	Case 2:20-cv-00563 Document 1 Filed 01	/20/20 Page 1 of 4 Page ID #:1
1 2 3 4 5 6 7 8 9	Teresa C. Chow (SBN 237694) tchow@bakerlaw.com BAKER & HOSTETLER LLP 11601 Wilshire Boulevard, Suite 1400 Los Angeles, CA 90025 Telephone: (310) 820-8800 Joel Griswold (pro hac vice forthcoming) jcgriswold@bakerlaw.com BAKER & HOSTETLER LLP SunTrust Center 200 South Orange Avenue, Suite 2300 Orlando, Florida 32801)
10	Telephone: (407) 649-4088	
11 12	Attorneys for Defendant Designer Brands, Inc.	
13		
14	UNITED STATES	DISTRICT COURT
15		CT OF CALIFORNIA
16		
17 17 18 19	SHARON PESKETT, individually and on behalf of a class of other similarly situated individuals,	Case No.: 2:20-cv-00563
19 20	Plaintiff,	[Filed concurrently with Civil Cover
20	V.	Sheet and Certification and Notice of Interested Parties]
22		
23	DESIGNER BRANDS, INC., an Ohio	NOTICE OF REMOVAL
24	corporation, Defendant.	
25	Derendant.	
26		
27		
28		
		NOTICE OF REMOVA

BAKER & HOSTETLER LLP ATTORNEYS AT LAW LOS ANGELES

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

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

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

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

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

5. Pursuant to 28 U.S.C. §§ 1331 and 1441(a), removal is proper because
the Complaint includes claims arising under the laws of the United States.

Specifically, the Complaint asserts a single count for alleged violation of the Fair
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).

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	Case 2:2	20-cv-00563	Document 1	Filed 01/20/2	0 Page 3 of 4	Page ID #:3
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$\frac{2}{3}$			5 28 U.S.C. §			Junionina, 205 migoros
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5	Court o		identified abo		,	
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8	Dated:	January 20), 2020	Respec	tfully Submitte	ed,
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						NOTICE OF REMOVAL

	Case 2:20-cv-00563 Document 1 Filed 01/20/20 Page 4 of 4 Page ID #:4
1	CERTIFICATE OF SERVICE
2	I, Teresa C. Chow, certify that on January 20, 2020, the foregoing NOTICE
3	OF REMOVAL , was served via email on the following:
4	Joseph M. Helzmat
5	Joseph M. Hekmat jhekmat@hekmatlaw.com
6	HEKMAT LAW GROUP
7	11111 Santa Monica Blvd., Suite 1700 Los Angeles, CA 90025
8	Telephone: (424) 888-0848
9	Scott D. Owens
10	scott@scottdowens.com
11	SCOTT D. OWENS, P.A. 3800 S. Ocean Dr., Suite 235
12	Hollywood, FL 33019
13	Telephone: (954) 589-0588
14	Keith J. Keogh
15	keith@keoghlaw.com KEOGH LAW, LTD
16	55 W. Monroe St., Suite 3390
17	Chicago, IL 60603 Telephone: (312) 726-1092
18	
19	Brett L. Lusskin, Jr. blusskin@lusskinlaw.com
20	BRETT LUSSKIN, P.A.
21	20803 Biscayne Blvd., Suite 302 Aventura, FL 33180
22	Telephone: (954) 454-5841
23	Counsel for Plaintiff
24	and the Putative Class
25	
26	/s/ Teresa C. Chow
27	Teresa C. Chow
28	
	4 NOTICE OF REMOVAL
	NOTICE OF REMOVAL

BAKER & HOSTETLER LLP ATTORNEYS AT LAW LOS ANGELES

.

EXHIBIT 1

Case 2:20-cv-00563 Document 1-1 Filed 01/20/20 Page 2 of 3 Page ID #:6 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)

Case 2:20-cv-00563 Document 1-1 Filed 01/20/20 Page 3 of 3 Page ID #:7

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 Case 2:20-cv-00563 Document 1-2 Filed 01/20/20 Page 1 of 39 Page ID #:8

EXHIBIT 2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES Civil Division

Central District, Spring Street Courthouse, Department 10

19STCV38324 SHARON PESKETT vs DESIGNER BRANDS, INC.

January 10, 2020 3:00 PM

Judge: Honorable William F. Highberger Judicial Assistant: Pedro Martinez Courtroom Assistant: None CSR: None ERM: 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 SHARON PESKETT vs DESIGNER BRANDS, INC.

January 10, 2020 3:00 PM

Judge: Honorable William F. Highberger Judicial Assistant: Pedro Martinez Courtroom Assistant: None CSR: None ERM: 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 Count of California County of Los Angeles 01/10/2020
PLAINTIFF/PETITIONER: Sharon Peskett	Sheri R. Cater, Executive Officer / God al Court By:Pedro MartinezDeputy
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

By: <u>Pedro Martinez</u> Deputy Clerk

Dated: 01/13/2020

ATTORNEY OR PARTY WITHOUT ATTORNEY:	FOR COURT USE ONLY
Scott D. Owens Law Office of Scott D. Owens, Esg. 3800 S. Ocean Dr. #235 Hollywood, FL 33019	FILED
TELEPHONE NO.: (954) 589-0588 FAX NO.: (954) 337-0666 ATTORNEY FOR: Plaintiff Sharon Peskett	JAN 0 2 2020
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	Sherri R. Carter, Exogutive Officer/Clerk By Janua Neture, Deputy Tabya Herrera
PLAINTIFF: SHARON PESKETT DEFENDANT: DESIGNER BRANDS, INC.	CASE NUMBER: 19STCV38324
PROOF OF SĘRVICE	Ref. No. or File No.:

I am over 18 years of age and not a party to this action. 1.

By Fax

- 2. Received by CAPLAN CAPLAN & CAPLAN on at to be served on DESIGNER BRANDS, INC., AN OHIO CORPORATION, 3909 VILLA COSTERA, MALIBU, CA 90265.
- З. 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.
- Date and Time of service: 12/19/2019 at 10:10 am 4.
- Description: Age: 45, Sex; F, Race/Skin Color; WHITE, Height: 5:4, Weight: 140, Hair: BROWN, Glasses: N 5.
- 6. lam

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1.2 .

My name, address, telephone number, and, if applicable, county of registration and number are: 7.

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

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

Date: 12-20-2014

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

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

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Deputy	
(Feche) OCT 2 5 2019 Sherri R. Carter, Clerk (Secretario) STEVEN OREW (Adjunto) (For proof of service of this summons, use Proof of Service of Summons (form POS-010).)	•
(Para prueba de entrega de esta citatión use el formularlo Procf of Service of Summons. (POS-010)). NOTICE TO THE PERSON SERVED: You are served 1 as an individual defendant	•
3. C on behalf of (specify): INITIAL BADGE#	
under: CCP 416.10 (corporation) CCP 416.60 (minor) CCP 416.20 (defunct corporation) CCP 416.60 (minor) CCP 416.40 (association or partnership) CCP 416.90 (authorized person)	
other (spacify):	
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INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filling First Papers. If you are filling 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 complie 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 files both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

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

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiffs 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

Contract

Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Dealh Uninsured Motorist (46) (if the oase involves an uninsured motorist claim subject to aibitration, check this item . Instead of Auto) Other Pi/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death Product Liability (not asbestos or toxic/environmental) (24) Medical Malpraclice (46) Medical Malpraclice-Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault; vandalism) Intentional Infliction of **Emotional Distress** Negligent Infliction of Emotional Distress Olher PI/PD/WD Non-PI/PD/WD (Other) Tort Husiness Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arreat) (not civil harassment) (08) Defamation (e.g., slander, libel) (13) Fraud (16) . ./ Intellectual Property (19) Professional Negligence (25) Legal Malpractice Other Professional Malpractice (not medical or legal) Other Non-PI/PD/WD Tort (35) Employment Wrongful Termination (36) Other Employment (15)

Breach of Contract/Warranty (05) Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) Contract/Warranty Breach-Seller Plainliff (not fraud or negligence) Negligent Breach of Contract/ Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) Collection Case-Seller Plainliff Other Promissory Note/Collections Case Insurance Coverage (not provisionally complex) (18) Auto Subrogation Other Coverage Other Contract (37) **Contractual Fraud** Other Contract Dispute Real Property Eminent Domein/Inverse **Condemnation (14)** Wrongful Eviction (33): Other Real Property (e.g., gulet IIIe) (26) Writ of Possession of Real Property. Mortgage Foreclosure -Quiet Tille Other Real Property (not eminent domain, landlord/tenant, or foreclosure) Unlawful Detainer Commercial (31) Residential (32) Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential) **Judicial Review** Asset Forfeiture (05) Pelition Re: Arbitration Award (11) Writ of Mandate (02) Writ-Administrative Mandamus Writ-Mandamus on Limited Court **Case Maller** Wrlt-Olher Limited Court Case Review Other Judicial Review (39) Review of Health Officer Order Notice of Appeal-Labor Commissioner Appeals

Construction Defect (10) Claims involving Mass Tort (40) Securities Liligation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims (arising from provisionally complex case type listed above) (41) Enforcement of Judgment Enforcement of Judgment (20) Abstract of Judgment (Oul of County) Confession of Judgment (nondomestic relations) Sister State Judgment Administrative Agency Award (not unpaid taxes) Petilion/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case **Miscellaneous Civil Complaint RICO (27)** Other Complaint (not specified above) (42) Declaratory Relief Only Injunctive Relief Only (nonharasşment) Mechanics Lien Other Commercial Complaint Case (non-ton/non-complex) Other Civil Complaint (non-tort/non-complex) **Miscellaneous Civil Petition** Partnership and Corporate Governance (21) Other Pelltion (not specified above) (43) Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition ·

Provisionally Complex Civil Litigation (Cal.

Antitrusl/Trade Regulation (03)

Rules of Court Rules 3.400-3.403)

CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET

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Page 2 of 2

	Case	e 2:20-cv-00563 D	ocument 1-2 Filed 01/20	-				
Oct 2	25 19, 02:12	p snackbar 4-floor		213-621-2053	p.4			
				COPY				
	SHORT FITLE	eskett v. Designer Brands,	Inc.	CASE NUMBER 19STC	V38 324			
	(,	IL CASE COVER SHEET AD STATEMENT OF LOCA ROUNDS FOR ASSIGNMEN	ATION				
	т	his form is required pursual	nt to Local Rule 2.3 in all new civil ca	se filings in the Los Angeles Super	ior Court.			
X	Step 1	• –	il Case Cover Sheet (Judicial Counc nds to the case type Indicated in th		se type in			
FAX	Step 2: In Column B, check the box for the type of action that best describes the nature of the case.							
BY								
	Applicable Reasons for Choosing Court Filing Location (Column C)							
	1. Class actions must be filed in the Stanlay Mosk Courthouse, Central District. 7. Location where pellitioner resides. 2. Fermissive filing in central district. 8. Location where network defandant/respondent functions wholly. 3. Location where cause of action arose. 9. Location where one or more of the parties resides. 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 is coation. (Hub Cases – unlawful petalner, limited non-collection, ilmited collection, or personal Injury). 6. Location of property or permanently garaged vehicle. 5.							
					· .			
		A Civil Case Cover Sheet Category No.	E Typa di (Check d	f Aelian	C Applicable Reasons - See Step 3 Above			
		Auto (22)	A7100 Motor Vehicle - Personal Injury	y/Property Demage/Wrongful Dealh	1. 4. 11			
	Auto Tart	Uninsured Motorist (46)	A7110 Personal Injury/Property Dame	age/Wronglul Death - Uninsured Motorist	1, 4, 11			
	φt	Asbestos (04)	A6070 Asbestos Property Damage A7221 Asbestos - Personal Injury/Wr	onglul Dealh	1. 11 1, 11			
	th To	Product Liability (24)	A7260 Product Liability (not asbestos	or toxic/environmental)	1. 4. 11			
	tal Infuryl F origful Dea	Medical Malpracilce (45)	A7210 Medical Malpractice - Physicis A7240 Other Professional Health Cal		1.4.11			
	Other Personal Infuryl Property Damagel Wrongful Death Tort	Other Personal Injury Property Damage Wrongful Death (23)	 A7250 Premises Liability (e.g., silp ar A7230 Intentional Bodily injury/Prope aseault, variatism, etc.) 		1. 4, 11 1. 4, 13 1. 4, 13			

1.4.11 🗇 A7210 Medical Melpraclice - Physiciane & Surgeone Medical Malpractice (45) 1.4,11 D A7240 Other Professional Health Care Malpractice D A7250 Premises Liability (e.g., silp and fall) . 1.4, 11 Other Personal Injury Property Damage Wrongful Death (23) A7230 Intentional Bodily Injury/Property Demage/Wrong/Ul Daalh (e.g., assault, vandelism, etc.) 1, 4, 11 1, 4, 11 D A7270 Intentional infliction of Emotional Distress 1, 4, 11 D A7220 Other Personal Injury/Property Damage/Wrongful Daath

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CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION

Local Rule 2.3 Page 1 of 4

Case 2:20-cv-00563 Document 1-2 Filed 01/20/20 Page 11 of 39 Page ID #:18

iort title:	Peskett v. Designer Brands	S, INC. CASE NUMBER	
	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
	Business Tort (07)	A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Tort	Civil Rights (08)	A6005 Civil Rights/Discrimination	1, 2, 3
// Proj Death	Defamation (13)	A6010 Defamation (slander/libel)	1, 2, 3
l Injur, ngful	Fraud (16)	C A6013 Fraud (no contract)	1, 2, 3
Non-Personal Injuryl Property Damagel Wrongful Death Tort	Professional Negligence (25)	A6017 Legal Malpracilce A6060 Other Professional Melpracilce (not medical or legal)	1, 2, 3 1, 2, 3
No Da	Other (35)	A6025 Other Non-Personal Injury/Property Damage tort	(1)2, 3
ŧ	Wronglul Temination (36)	D A6037 Wrongful Termination	-1, 2, 3
Employment	Other Employment (18)	A6024 Other Employment Compleint Case A6109 Labor Commissioner Appeals	1, 2, 3 10
	Breach of Contract/ Warranty (06) (not insurance)	 A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) A6008 Contract/Warranty Breach -Seller Plain(Iff (no fraud/negligence) A6019 Negligent Breach of Contract/Warranty (no fraud) A8028 Other Breach of Contract/Warranty (not fraud or negligence) 	2, 5 2, 5 1, 2, 5 1, 2, 5
Contract	Collections (09)	 A6002 Collections Case-Seller Plainilf A6012 Other Promissory Note/Collections Case 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)	A6015 Insurance Coverage (not complex)	1, 2, 5, 8
•	Other Contract (37)	A6009 Contractual Fraud A6031 Tortious Interference Á6027 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)	A7300 Eminent Domain/Condemnation Number of purcels	2,6
perty	Wrongfut Eviction (33)	A6023 Wrongful Eviction Case	2,6
Real, Property	Other Real Property (28)	A6018 Mortgage Foreclosure A6032 Quiei Title A6050 Other Real Property (not eminent domain, landford/tenant, foreclosure)	2, 6 2, 6 2, 6
بد	Unlawful Detainer-Commercial (31)	A8021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer	Unlawful Detainer-Residential (32)	A8020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Mful D	Unlawful Detainer- Post-Foreclosure (34)	A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlar	Unlawful Detainer-Drugs (38)	A6022 Unlawful Delainer-Drugs	2, 6, 11

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CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION

Local Rule 2.3 Page 2 of 4

Case 2:20-cv-00563 Document 1-2 Filed 01/20/20 Page 12 of 39 Page ID #:19

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HORT TITLE:	Peskett V. Designer Brands	, Inc.	
	A Givil Case Cover Sheet Category No.	B Type of Acillui Check only onglass	C Applicable Reasons See Step Alloye
	Asset Forfeilure (05)	CI A6108 Asset Forfeiture Case	2, 3, 6
M	Petition re Arbitration (11)	D A6115: Petition to Compet/Confirm/Vacate Arbitration	2, 5
Judicial Review	Writ of Mandale (02)	A6151 Writ - Administrative Mandamus A6152 Writ - Mandamus on Limited Court Case Matter A6153 Writ - Other Limited Court Case Review	2,8 2 2
	Other Judicial Review (39)	A6150 Other Writ /Judicial Review	2,8
c	Anlitrus//Trade Regulation (03)	A6003 Antikusi/Trade Regulation	1, 2, 8
tigafio	Construction Defect (10)	LI A6007 Construction Defect	1, 2, 3
liex Lit	Claims involving Mass Tort (40)	A6006 Claims Involving Mass Tort	1, 2, 8
Com	Securilies Liligation (28)	A6035 Securilles Liligation Case	1, 2, 8.
Provisionally Complex Litigation	Toxic Tort Environmental (30)	C A6036 Toxic Tort/Environmental	1, 2, 3, 8
Provi	Insurance Coverage Claims. from Complex Case (41)	A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	 A6141 Sister State Judgment A6160 Abstract of Judgment A6107 Confession of Judgment (non-domestic relations) A6140 Administrative Agency Award (not unpaid taxes) A6114 Petition/Certificate for Entry of Judgment on Unpaid Tex A6112 Other Enforcement of Judgment Case 	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8
10	RICO (27)	A6033 Racketeering (RICO) Case	1, 2, 8
Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	 A6030 Declaratory Relief Only A6040 Injunctive Relief Only (not domestic/harassment) A6011 Other Commercial Complaint Case (non-tort/non-complex) A6000 Other Civil Complaint (non-tort/non-complex) 	1, 2, 8 2, 8 1, 2, 8 1, 2, 8
	Partnership Corporation Governance (21)	A6113 Pertnership and Corporate Governance Case	2,8
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	 A6121 Civil Harassment A6123 Workplace Harassment A6124 Elder/Dependent Adult Abuse Case A6120 Election Contest A6110 Petition for Change of Name/Change of Gender A6170 Petition for Relief from Late Claim Law A6100 Other Civil Petition 	2, 3, 9 2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

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CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION Local Rule 2.3 Page 3 of 4

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Case 2:20-cv-00563 Document 1-2 Filed 01/20/20 Page 13 of 39 Page ID #:20

SHORT TITLE;	• .	CASE NUMBER
Peskett v. Designer Brands, Inc.		

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:				ADDRESS. Class-action case (no address required)
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			· · · · · · · · · · · · · · · · · · ·	
CITY:		STATE:	ZIP CODE:	· · · · · · · · · · · · · · · · · · ·
	· .		· · · · · · · · · · · · · · · · · · ·	

Step 5: Certification of Assignment: I certify that this case is properly filed in the <u>Central</u> 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

URE OF ATTORNEY/FILING PARTY) ISIGM

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 filling a Complaint, a completed Summon's form for Issuance by the Clerk.
- 3. Civil Case Cover Sheet, Judicial Council form CM-010.
- 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.
- 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.

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CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION

Local Rule 2.3 Page 4 of 4

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SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	Roserved for Clerk's Flie Stamp
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	FILED Superior Court of California County of Los Angeles 10/25/2019
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE	ID/20/2018 Start R. Cater, Exercise Office / Cerk of Code By:Stave Diff W Deputy
Your case is assigned for all purposes to the judicial officer indicated below.	CASE NUMBER: 19STCV38324

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

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

Given to the Plaintit VCross-Complainant/Attorney of Record

. .

Sherri R. Carter, Executive Officer / Clerk of Court

on 10/25/2019

By Steve Drew ____, Deputy Clock

(Date) LACIV 190 (Rev 6/18) LASC Approved 05/06

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NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE

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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. Crosscomplaints 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, sottlement, trial date, and export 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 deadtines 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 defineation 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.

NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE

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VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

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 Counsel

Association of Business Trial Lawyers

California Employment Lawyers Association

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 Counsel

Association of Business Trial Lawyers



California Employment Lawyers Association

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HAME AND ACORESS OF ATTORNEY OR PARTY W.THOUT ATTORNEY	STATE BAR NUMBER	Roteryed for Clorks Fig. Stungs
	· · · · · · · · · · · · · · · · · · ·	
TELEPHONE NO.: E-MAIL ADDRESS (Opilonal):	FAX NO. (Optional):	
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA	COUNTY OF LOS ANGELE	5
COURTHOUSE ADDRESS:	<u>.</u>	
PLÂINTIFF:		
DEFENDANT:		
		CASE NUMBER:
STIPULATION - EARLY ORG	ANIZATIONAL MEETING	•

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.");
 - 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;
 - 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;
 - Whether or when the case should be scheduled with a settlement officer, what discovery or g, 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

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LASC Approved 04/11	
For Optional Use	

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SHIGHT XITLE GAGE NUMBER:

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 <u>www.lacourt.org</u> 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 ________ for the complaint, and ________ for the cross-(INSERT DATE) for the cross-(INSERT DATE) 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 <u>www.lacourt.org</u> 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

Date:			
	· .	>	
Date:	(TYPE OR PRINT NAME)		(ATTORNEY FOR PLAINTIFF)
		*	
Date:	(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
	•		
	(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:		>	
<u></u>	(TYPE OR PRINT NAME)	,	(ATTORNEY FOR DEFENDANT)
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Date:	(TYPE OR PRINT NAME)		(ATTORNEY FOR)
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	(TYPE OR PRINT NAME)	•	(ATTORNEY FOR)
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	9 (Rev 02/16) STIPULATION - EA	RLY ORGANIZ	ATIONAL MEETING Page 2 of 2

The following parties stipulate:

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NAME AND ADDREEG OF ATTORNEY OR PARTY WITHOUT ATTORNEY	⁶ STATE BAR NUMBER	Passend to Girtha Pile Stomp
TELEPHONE NO.: FA E-MAIL AODRESS (Optional): ATTORNEY FOR (Nama):	AX NO. (Optional):	· · ·
SUPERIOR COURT OF CALIFORNIA,	COUNTY OF LOS ANGEL	ES
	·	· · · ·
PLAINTIFF:	<u></u>	
DEFENDANT:	-	
STIPULATION - DISCOVE	RY 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.
- 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:
 - 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;

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STIPULATION - DISCOVERY RESOLUTION

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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).

- 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.
- References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation fails on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

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STIPULATION - DISCOVERY RESOLUTION

Page 2 of 3

Case 2:20-cv-00563 Document 1-2 Filed 01/20/20 Page 21 of 39 Page ID #:28

Oct 25 19, 02:16p snackbar 4-floor 213-621-2053 p.12

SHORT TITLE: CASE NUMBER:	 	•
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The following parties stipulate:

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STIPULATION - DISCOVERY RESOLUTION

Case 2:20-cv-00563 Document 1-2 Filed 01/20/20 Page 22 of 39 Page ID #:29

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INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)

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213-621-2053 p.14

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STIPULATION AND ORDER - MOT	IONS IN LIMINE	
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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.
- 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.

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The following parties stipulate:

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Date:	(TYPE OR PRINT NAME)	(ATTORNEY FOR PLAINTIFF)	
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THE COURT SO ORDERS.

Date:

JUDICIAL OFFICER

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STIPULATION AND ORDER - MOTIONS IN LIMINE

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We're sorry, but your incoming fax may be incomplete. Please call the sender to verify your fax or to request a re-send.

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Case 2:20-cv-00563 Document 1-2 Filed 01/20/20 Page 26 of 39 Page ID #:33

18behalf of a class of other similarly situated individuals,919Plaintiff,V.20V.A21DESIGNER BRANDS, INC., an OhioT	213-621-2053 p.1
 HEKMAT LAW GROUP 11111 Santa Monica Blvd., Suite 1700 Los Angeles, CA 90025 Telephone: 424-888-0848 Scott D. Owens (Florida State Bar No. 597651)* Scott D. OWENS, P.A. 3800 S. Ocean Dr., Suite 235 Hollywood, FL 33091 Telephone: (954) 589-0588 Keith J. Keogh (Illinois State Bar No. 6257811)* KEOOH LAW, LTD. 55 W. Monroe St., Suite 3390 Chicago, IL 60603 Telephone: 312-726-1092 Brett L. Lusskin, Jr., (Florida State Bar No. 28069)* Brett L. Lusskin, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* Brett L. State, Jr., (Florida State Bar No. 28069)* State State, Jr., (Florida State, Jr., (Florida State, Jr., Jr., (Florida State, Jr., Jr., Jr., Jr., (Florida State, Jr., Jr., (Florida State, Jr., Jr., Jr., Jr., Jr., Jr., Jr., Jr.	COPY
16LOS ANGELES (17SHARON PESKETT, individually and on behalf of a class of other similarly situated individuals,(18maintiff, v.(20V.(21DESIGNER BRANDS, INC., an Ohio corporation,(23Defendant.(2425Plaintiff, Sharon Peskett, on behalf of herse sues Defendant, Designer Brands, Inc., and alleges to	OCT 25 2019 Sherri K. carlet, carpare vinter/Clerk of Cour By Amarkan Drov.
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Plaintiff, V. 21 DESIGNER BRANDS, INC., an Ohio 22 corporation, 23 Defendant. 24 Plaintiff, Sharon Peskett, on behalf of herse 26 sues Defendant, Designer Brands, Inc., and alleges t	ASE NO: 19STCV38324
 23 Defendant. 24 25 Plaintiff, Sharon Peskett, on behalf of herse 26 sues Defendant, Designer Brands, Inc., and alleges t 	TOLATION OF THE FAIR AND CCURATE CREDIT RANSACTIONS ACT (FACTA) URY TRIAL DEMANDED
 Plaintiff, Sharon Peskett, on behalf of herse sues Defendant, Designer Brands, Inc., and alleges t 	
26 sues Defendant, Designer Brands, Inc., and alleges t	If and other similarly situated individuals
27	
28	Class Action Complaint 1

INTRODUCTION

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

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

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

JURISDICTION AND VENUE

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

5. In personam jurisdiction over the Defendant is proper in this Court because
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.

PARTIES

Class Action Complaint | 2

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

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18.Defendant, Designer Brands Inc., is an Ohio corporation whose principal2address is 810 DSW Drive, Columbus, Ohio 43219, and whose registered agent for service of3process in the State of California is Leslie Steinmetz, 3909 Villa Costera, Malibu, CA 90265.

9. Defendant was also previously known as DSW, which is Defendant's flagship
retail brand whose retail stores offer footwear, handbags, and other accessories. DSW operates
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.

FACTUAL ALLEGATIONS

Background of FACTA

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

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Class Action Complaint | 3

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14.	Codified at 15 U.S.C. § 1681c(g), this provision states the following:
	Except as otherwise provided in this subsection, no person that accepts credit cards or debit cards for the transaction of
	business shall print more than the last 5 digits of the card
	number or the expiration date upon any receipt provided to the cardholder at the point of sale or transaction.
ICTURO	
	§ 1681c(g) (the "Receipt Provision").
15.	
-	ts, mandating full compliance with its provisions no later than December 4, 2006.
16.	The requirement was widely publicized among retailers and the FTC. For
example, c	n March 6, 2003, in response to earlier state legislation enacting similar truncation
requiremer	its, then-CEO of Visa USA, Carl Pascarella, explained;
	day, I am proud to announce an additional measure to combat identity theft
	protect consumers. Our new receipt truncation policy will soon limit Iholder information on receipts to the last four digits of their accounts. The
	I's expiration date will be eliminated from receipts altogether The first se of this new policy goes into effect July 1, 2003 for all new terminals"
Pite	
17.	Within 24 hours, MasterCard and American Express announced they were
imposing s	imilar requirements.
18.	Card issuing organizations proceeded to require compliance with FACTA by
contract, ir	a advance of FACTA's mandatory compliance date. For example, the publication
"Rules for	Visa Merchants," which is distributed to and binding upon all merchants that accept
Visa cards	, expressly requires that "only the last four digits of an account number should be
printed on	the customer's copy of the receipt" and "the expiration date should not appear a
all."	
19.	Because a handful of large retailers did not comply with their contractual
obligations	to the card companies and FACTA's straightforward requirements, Congress
passed Th	e Credit and Debit Card Receipt Clarification Act of 2007, to make technica
corrections	to the definition of willful noncompliance with respect to violations involving the
printing of	an expiration date on certain credit and debit card receipts before the date of the
	Class Action Complaint 4
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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:

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

- 15 See Exhibit A, Visa Best Practices.
 - 22. As noted above, the processing companies have required that credit card or
- debit card expiration dates not be shown since 2003 and still require it. For example, American
- Express requires:

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

- 23 See Exhibit B, American Express Operating Regulations.
- 23. Similarly, MasterCard required in a section titled Primary Account Number
- 25 (PAN) truncation and Expiration Date Omission:
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Class Action Complaint | 5

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A Transaction receipt generated by an electronic POI Terminal, whether attended or unattended, must not include the Card expiration date. In addition, a Transaction receipt generated for a Cardholder by an electronic POI Terminal, whether attended or 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.

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

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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

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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.").

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

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Plaintiff's Factual Allegations

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

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

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36. Aggravating this exposure, the receipt provided by Defendant includes the full
 name of Plaintiff and additional information related to the VIP customers rewards program,
 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.

38. Defendant's disclosure of Plaintiff's first six (6) digits of her debit card number
invaded her privacy by disclosing her private financial information to the store employee who
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 Plaitniff's debit card number also breached Plaintiff's confidence in the safe handling of her
11 personal debit card information.

12

Defendant's Misdeeds

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

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

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

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

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

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

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

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

5

CLASS ACTION ALLEGATIONS

49. Plaintiff brings this class action on behalf of herself and all persons in the 6 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 displaying more than the last 5 digits of the credit or debit card account number or the 11 12 expiration date of the credit or debit card used in connection with such transaction(s). Excluded from the Class are the Judge to whom this case is assigned, any members of the 13 Judge's immediate family, and counsel of record in this action. 14

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

51. The class is ascertainable since each credit or debit transaction is recorded by 18 the Defendant as well as third parties. The members of the class are capable of being described 19 20 without managerial or administrative problems. The members of the class are ascertainable using the transaction information and records in the possession, custody or control of 21 Defendant, related information from Defendant's credit/debit card transaction processing 22 vendor, and the card-issuing banks. This is a straightforward process Plaintiff's counsel has 23 successfully executed in other FACTA cases. See, e.g., Legg v. Spirit Airlines, Inc., Case No. 24 25 0:14-cv-61 978, ECF No. 146 at p.14, (S.D. Fla. July 11, 2016) (describing process of issuing subpoenas to credit card processors and banks to locate class members); Muransky v. Godiva 26 Chocolatier, Inc., Case No. 0: 1 5-cv-60716, ECF No. 74 at p.12 (S.D. Fla., Sept. 12, 20 16) 27

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

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

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

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

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

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1	ь.	Whether Defendant's conduct was with knowledge or reckless; and
2		Whether Defendant is liable for damages, and the extent of statutory damages
	C,	for each such violation.
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4	55.	Defendant's defenses are and will be typical of and the same or identical for
5		nembers of the class and will be based on the same legal and factual theories.
6	1	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 contai	ining more than the last five digits of his debit card, Plaintiff is asserting claims
9	that are typic	al of the proposed class.
0		COUNT I VIOLATIONS OF 15 U.S.C. § 1681(c)(g)
1	57.	Plaintiff incorporates the foregoing paragraphs as if fully set forth herein.
2	58.	15 U.S.C. §1681c(g) states as follows:
3		Except as otherwise provided in this subsection, no person that
4		accepts credit cards or debit cards for the transaction of business shall print more than the last 5 digits of the card
5		number or the expiration date upon any receipt provided to the cardholder at the point of sale or transaction.
6	· 59 .	This section applies to any "device that electronically prints receipts" (hereafter
7	"Devices") at	t point of sale or transaction. 15 U.S.C. §1681c(g)(3).
8	60.	Defendant employs the use of said Devices for point of sale transactions at all
9	Designer Bra	nds, Inc. locations throughout its service area.
ן נ	61.	On or before the date on which this complaint was filed, Defendant provided
l	Plaintiff and	members of the class with receipt(s) that failed to comply with the Receipt
2	Provision.	
3	62.	At all times relevant to this action, Defendant was aware, or should have been
4	aware, of the	Receipt Provision.
5	63.	Notwithstanding the three-year period to comply with FACTA and its
6		g provisions, nor the subsequent years since FACTA became effective; and
7		ledge of the Receipt Provision; Defendant violated the Receipt Provision with
8		
		Class Action Complaint 12
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1 knowledge of the law or in reckless disregard of the law.

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

PRAYER FOR RELIEF

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

a. Granting certification of the Class;

b. Awarding statutory damages;

c. Awarding punitive damages;

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.

DATED: October 25, 2019

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HEKMAT LAW GROUP SCOTT D. OWENS, P.A. KEOGH LAW, LTD. BRETT LUSSKIN, P.A.

By: <u>/s/ Joseph M. Hekmat</u> Joseph M. Hekmat Scott D. Owens Keith J. Keogh Brett L. Lusskin, Jr., Attorneys for Plaintiff Sharon Peskett, individually, and on behalf of other similarly situated individuals

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	JURY DEMAND
Plaintiff demands a trial by jur	y on all issues so triable.
DATED: October 25, 2019	HEKMAT LAW GROUP
	SCOTT D. OWENS, P.A. KEOGH LAW, LTD. BRETT LUSSKIN, P.A.
	BRETT LUSSKIN, P.A.
	By: <u>/s/ Joseph M. Hekmat</u>
	By: <u>/s/ Joseph M. Hekmat</u> Joseph M. Hekmat Scott D. Owens Keith J. Keogh
	Keith J. Keogh Brett L. Lusskin, Jr., Attorneys for Plaintiff Sharon Peskett, individually, and on behalf of other similarly situated individuals
· ·	Peskett, individually, and on behalf of other similarly situated individuals
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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: <u>DSW Store Receipts Contain Too Much Information, Class Action Claims</u>