br>JUDICIAL OFFICER:<br>DEPARTMENT:  |
| <b>PROOF OF ELECTRONIC SERVICE</b>   |  |

1. I am at least 18 years old.

a. My residence or business address is (*specify*):  
 Littler Mendelson, P.C., 333 Bush Street, 34<sup>th</sup> Floor, San Francisco, CA 94104 (business)

b. My electronic service address is (*specify*):  
 chgoodman@littler.com

2. I electronically served the following documents (*exact titles*):

Defendants The Salvation Army and The Salvation Army El Sobrante Residences, Inc.'s Answer To Class Action Complaint

The documents served are listed in an attachment. (*Form POS-050(D)/EFS-050(D) may be used for this purpose.*)

3. I electronically served the documents listed in 2 as follows:

a. Name of person served:

On behalf of (*name or names of parties represented, if person served is an attorney*):

b. Electronic service address of person served :

c. On (*date*): **December 3, 2020**

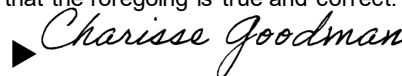
The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment.  
 (*Form POS-050(P)/EFS-050(P) may be used for this purpose.*)

Date: **December 3, 2020**

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

**Charisse Goodman**

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

|  |                              |
|--|------------------------------|
| SHORT TITLE:<br>Parker v. The Salvation Army, et al. | CASE NUMBER:<br>20-CIV-04787 |
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**ATTACHMENT TO PROOF OF ELECTRONIC SERVICE (PERSONS SERVED)**

*(This attachment is for use with form POS-050/EFS-050.)*

**NAMES, ADDRESSES, AND OTHER APPLICABLE INFORMATION ABOUT PERSONS SERVED:**

| <u>Name of Person Served</u>   | <u>Electronic Service Address</u>            | <u>Date of Electronic Service</u> |
|--|--|-----------------------------------|
| <i>(If the person served is an attorney, the party or parties represented should also be stated.)</i><br>Shaun Setareh<br>David Keledjian<br>(Counsel for Plaintiff Casedria Parker) | shaun@setarehlaw.com<br>david@setarehlaw.com | Date: <u>December 3, 2020</u>     |
| Dept. 2<br>San Mateo County Superior Court<br>Courtesy Copy  | complexcivil@sanmateocourt.org               | Date: <u>December 3, 2020</u>     |
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| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 168289 / 241966<br>NAME: Rod M. Fliegel / Angela J. Rafoth<br>FIRM NAME: Littler Mendelson, P.C.<br>STREET ADDRESS: 333 Bush Street, 34th Floor<br>CITY: San Francisco STATE: CA ZIP CODE: 94104<br>TELEPHONE NO.: 415.433.1940 FAX NO.: 415.399.8490<br>E-MAIL ADDRESS: ahightower@littler.com<br>ATTORNEY FOR (name): The Salvation Army and The Salvation Army El Sobrante Residences, Inc. | <p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;"><b>Electronically<br/>FILED</b></p> <p style="text-align: center;">by Superior Court of California, County of San Mateo<br/>ON 12/3/2020<br/>By <u>/s/ Una Finau</u><br/>Deputy Clerk</p> |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b><br>STREET ADDRESS: 400 County Center<br>MAILING ADDRESS:<br>CITY AND ZIP CODE: Redwood City 94063<br>BRANCH NAME: Hall of Justice   |   |
| Plaintiff/Petitioner: Casedria Parker<br>Defendant/Respondent: The Salvation Army, et al.  | CASE NUMBER:<br>20-CIV-04787  |
| <p style="text-align: center;"><b>PROOF OF SERVICE—CIVIL</b></p> <p><b>Check method of service (only one):</b></p> <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery<br><input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax  | JUDICIAL OFFICER:<br><br>DEPARTMENT:  |

**Do not use this form to show service of a summons and complaint or for electronic service.  
See USE OF THIS FORM on page 3.**

1. At the time of service I was over 18 years of age **and not a party to this action.**
2. My residence or business address is:  
Littler Mendelson, P.C., 333 Bush Street, 34th Floor, San Francisco, CA 94104 (business)
3.  The fax number from which I served the documents is (complete if service was by fax):
4. On (date): December 3, 2020 I served the following **documents (specify):**  
Defendants The Salvation Army and The Salvation Army El Sobrante Residences, Inc.'s Answer To Class Action Complaint  
  
 The documents are listed in the *Attachment to Proof of Service-Civil (Documents Served)* (form POS-040(D)).
5. I served the documents on the **person or persons** below, as follows:
  - a. Name of person served: Shaun Setareh, Esq. / David Keledjian, Esq.
  - b.  (Complete if service was by personal service, mail, overnight delivery, or messenger service.)  
Business or residential address where person was served:  
Setareh Law Group, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212 (business)
  - c.  (Complete if service was by fax.)  
Fax number where person was served: The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)).
6. The documents were served by the following means (specify):
  - a.  **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

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| CASE NAME:<br>Parker v. The Salvation Army, et al. | CASE NUMBER:<br>20-CIV-04787 |
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6. b.  **By United States mail.** Working remotely, I forwarded the documents to a co-worker also working remotely, to be placed in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2)  My co-worker placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*): San Leandro, CA
- c.  **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d.  **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e.  **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

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

Date: December 3, 2020

Charisse Goodman

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

#### DECLARATION OF MESSENGER

- By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*): November 25, 2019

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

Date:

(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Casedria Parker

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

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

Shaun Setareh / David Keledjian Setareh Law Group, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212 Telephone: 310.888.7771

DEFENDANTS

The Salvation Army; Salvation Army of the United States; The Salvation Army El Sobrante Residences, Inc.

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

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

Attorneys (If Known)

Rod M. Fiegel / Angela J. Rafoth Littler Mendelson, P.C., 333 Bush Street, 34th Floor, San Francisco, CA 94104 Telephone: 415.433.1940

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

- 1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party) 2 U.S. Government Defendant 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 PTF and DEF for 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)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, 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 (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Plaintiff alleges claims under the Fair Credit Reporting Act, 15 USC section 1681 et seq.

Brief description of cause:

Plaintiff alleges non-compliant disclosures of pre-employment inquiries under the FCRA.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISION ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 12/04/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Angela J. Rafoth

Print

Save As...

Reset

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

**Authority For Civil Cover Sheet.** The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
  - c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
  - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
  - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
  - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
  - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims The Salvation Army Failed to Provide Proper Background Check Disclosures to Job Applicants](#)

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