

BAKER & HOSTETLER LLP
ATTORNEYS AT LAW
LOS ANGELES

1 Teresa C. Chow (SBN 237694)
2 *tchow@bakerlaw.com*
3 **BAKER & HOSTETLER LLP**
4 11601 Wilshire Boulevard, Suite 1400
5 Los Angeles, CA 90025
6 Telephone: (310) 820-8800

7 Joel Griswold (*pro hac vice forthcoming*)
8 *jcgriswold@bakerlaw.com*
9 **BAKER & HOSTETLER LLP**
10 SunTrust Center
11 200 South Orange Avenue, Suite 2300
12 Orlando, Florida 32801
13 Telephone: (407) 649-4088

14 *Attorneys for Defendant*
15 *Designer Brands, Inc.*

16
17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
19

20 SHARON PESKETT, individually and
21 on behalf of a class of other similarly
22 situated individuals,

23 Plaintiff,

24 v.

25 DESIGNER BRANDS, INC., an Ohio
26 corporation,

27 Defendant.
28

Case No.: 2:20-cv-00563

[Filed concurrently with Civil Cover
Sheet and Certification and Notice of
Interested Parties]

NOTICE OF REMOVAL

1 Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Designer Brands,
2 Inc. (“Defendant”) hereby provides notice of removal of this action from the
3 Superior Court of the State of California, Los Angeles County to the United States
4 District Court for the Central District of California. In support of this Notice of
5 Removal, Defendant states as follows:

6 1. On October 25, 2019, Plaintiff Sharon Peskett (“Plaintiff”) filed a
7 putative class action complaint against Defendant in the Superior Court of the State
8 of California, Los Angeles County, captioned *Sharon Peskett v. Designer Brands,*
9 *Inc., No. 19STCV38324* (the “State Court Action”).

10 2. Plaintiff served Defendant with a copy of the Complaint filed in the
11 State Court Action on December 19, 2019.

12 3. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(1)
13 because it is filed within 30 days of “receipt by the defendant, through service or
14 otherwise, of a copy of the initial pleading setting forth the claim for relief upon
15 which such action or proceeding is based, or within 30 days after the service of
16 summons upon the defendant if such initial pleading has then been filed in court
17 and is not required to be served on the defendant, whichever period is shorter.”

18 4. A copy of the Superior Court of the State of California, Los Angeles
19 County case docket as of the date of this filing is attached as Exhibit 1. Pursuant to
20 28 U.S.C. § 1446(a), all process, pleadings, and orders that have been filed and
21 served in the State Court Action are attached hereto as Exhibit 2.

22 5. Pursuant to 28 U.S.C. §§ 1331 and 1441(a), removal is proper because
23 the Complaint includes claims arising under the laws of the United States.
24 Specifically, the Complaint asserts a single count for alleged violation of the Fair
25 and Accurate Credit Transactions Act, 15 U.S.C. § 1681 *et seq.*

26 6. Venue is proper in the Central District of California because the State
27 Court Action is pending within the jurisdictional confines of this Court. 28 U.S.C. §
28 1446(a).

1 7. Defendant will provide written notice of the filing of this Notice of
2 Removal to Plaintiff and the Superior Court of the State of California, Los Angeles
3 County, pursuant to 28 U.S.C. § 1446(d).

4 WHEREFORE, Defendant hereby removes this civil action to this
5 Court on the bases identified above.

6
7
8 Dated: January 20, 2020

Respectfully Submitted,

BAKER & HOSTETLER LLP

9
10
11
12 By: /s/ Teresa C. Chow
13 Teresa C. Chow

14
15 *Attorneys for Defendant*
16 *Designer Brands, Inc.*
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BAKER & HOSTETLER LLP
ATTORNEYS AT LAW
LOS ANGELES

BAKER & HOSTETLER LLP
ATTORNEYS AT LAW
LOS ANGELES

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CERTIFICATE OF SERVICE

I, *Teresa C. Chow*, certify that on January 20, 2020, the foregoing **NOTICE OF REMOVAL**, was served via email on the following:

Joseph M. Hekmat
jhekmat@hekmatlaw.com
HEKMAT LAW GROUP
11111 Santa Monica Blvd., Suite 1700
Los Angeles, CA 90025
Telephone: (424) 888-0848

Scott D. Owens
scott@scottdowens.com
SCOTT D. OWENS, P.A.
3800 S. Ocean Dr., Suite 235
Hollywood, FL 33019
Telephone: (954) 589-0588

Keith J. Keogh
keith@keoghlaw.com
KEOGH LAW, LTD
55 W. Monroe St., Suite 3390
Chicago, IL 60603
Telephone: (312) 726-1092

Brett L. Lusskin, Jr.
blusskin@lusskinlaw.com
BRETT LUSSKIN, P.A.
20803 Biscayne Blvd., Suite 302
Aventura, FL 33180
Telephone: (954) 454-5841

*Counsel for Plaintiff
and the Putative Class*

/s/ Teresa C. Chow
Teresa C. Chow

EXHIBIT 1

CASE INFORMATION

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

Case Number: 19STCV38324

SHARON PESKETT VS DESIGNER BRANDS, INC.

Filing Courthouse: Spring Street Courthouse

Filing Date: 10/25/2019

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

Status: Pending

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

If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page

FUTURE HEARINGS

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

02/19/2020 at 13:30 PM in Department 10 at 312 North Spring Street, Los Angeles, CA 90012

Initial Status Conference

PARTY INFORMATION

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

DESIGNER BRANDS INC. - Defendant

HEKMAT JOSEPH M. - Attorney for Plaintiff

PESKETT SHARON - Plaintiff

DOCUMENTS FILED

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

Documents Filed (Filing dates listed in descending order)

01/10/2020 Certificate of Mailing for ((Court Order) of 01/10/2020, Initial Status Conference Order)

Filed by Clerk

01/10/2020 Minute Order ((Court Order))

Filed by Clerk

01/10/2020 Initial Status Conference Order

Filed by Clerk

01/02/2020 Proof of Personal Service

Filed by Sharon Peskett (Plaintiff)

10/25/2019 Notice of Case Assignment - Unlimited Civil Case

Filed by Clerk

10/25/2019 Summons (on Complaint)

Filed by Clerk

10/25/2019 Civil Case Cover Sheet

Filed by Sharon Peskett (Plaintiff)

10/25/2019 Complaint

Filed by Sharon Peskett (Plaintiff)

PROCEEDINGS HELD

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

Proceedings Held (Proceeding dates listed in descending order)

01/10/2020 at 3:00 PM in Department 10, William F. Highberger, Presiding
Court Order

REGISTER OF ACTIONS

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

Register of Actions (Listed in descending order)

01/10/2020 at 3:00 PM in Department 10, William F. Highberger, Presiding
Court Order

01/10/2020 Minute Order ((Court Order))
Filed by Clerk

01/10/2020 Initial Status Conference Order
Filed by Clerk

01/10/2020 Certificate of Mailing for ((Court Order) of 01/10/2020, Initial Status Conference Order)
Filed by Clerk

01/02/2020 Proof of Personal Service
Filed by Sharon Peskett (Plaintiff)

10/25/2019 Summons (on Complaint)
Filed by Clerk

10/25/2019 Civil Case Cover Sheet
Filed by Sharon Peskett (Plaintiff)

10/25/2019 Complaint
Filed by Sharon Peskett (Plaintiff)

10/25/2019 Notice of Case Assignment - Unlimited Civil Case
Filed by Clerk

EXHIBIT 2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

19STCV38324

January 10, 2020

SHARON PESKETT vs DESIGNER BRANDS, INC.

3:00 PM

Judge: Honorable William F. Highberger

CSR: None

Judicial Assistant: Pedro Martinez

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order

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

By this order, the Court stays the case, except for service of the Summons and Complaint. The stay continues at least until the Initial Status Conference. Initial Status Conference is set for 02/19/20 at 01:30 PM in this department. At least 10 days prior to the Initial Status Conference, counsel for all parties must discuss the issues set forth in the Initial Status Conference Order issued this date. The Initial Status Conference Order is to help the Court and the parties manage this complex case by developing an orderly schedule for briefing, discovery, and court hearings. The parties are informally encouraged to exchange documents and information as may be useful for case evaluation.

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

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

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

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

19STCV38324

January 10, 2020

SHARON PESKETT vs DESIGNER BRANDS, INC.

3:00 PM

Judge: Honorable William F. Highberger

CSR: None

Judicial Assistant: Pedro Martinez

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

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

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

Certificate of Mailing is attached.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	FILED Superior Court of California County of Los Angeles 01/10/2020
PLAINTIFF/PETITIONER: Sharon Peskett	Sherri R. Carter, Executive Officer / Clerk of Court By: <u>Pedro Martinez</u> Deputy
DEFENDANT/RESPONDENT: Designer Brands, Inc.	
CERTIFICATE OF MAILING	CASE NUMBER: 19STCV38324

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Court Order) of 01/10/2020, Initial Status Conference Order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Joseph M. Hekmat
Hekmat Law Group
11111 Santa Monica Blvd.
Suite 1700
Los Angeles, CA 90025

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 01/13/2020

By: Pedro Martinez
Deputy Clerk

CERTIFICATE OF MAILING

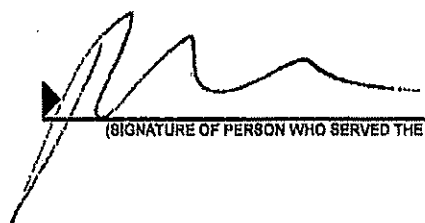
ATTORNEY OR PARTY WITHOUT ATTORNEY: Scott D. Owens Law Office of Scott D. Owens, Esq. 3800 S. Ocean Dr. #235 Hollywood, FL 33019 TELEPHONE NO.: (954) 589-0588 FAX NO.: (954) 337-0666 ATTORNEY FOR: Plaintiff Sharon Peskett	FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT JAN 2 2020 Sherri R. Carter, Executive Officer/Clerk By: <u>Janne Berus</u> Deputy Tanya Herrera
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 312 North Spring Street MAILING ADDRESS: 312 North Spring Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Spring Street Courthouse	
PLAINTIFF: SHARON PESKETT DEFENDANT: DESIGNER BRANDS, INC.	CASE NUMBER: 19STCV38324
PROOF OF SERVICE	Ref. No. or File No.: DD

- By Fax**
1. I am over 18 years of age and not a party to this action.
 2. Received by CAPLAN CAPLAN & CAPLAN on at to be served on DESIGNER BRANDS, INC., AN OHIO CORPORATION, 3909 VILLA COSTERA, MALIBU, CA 90265.
 3. served a CORPORATION by delivering a true copy of the Summons; Complaint; Civil Case Sheet; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Case Assignment; Voluntary Efficient Litigation Stipulations to: DEANNE SCHULLE as EMPLOYEE OF CSC LAWYERS INC for DESIGNER BRANDS, INC., AN OHIO CORPORATION, at the address of; 50 WEST BROAD STREET, STE 1330, COLUMBUS, OH 43215, and informed said person of the contents therein, in compliance with state statutes.
 4. Date and Time of service: 12/19/2019 at 10:10 am
 5. Description: Age: 45, Sex: F, Race/Skin Color: WHITE, Height: 5:4, Weight: 140, Hair: BROWN, Glasses: N
 6. I am
 7. My name, address, telephone number, and, if applicable, county of registration and number are:
 Name: Mark Berus
 Firm: CAPLAN CAPLAN & CAPLAN
 Address: 33 SW 2ND AVENUE, STE 402, MIAMI, FL 33130
 Telephone number: (305) 374-3426
 Registration Number: PROCESS SERVER
 County: All Areas
 8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12-20-2019

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Mark Berus
 (TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)


 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)

Oct 25 19, 02:12p

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213-621-2053

p.2

COPY

SUM-100

B

SUMMONS (CITACION JUDICIAL)

BY FAX

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

ck. Leslie Steinmetz

DESIGNER BRANDS, INC., an Ohio corporation,

3909 Villa Costera

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Malibu Ct

SHARON PESKETT, individually and on behalf of a class of other similarly situated individuals,

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

CONFORMED COPY ORIGINAL FILED Superior Court of California

OCT 25 2019

Sherri R. Carter, Executive Officer/Clerk of Court
Deputy

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

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form. If you want the court to hear your case, there may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: (El nombre y dirección de la corte es): Spring Street Courthouse 312 N. Spring St., Los Angeles, CA 90012

CASE NUMBER: 19STCV38324

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): Joseph Hekmat, 11111 Santa Monica Blvd., Suite 1700, Los Angeles, CA 90025; (424) 888-0848

DATE: (Fecha) OCT 25 2019 Clerk, by Sherri R. Carter, Clerk (Secretario) STEVEN DREW, Deputy (Adjunto)

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

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant. DATE _____ TIME _____

2. as the person sued under the fictitious name of (specify): _____

3. on behalf of (specify): _____ INITIAL _____ BADGE# _____

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): _____

37858

RECEIVED OCT 29 2019

MW

Oct 25 19, 02:12p

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213-621-2053

p.2

COPY

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

BY FAX

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

ck. Leslie Steinmetz

DESIGNER BRANDS, INC., an Ohio corporation,

3909 Villa Costera

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

Malibu Ct

SHARON PESKETT, individually and on behalf of a class of other similarly situated individuals,

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

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

OCT 25 2019

Sherri R. Carter, Executive Officer/Clerk of Court
Deputy

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

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form. If you want the court to hear your case, there may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Spring Street Courthouse
312 N. Spring St., Los Angeles, CA 90012

CASE NUMBER:
(Número de Caso) **19STCV38324**

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):
Joseph Hekmat, 1111 Santa Monica Blvd., Suite 1700, Los Angeles, CA 90025; (424) 888-0848

DATE: **OCT 25 2019** Clerk, by **Sherri R. Carter, Clerk** Deputy **STEVEN DREW** (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): _____ TIME _____

3. on behalf of (specify): _____

under: CCP 416.10 (corporation) INITIAL 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): _____

BADGE# _____

COPY

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address). Joseph M. Hekmat, SBN 265229 HEKMAT LAW GROUP 11111 Santa Monica Blvd., Suite 1700 Los Angeles, CA 90025 TELEPHONE NO: 424.888.0848 FAX NO 424.270.0242 ATTORNEY FOR (Name) Plaintiff Sharon Peskett		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles OCT 25 2019 Sherri R. Carter, Executive Officer/Clerk of Court By <i>[Signature]</i> , Deputy Steven Drew
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 312 N. Spring St., MAILING ADDRESS: 312 N. Spring St., CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Spring Street Courthouse		
CASE NAME: Peskett v. Designer Brands, Inc.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	CASE NUMBER 19STCV38324
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		JUDGE: DEPT:

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

BY FAX

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

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (08) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of Judgment (20)
Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (26) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <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 type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence	f. <input 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): 1 Violation of the Fair and Accurate Credit Transactions Act

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: **October 25 2019**
 Joseph M. Hekmat
 (TYPE OR PRINT NAME) *[Signature]*
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

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

COPY

SHORT TITLE Peskett v. Designer Brands, Inc.	CASE NUMBER 19STCV38324
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

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

BY FAX

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

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

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

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location where defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

Auto Tort

Other Personal Injury/Property Damage/Wrongful Death Tort

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

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

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

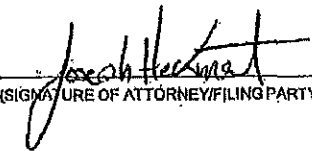
SHORT TITLE: Peskett v. Designer Brands, Inc.	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis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

REASON: <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.	ADDRESS: Class-action case (no address required)	
CITY:	STATE:	ZIP CODE:

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

Dated: October 25 2019


 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

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

Oct 25 19, 02:13p

snackbar 4-floor

213-621-2053

p.5

<p>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</p>	<p style="font-size: small;">Reserved for Clerk's File Stamp</p> <p>FILED Superior Court of California County of Los Angeles 10/25/2019 Sherri R. Carter, Executive Officer / Clerk of Court By: <u>Steve Drew</u> Deputy</p>
<p>COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012</p>	
<p>NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE</p>	
<p>Your case is assigned for all purposes to the judicial officer indicated below.</p>	<p>CASE NUMBER: 19STCV38324</p>

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

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

Given to the Plaintiff/Cross-Complainant/Attorney of Record

Sherri R. Carter, Executive Officer / Clerk of Court

on 10/25/2019

By Steve Drew

, Deputy Clerk

(Date)

NOTICE OF CASE ASSIGNMENT – UNLIMITED CIVIL CASE

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

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

APPLICATION

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

PRIORITY OVER OTHER RULES

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

CHALLENGE TO ASSIGNED JUDGE

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

TIME STANDARDS

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

COMPLAINTS

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

CROSS-COMPLAINTS

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

STATUS CONFERENCE

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

FINAL STATUS CONFERENCE

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

SANCTIONS

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

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

Class Actions

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

***Provisionally Complex Cases**

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

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

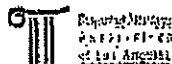


Superior Court of California
County of Los Angeles

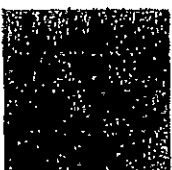


Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Council



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Council ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION – EARLY ORGANIZATIONAL MEETING			CASE NUMBER:

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, to *discuss and consider whether there can be agreement on the following*:
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE	CASE NUMBER
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see Information at www.lacourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ (INSERT DATE) for the complaint, and _____ (INSERT DATE) for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR PLAINTIFF)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION – DISCOVERY RESOLUTION			CASE NUMBER:

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
 - d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
 - e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
 5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.

It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
 6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
 7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
 8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

✓

(ATTORNEY FOR PLAINTIFF)

Date:

(TYPE OR PRINT NAME)

✓

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

✓

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

✓

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

✓

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

✓

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

✓

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			CASE NUMBER:

1. This document relates to:

- Request for Informal Discovery Conference
- Answer to Request for Informal Discovery Conference

2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).

3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).

4. For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEPENDANT:			
STIPULATION AND ORDER – MOTIONS IN LIMINE			CASE NUMBER:

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE	CASE NUMBER
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR PLAINTIFF)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

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13 *Pending admission *pro hac vice*
 14 *Attorneys for Plaintiff*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 16 **LOS ANGELES COUNTY**

17 SHARON PESKETT, *individually and on*
 18 *behalf of a class of other similarly situated*
 19 *individuals,*

20 Plaintiff,
 v.

21 DESIGNER BRANDS, INC., *an Ohio*
 22 *corporation,*

23 Defendant.

CASE NO:

19STCV38324

CLASS ACTION

24 VIOLATION OF THE FAIR AND
 25 ACCURATE CREDIT
 26 TRANSACTIONS ACT (FACTA)

JURY TRIAL DEMANDED

27 Plaintiff, Sharon Peskett, on behalf of herself and other similarly situated individuals,
 28 sues Defendant, Designer Brands, Inc., and alleges the following:

CONFORMED COPY
 ORIGINAL FILED
 Superior Court of California
 County of Los Angeles

OCT 25 2019

Sherri K. Carter, Deputy Clerk of Court

By [Signature], Deputy
 Sherri K. Carter

1 **INTRODUCTION**

2 1. This action arises from Defendant’s violation of the Fair and Accurate Credit
3 Transactions Act (“FACTA”) amendment to the Fair Credit Reporting Act, 15 U.S.C. § 1681
4 et seq., as amended (the “FCRA”), a federal statute which requires merchants to mask certain
5 credit card and debit card information on receipts provided to consumers.

6 2. Despite the clear language of the statute, Defendant knowingly or recklessly
7 failed to comply with FACTA by printing the first six (6) and the last (4) of credit or debit card
8 numbers on receipts provided to consumers. As a result of Defendant’s unlawful conduct,
9 Plaintiff and the Class, who conducted business with Defendant during the time frame relevant
10 to this complaint, suffered a violation of their statutory rights under § 1681c(g), an invasion of
11 their privacy, and were burdened with an elevated risk of identity theft.

12 3. Recently, the Los Angeles County Superior Court held that a receipt that failed
13 to mask credit card information as required by FACTA caused the plaintiff concrete harm. *See*
14 *Alex Escobar v. Major League Baseball, et al.*, No. 18STCV02491 (L.A. Cty. Sup. Ct., May 9,
15 2019) (“Under California law, in general terms, in order to have standing, the plaintiff must be
16 able to allege injury—that is, some invasion of the Plaintiff’s legally protected interests.”)
17 (quoting 5 Witkin, Cal. Procedure (4th ed. 1997) Pleading, § 832, p. 320).

18 **JURISDICTION AND VENUE**

19 4. Subject matter jurisdiction is proper in this Court as the amount in controversy
20 is within the jurisdictional limit of this Court.

21 5. *In personam* jurisdiction over the Defendant is proper in this Court because
22 Defendant, maintains a continuous business presence int this State.

23 6. Venue is proper in this Court because Defendant because a significant portion
24 of the violations alleged herein occurred in this judicial district.

25 **PARTIES**

26 7. Plaintiff, Sharon Peskett, is a natural person who resides in Los Angeles
27 County, State of California.

1 8. Defendant, Designer Brands Inc., is an Ohio corporation whose principal
2 address is 810 DSW Drive, Columbus, Ohio 43219, and whose registered agent for service of
3 process in the State of California is Leslie Steinmetz, 3909 Villa Costera, Malibu, CA 90265.

4 9. Defendant was also previously known as DSW, which is Defendant's flagship
5 retail brand whose retail stores offer footwear, handbags, and other accessories. DSW operates
6 nearly 550 stores in the United States and Canada.

7 10. Defendant conducts business in the state of California as the principal owner
8 and operator of DSW.

9 **FACTUAL ALLEGATIONS**

10 **Background of FACTA**

11 11. Identity theft is a serious issue affecting both consumers and businesses. As of
12 2018, a Harris Poll revealed that nearly 60 million Americans have been affected by identity
13 theft. There were a record high 16.7 million victims of identity fraud in 2017 alone, and
14 account takeovers (when a thief opens a credit card account or other financial account using a
15 victim's name and other stolen information) tripled in 2017 from 2016, causing \$5.1 billion in
16 losses.

17 12. Upon signing FACTA into law, President George W. Bush remarked that
18 "[s]lips of paper that most people throw away should not hold the key to their savings and
19 financial secrets." 39 Weekly Comp. Pres. Doc. 1746, 1757 (Dec. 4, 2003). President Bush
20 added that the government, through FACTA, was "act[ing] to protect individual privacy." *Id.*

21 13. One such FACTA provision was specifically designed to thwart identity
22 thieves' ability to gain sensitive information regarding a consumer's credit or bank account
23 from a receipt provided to the consumer during a point of sale transaction, which, through any
24 number of ways, could fall into the hands of someone other than the consumer.

25 ///

26 ///

27

28

1 14. Codified at 15 U.S.C. § 1681c(g), this provision states the following:

2 *Except as otherwise provided in this subsection, no person that*
3 *accepts credit cards or debit cards for the transaction of*
4 *business shall print more than the last 5 digits of the card*
5 *number or the expiration date upon any receipt provided to the*
6 *cardholder at the point of sale or transaction.*

6 15 U.S.C. § 1681c(g) (the “Receipt Provision”).

7 15. After enactment, FACTA provided three (3) years in which to comply with its
8 requirements, mandating full compliance with its provisions no later than December 4, 2006.

9 16. The requirement was widely publicized among retailers and the FTC. For
10 example, on March 6, 2003, in response to earlier state legislation enacting similar truncation
11 requirements, then-CEO of Visa USA, Carl Pascarella, explained;

12 “Today, I am proud to announce an additional measure to combat identity theft
13 and protect consumers. Our new receipt truncation policy will soon limit
14 cardholder information on receipts to the last four digits of their accounts. The
15 card’s expiration date will be eliminated from receipts altogether.... The first
16 phase of this new policy goes into effect July 1, 2003 for all new terminals”

16 17. Within 24 hours, MasterCard and American Express announced they were
17 imposing similar requirements.

18 18. Card issuing organizations proceeded to require compliance with FACTA by
19 contract, in advance of FACTA’s mandatory compliance date. For example, the publication,
20 “Rules for Visa Merchants,” which is distributed to and binding upon all merchants that accept
21 Visa cards, expressly requires that “only the last four digits of an account number should be
22 printed on the customer’s copy of the receipt” and “the expiration date should not appear at
23 all.”

24 19. Because a handful of large retailers did not comply with their contractual
25 obligations to the card companies and FACTA’s straightforward requirements, Congress
26 passed The Credit and Debit Card Receipt Clarification Act of 2007, to make technical
27 corrections to the definition of willful noncompliance with respect to violations involving the
28 printing of an expiration date on certain credit and debit card receipts before the date of the

1 enactment of this Act.

2 20. Importantly, the Clarification Act did not amend FACTA to allow disclosure of
3 the card number's expiration date. Instead, it simply provided amnesty for certain past
4 violators up to June 3, 2008.

5 21. In the interim, card processing companies continued to alert their merchant
6 clients, including Defendant, of FACTA's requirements. According to a Visa Best Practice
7 Alert in 2010:

8 Some countries already have laws mandating PAN truncation and the suppression of
9 expiration dates on cardholder receipts. For example, the United States Fair and
10 Accurate Credit Transactions Act (FACTA) of 2006 prohibits merchants from printing
11 more than the last five digits of the PAN or the card expiration date on any cardholder
12 receipt. (Please visit <http://www.ftc.gov/os/statutes/fcrajump.shtm> for more
13 information on the FACTA.) To reinforce its commitment to protecting consumers,
14 merchants, and the overall payment system, Visa is pursuing a global security objective
15 that will enable merchants to eliminate the storage of full PAN and expiration date
16 information from their payment systems when not needed for specific business reasons.
17 To ensure consistency in PAN truncation methods, Visa has developed a list of best
18 practices to be used until any new global rules go into effect.

15 *See Exhibit A, Visa Best Practices.*

16 22. As noted above, the processing companies have required that credit card or
17 debit card expiration dates not be shown since 2003 and still require it. For example, American
18 Express requires:

19 Pursuant to Applicable Law, truncate the Card Number and do not print the Card's
20 Expiration Date on the copies of Charge Records delivered to Card Members.
21 Truncated Card Number digits must be masked with replacement characters such as
22 "x," "*", or "#," and not blank spaces or numbers.

23 *See Exhibit B, American Express Operating Regulations.*

24 23. Similarly, MasterCard required in a section titled Primary Account Number
25 (PAN) truncation and Expiration Date Omission:

26 ///

27 ///

28

1 A Transaction receipt generated by an electronic POI Terminal, whether attended or
2 unattended, must not include the Card expiration date. In addition, a Transaction
3 receipt generated for a Cardholder by an electronic POI Terminal, whether attended or
4 unattended, must reflect only the last four digits of the primary account number (PAN).
All preceding digits of the PAN must be replaced with fill characters, such as "X," "*",
or "#," that are neither blank spaces nor numeric characters.

5 See **Exhibit C**, Mastercard Acceptance Procedures.

6 24. According to the Federal Trade Commission's 2017 Consumer Sentinel
7 Network Data Book, California, with its 225,296 complaints, ranks No. 18 for the highest per
8 capita rate of reported fraud and other types of complaints. For identity theft, California is
9 ranked No. 3 in the country with a total of 55,418 complaints, and total loses from fraud
10 estimated at about \$89.9M.

11 25. So problematic is the crime of identity theft that the three main credit reporting
12 agencies, Experian, Equifax, and Transunion, joined to set-up a free website
13 (<http://www.annualcreditreport.com>) to comply with FACTA requirements and provide the
14 citizens with a means of monitoring their credit reports for possible identity theft.

15 **Defendant's Prior Knowledge of FACTA**

16 26. FACTA expressly prohibits the printing of more than the last five (5) digits of
17 the card number to protect persons from an increased risk of identity theft, including card
18 fraud.

19 27. Most of Defendant's business peers and competitors currently and diligently
20 ensure their credit card and debit card receipt printing process remains in compliance with
21 FACTA by consistently verifying their card machines and devices comply with the truncation
22 requirement. Defendant could have readily done the same.

23 28. In addition to being informed not to print more than the last five (5) digits of
24 credit or debit card account numbers, Defendant was contractually prohibited from doing so.
25 Defendant accepts credit cards and debit cards from all major issuers (i.e. VISA, MasterCard,
26 American Express). As discussed, supra, these companies set forth requirements that
27 merchants, including Defendant, must follow, including FACTA's redaction and truncation
28

1 requirements.

2 29. Moreover, Defendant has been sued in past for violating the Fair Credit
3 Reporting Act ("FCRA") *See Gunther v. DSW Inc.*, No. 15-C-1461, 2016 WL 6537975, at *1
4 (E.D. Wis. Nov. 3, 2016) (complaint for violation of 15 U.S.C. § 1681b(b)(2)(A)).

5 30. Defendant had also been sued in the past for improperly storing the financial
6 information of its customers that were misappropriated through a data breach into Defendant's
7 system. *Key v. DSW, Inc.*, 454 F. Supp. 2d 684, 685–86 (S.D. Ohio 2006) ("Because of DSW's
8 alleged improper retention and failure to secure this information, on or about March 2005
9 unauthorized persons obtained access to and acquired the information of approximately 96,000
10 customers.").

11 31. Defendant had actual knowledge of FACTA's truncation requirement before it
12 began failing to comply with the requirement *en masse*. There are numerous California statutes
13 that require Defendant to maintain its retail locations in full compliance with state and federal
14 regulations such as FACTA.

15 32. In other words, Defendant is not new to the provisions of the FCRA and the
16 risk of identity theft having been previously sued twice for privacy violations similar to the
17 one at issue in this case.

18 33. Defendant's knowledge and experience regarding federal laws governing
19 financial transactions no doubt translates to Defendant having intimate knowledge of the
20 requirements of FACTA.

21 Plaintiff's Factual Allegations

22 34. On August 28, 2019, Plaintiff made a purchase using her personal debit card at
23 a store owned and operated by Defendant, located in Pasadena, Los Angeles County,
24 California.

25 35. Plaintiff was subsequently presented with an electronically printed receipt on
26 bearing the first six (6) and last four (4) digits of her debit card account number, exposing her
27 to an increased risk of identity.

28

1 36. Aggravating this exposure, the receipt provided by Defendant includes the full
2 name of Plaintiff and additional information related to the VIP customers rewards program,
3 such as Plaintiff's customer ID number.

4 37. As a direct result of the receipt printing the first (6) and last four (4) digits of
5 her debit card account number, Plaintiff was required to take steps to safeguard the receipt.

6 38. Defendant's disclosure of Plaintiff's first six (6) digits of her debit card number
7 invaded her privacy by disclosing her private financial information to the store employee who
8 provided the receipt and anyone else who finds the receipt

9 39. Defendant's memorialization of the first six (6) and last four (4) digits of
10 Plaintiff's debit card number also breached Plaintiff's confidence in the safe handling of her
11 personal debit card information.

12 **Defendant's Misdeeds**

13 40. Defendant exercises control of each and every one of its DSW stores, including,
14 but not limited to, the receipt-printing devices in use at said stores.

15 41. At all times relevant herein, Defendant was acting by and through its
16 subsidiaries, agents, servants and/or employees, including without limitation those at the
17 Pasadena DSW and the employees thereof, each of whom were acting within the scope of their
18 agency or employment, and under the direct supervision and control of Defendant.

19 42. For each and every debit and credit card transaction each day, Defendant's
20 employees at the Pasadena store and other stores using the same point-of sale system
21 programmed in the same manner could see the system was printing the first six and last four
22 digits of debit and credit card numbers on the transaction receipts they were issuing.

23 43. On information and belief, Defendant utilizes the same receipt printing
24 equipment and receipt format at all DSW locations in the United States.

25 44. Upon information and belief, Defendant implements, oversees, and maintains
26 control over the same uniform debit and credit card payment processing policies, practices,
27 and procedures for the transactions at issue in this case – including, without limitation,
28

1 negotiating, entering into, and acting pursuant to various contracts and agreements with the
2 electronic payment processing company whose technology Defendant uses to process credit
3 and debit card transactions. It is Defendant's policy and procedure to provide an electronically
4 printed receipt to individuals at the point-of-sale -- *i.e.*, immediately upon receipt of credit or
5 debit card payment. Upon information and belief, the point of sale systems used by Defendant
6 has the capacity to maintain records of all payment transactions and have the ability to print
7 duplicate copies of all receipts provided to customers.

8 45. Notwithstanding its knowledge of the requirements of FACTA and the well-
9 documented dangers imposed upon consumers through their failure to comply, Defendant
10 issued thousands of point of sale receipts containing the first six (6) and last four (4) digits of
11 credit and debit card account numbers.

12 46. By ignoring the requirements of this important federal statute, in an
13 environment already ripe for identity theft and other evils, Defendant uniformly invaded
14 Plaintiff's and the putative Class members' privacy. Defendant's conduct alleged herein
15 resulted in the disclosure of Plaintiff's and the Class members' private financial information to
16 the world, including to persons who might find the receipts in the trash or elsewhere.

17 47. Simply put, by printing numerous transaction receipts in wholesale violation of
18 a well-known federal statute, Defendant has caused -- to paraphrase the words of the
19 Honorable Judge Posner (Ret.) -- "an unjustifiably high risk of harm that [wa]s either known or
20 so obvious that it should [have been] known" to Defendant. *Redman v. RadioShack Corp.*,
21 768 F.3d 622, 627 (7th Cir. 2014) (quoting *Farmer v. Brennan*, 511 U.S. 825, 836, 114 S.Ct.
22 1970, 128 L.Ed.2d 811 (1994)).

23 48. The first six digits of a credit or debit card number provides a variety of
24 information about the cardholder's account a thief can exploit, including whether the card is a
25 credit or debit card, whether it is a personal consumer card or a business-commercial card, and
26 the brand the card may be associated with (such as American Airlines AAdvantage Miles,
27 Hilton Honors Points, IHG Rewards Club (Intercontinental Hotel Group), etc.). Furthermore,
28

1 absent Defendant's memorialization of the first six digits of Plaintiff's card on the receipt, a
2 thief has no practical way to learn that information because banks issue cards using multiple
3 first-six digit combinations, sometimes hundreds by a single bank, and thus without the receipt
4 a thief cannot determine which first-six-digit combination is on Plaintiff's card.

5 CLASS ACTION ALLEGATIONS

6 49. Plaintiff brings this class action on behalf of herself and all persons in the
7 United States who, from September 24, 2019, 2019 through the date of the Court's order
8 granting class certification, engaged in one or more transactions using a debit card or credit
9 card at one or more of Designer Brand Inc.'s retail locations in the United States, at which
10 time Defendant's point-of-sale system was programmed to generate a printed customer receipt
11 displaying more than the last 5 digits of the credit or debit card account number or the
12 expiration date of the credit or debit card used in connection with such transaction(s).
13 Excluded from the Class are the Judge to whom this case is assigned, any members of the
14 Judge's immediate family, and counsel of record in this action.

15 50. Members of the Class are so numerous that joinder of all members would be
16 impracticable. On information and belief, Defendant prints more than a hundred credit and
17 debit card transaction receipts at each of its locations each day.

18 51. The class is ascertainable since each credit or debit transaction is recorded by
19 the Defendant as well as third parties. The members of the class are capable of being described
20 without managerial or administrative problems. The members of the class are ascertainable
21 using the transaction information and records in the possession, custody or control of
22 Defendant, related information from Defendant's credit/debit card transaction processing
23 vendor, and the card-issuing banks. This is a straightforward process Plaintiff's counsel has
24 successfully executed in other FACTA cases. *See, e.g., Legg v. Spirit Airlines, Inc.*, Case No.
25 0:14-cv-61 978, ECF No. 146 at p.14, (S.D. Fla. July 11, 2016) (describing process of issuing
26 subpoenas to credit card processors and banks to locate class members); *Muransky v. Godiva*
27 *Chocolatier, Inc.*, Case No. 0:15-cv-60716, ECF No. 74 at p.12 (S.D. Fla., Sept. 12, 2016)

28

1 (same); *Guarisma v. Microsoft Corp.*, 15-cv-24326-CMA, ECF No. 58 ~4~6 (S.D. Fla. Apr.
2 26, 2017) (same), *Flaum v. Doctor 's Assoc., Inc.*, 16-cv-6 1198-CMA, ECF No. 87 ~4~6
3 (S.D. Fla. June 2, 2017) (same).

4 52. Plaintiff will fairly and adequately protect the interests of the Class, and has
5 retained attorneys experienced in class and complex litigation. Plaintiff has no interests
6 antagonistic to those of the Class, Plaintiff's counsel have extensive experience in complex
7 commercial litigation, class actions, and have adequate financial resources to ensure that the
8 interests of the Class will not be harmed.

9 53. A class action is superior to all other available methods for this controversy
10 because: (i) the prosecution of separate actions by the members of the Class would create a
11 risk of adjudications with respect to individual members of the Class that would, as a practical
12 matter, be dispositive of the interests of the other members not parties to the adjudications, or
13 substantially impair or impede their ability to protect their interests; (ii) the prosecution of
14 separate actions by the members of the Class would create a risk of inconsistent or varying
15 adjudications with respect the individual members of the Class, which would establish
16 incompatible standards of conduct for Defendant; (iii) Defendant acted or refused to act on
17 grounds generally applicable to the Class; and (iv) questions of law and fact common to
18 members of the Class predominate over any questions affecting only individual members, and
19 a class action is superior to other available methods for the fair and efficient adjudication of
20 the controversy.

21 54. There is a well-defined community of interest in the questions of law and fact
22 involved affecting the parties to be represented. The questions of law and fact to the class
23 predominate over questions that may affect individual class members, including the following:

- 24 a. Whether within the applicable statute of limitations, Defendant and/or its agents
25 processed transactions at Defendant's stores involving a debit or credit card,
26 and in connection with the same provided a printed receipt containing more
27 than the last five (5) digits of the card number or card expiration date;

- 1 b. Whether Defendant's conduct was with knowledge or reckless; and
- 2 c. Whether Defendant is liable for damages, and the extent of statutory damages
- 3 for each such violation.

4 55. Defendant's defenses are and will be typical of and the same or identical for
5 each of the members of the class and will be based on the same legal and factual theories.
6 There are no unique defenses to any of the class members' claims.

7 56. As a person that patronized one of Defendant's stores and received a printed
8 receipt containing more than the last five digits of his debit card, Plaintiff is asserting claims
9 that are typical of the proposed class.

10 **COUNT I – VIOLATIONS OF 15 U.S.C. § 1681(c)(g)**

11 57. Plaintiff incorporates the foregoing paragraphs as if fully set forth herein.

12 58. 15 U.S.C. §1681c(g) states as follows:

13 *Except as otherwise provided in this subsection, no person that*
14 *accepts credit cards or debit cards for the transaction of*
15 *business shall print more than the last 5 digits of the card*
16 *number or the expiration date upon any receipt provided to the*
17 *cardholder at the point of sale or transaction.*

18 59. This section applies to any "device that electronically prints receipts" (hereafter
19 "Devices") at point of sale or transaction. 15 U.S.C. §1681c(g)(3).

20 60. Defendant employs the use of said Devices for point of sale transactions at all
21 Designer Brands, Inc. locations throughout its service area.

22 61. On or before the date on which this complaint was filed, Defendant provided
23 Plaintiff and members of the class with receipt(s) that failed to comply with the Receipt
24 Provision.

25 62. At all times relevant to this action, Defendant was aware, or should have been
26 aware, of the Receipt Provision.

27 63. Notwithstanding the three-year period to comply with FACTA and its
28 accompanying provisions, nor the subsequent years since FACTA became effective; and
having knowledge of the Receipt Provision; Defendant violated the Receipt Provision with

1 knowledge of the law or in reckless disregard of the law.

2 64. By printing the first six (6) and the last four (4) digits of Plaintiff's debit card
3 number on Plaintiff's transaction receipt, Defendant caused Plaintiff to suffer a heightened risk
4 of identity theft, exposed Plaintiff's private information to others who may have handled the
5 receipt and forced Plaintiff to take action prevent further disclosure of the private information
6 displayed on the receipt.

7 65. As a result of Defendant's willful violations, Defendant is liable to Plaintiff and
8 members of the class pursuant to 15 U.S.C. § 1681n for statutory damages, punitive damages,
9 attorney's fees and costs.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff, Sharon Peskett, respectfully requests that this Court enter
12 judgment in her favor and the class, and against Defendant as follows:

- 13 a. Granting certification of the Class;
- 14 b. Awarding statutory damages;
- 15 c. Awarding punitive damages;
- 16 e. Awarding attorneys' fees, litigation expenses and costs of suit; and
- 17 f. Awarding such other and further relief as the Court deems proper under the
18 circumstances.

19 DATED: October 25, 2019

20 **HEKMAT LAW GROUP**
21 **SCOTT D. OWENS, P.A.**
22 **KEOGH LAW, LTD.**
BRETT LUSSKIN, P.A.

23 By: /s/ Joseph M. Hekmat
24 Joseph M. Hekmat
25 Scott D. Owens
26 Keith J. Keogh
27 Brett L. Lusskin, Jr.,
28 *Attorneys for Plaintiff Sharon
Peskett, individually, and on behalf of
other similarly situated individuals*

JURY DEMAND

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Plaintiff demands a trial by jury on all issues so triable.

DATED: October 25, 2019

**HEKMAT LAW GROUP
SCOTT D. OWENS, P.A.
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*Attorneys for Plaintiff Sharon
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other similarly situated individuals*

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [DSW Store Receipts Contain Too Much Information, Class Action Claims](#)
