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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

THERESA RICHARD, an individual,
on behalf of herself and others similarly
situated

PLAINTIFF,

v.

THE LELAND STANFORD JUNIOR
UNIVERSITY; and DOES 1 thru 50,
inclusive

DEFENDANTS.

CASE NO.

CLASS ACTION COMPLAINT FOR:

1. Violation of the Fair Credit Reporting Act for Failure to Make Proper Disclosures, 15 U.S.C. § 1681b, et seq.;
2. Violation of the Fair Credit Reporting Act for Failure to Obtain Proper Authorization, 15 U.S.C. § 1681b, et seq.;

DEMAND FOR A JURY TRIAL

1 Plaintiff THERESA RICHARD ("Plaintiff"), on behalf of herself and all
2 others similarly situated, alleges on information and belief, except for her own acts
3 and knowledge, the following:

4 **I.**

5 **INTRODUCTION**

6 1. Defendant THE LELAND STANFORD JUNIOR UNIVERSITY
7 ("Defendant") is a California Corporation and at all relevant times mentioned herein
8 conducted and continues to conduct substantial and regular business throughout
9 California.

10 2. Defendant is a private research university.

11 3. Plaintiff applied, was hired, and performed work through Defendant's
12 Residential and Dining Enterprises as a dining hall worker in Stanford, California.

13 4. During the application process, Plaintiff filled out Defendant's standard
14 application form permitting Defendant to obtain a consumer report verifying
15 Plaintiff's background and experience.

16 5. Plaintiff now brings this Class Action on behalf of herself and a
17 nationwide class, defined as:

18 "all individuals for whom a consumer report was procured by
19 Defendant for employment purposes during the period beginning
20 August 16, 2015 and ending on the date as determined by the
21 Court." (the "Proposed Class")

22 **II.**

23 **JURISDICTION AND VENUE**

24 6. The Court has jurisdiction over Plaintiff's federal claims pursuant to 28
25 U.S.C. §1331 and 15 U.S.C. §1681 of the Fair Credit Reporting Act 15 U.S.C. §1681
26 *et seq.* ("FCRA").

27 7. Venue is proper in this district pursuant to 28 U.S.C. §1391(d) because
28 Defendant is subject to personal jurisdiction in this district, maintains offices in this

1 district, and the actions at issue took place in this district.

2 **III.**

3 **THE PARTIES**

4 **A. PLAINTIFF**

5 8. Plaintiff applied to work for Defendant on June 27, 2017 in Stanford,
6 California located in the County of Santa Clara, California.

7 9. Plaintiff completed Defendant's standard application form including an
8 authorization to obtain a background check.

9 10. Plaintiff was hired and began work for Defendant through its
10 Residential and Dining Enterprises as an hourly dining hall worker.

11 11. Plaintiff was confused by the standard application form and did not
12 understand that Defendant would be requesting a "consumer report" as defined in
13 the FCRA. Nonetheless, upon information and belief, Defendant then secured a
14 consumer report.

15 **B. DEFENDANT**

16 12. Defendant is a California Corporation. At all times relevant herein,
17 Defendant conducted and continues to conduct business throughout the State of
18 California including hiring and employees such as Plaintiff.

19 13. Defendant's entity address listed with the California Secretary of State
20 is 450 Serra Mall Building 10, Stanford, CA 94305.

21 14. Defendant is a private research university consisting of 40 academic
22 departments at the undergraduate and graduate level and four professional schools
23 that focus on graduate programs in Law, Medicine, Education, and Business.

24 15. Defendant issues, and during the relevant period issued, payroll checks
25 to Plaintiff and all other persons similarly situated.

26 16. With respect to the events at issue in this case, Defendant acted as the
27 employer of Plaintiff and all other persons similarly situated. As the employer,
28 Defendant is liable for the violations of law described in this Complaint.

17. Plaintiff is ignorant of the true name, capacity, relationship and extent of participation in the conduct herein alleged of the Defendant sued herein as DOES 1 through 10, but are informed and believe and thereon allege that said Defendant are legally responsible for the wrongful conduct alleged herein and therefore sue these Defendant by such fictitious names. Plaintiff will amend this compliant to allege their true names and capacities when ascertained.

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

IV.

NATURE OF THE ACTION

19. The FCRA provides individuals with a number of rights. Specifically, pertaining to employment-related background checks referred to as “consumer reports”, the FCRA provides that a prospective employee must give valid consent to the background check. The FCRA requires a signed authorization and disclosure from the applicant, sometimes referred to as a "consent" form.

20. The authorization and disclosure form must be executed and signed by the applicant prior to an employer requesting or conducting a background check. Importantly, no extraneous information can be attached or included on the consent form. The authorization and disclosure must stand-alone. Here, Defendant included extraneous information including, but not limited to, a release of liability.

21. In violation of 15 U.S.C. §1681b(b)(2)(A)(i), Defendant has unlawfully inserted liability release provisions into its standard application form purporting to grant Defendant the authority to obtain and use consumer report information for employment purposes for Plaintiff and all Proposed Class Members. The FCRA prohibits this practice and requires that forms granting the authority to access and

1 use consumer report information for employment purposes be stand-alone forms,
2 and not include any additional information or agreements. Defendant's decision to
3 include liability release provisions in its standard application form is contrary to the
4 plain language of the statute and unambiguous regulatory guidance from the Federal
5 Trade Commission ("FTC").

6 22. In violation of 15 U.S.C. § 1681b(b)(2)(A)(ii), Defendant has obtained
7 consumer reports regarding Plaintiff and all Proposed Class Members without proper
8 authorization because the authorization and disclosure forms failed to comply with
9 the requirements of the FCRA.

10 23. The inclusion of the liability waiver in Defendant's standard application
11 form invalidates the purported consent and also triggers statutory damages under the
12 FCRA in the amount of up to \$1,000 for each applicant that Defendant obtained a
13 consumer report without a facially valid, executed authorization, as well as punitive
14 damages, equitable relief, and attorneys' fees and costs.

15 24. In addition, Defendant's failure to secure signed disclosure and
16 authorization forms invalidates the purported consent and also triggers statutory
17 damages under the FCRA in the amount of up to \$1,000 for each applicant that
18 Defendant obtained a consumer report without a facially valid, executed
19 authorization, as well as punitive damages, equitable relief, and attorneys' fees and
20 costs.

21 V.

22 **FACTUAL ALLEGATIONS**

23 25. Plaintiff applied to work for THE LELAND STANFORD JUNIOR
24 UNIVERSITY. Plaintiff filled out Defendant's standard application form permitting
25 Defendant to obtain a consumer report verifying Plaintiff's background and
26 experience.

27 26. Plaintiff was confused by the standard application form and did not
28 understand that Defendant would be requesting a "consumer report" as defined in

1 the FCRA. Nonetheless, upon information and belief, Defendant then secured a
2 consumer report.

3 27. Defendant's standard application form states: "I authorize a thorough
4 investigation of my prior employment, education background, criminal record, and
5 where applicable to a position, credit check and/or driving record. I agree to
6 cooperate in such an investigation, to execute any consent forms required in
7 connection with those investigations, and release from all liability and responsibility
8 all persons or entities requesting or supplying such information. I understand that
9 employment is conditional based on investigation results."

10 28. Upon information and belief, Defendant required all applicants to
11 complete the same standard disclosure and authorization form permitting Defendant
12 to obtain a consumer report verifying the applicant's background and experience and
13 containing a liability release.

14 29. Thus, in addition to the authorization and disclosure to obtain
15 information about background and experience, Defendant's standard application
16 form also contained a liability release provision.

17 30. The inclusion of this liability release provision in Defendant's standard
18 application form permitting Defendant to obtain a consumer report verifying an
19 applicant's background and experience violates the FCRA, 15 U.S.C. § 1681, *et seq.*

20 31. Under the FCRA, it is unlawful to procure a consumer report or cause
21 a consumer report to be procured for employment purposes, unless:

22 (i) a clear and conspicuous disclosure has been made in writing to
23 the consumer at any time before the report is procured or causes
24 to be procured, in a document that consists solely of the
disclosure, that a consumer report may be obtained for
employment purposes; and

25 (ii) the consumer has authorized in writing (which authorization may
26 be made on the document referred to in clause (i)) the
procurement of the report.

27 15 U.S.C. §§ 1681b(b)(2)(A)(i)-(ii)

28 32. Although the disclosure required by clause (i) and the authorization

1 required by clause (ii) above may be combined in a single document, the FTC has
2 warned that the form should not include any extraneous information. Further, the
3 FTC has also specifically warned that the inclusion of such a waiver in a disclosure
4 form will violate Section 604(b)(2)(A) of the FCRA [15 U.S.C. §§ 1681b(b)(2)(A),
5 which requires that a disclosure consist solely of the disclosure that a consumer
6 report may be obtained for employment purposes.

7 33. This requirement is meant to prevent the consumer from being
8 distracted by other side-by-side with this very important disclosure. The disclosure
9 shall not be diminished in importance by including unrelated information. The
10 disclosure must be clear and conspicuous, understandable and noticeable.

11 34. By including a liability release in its standard application form
12 permitting Defendant to obtain a consumer report verifying the applicant's
13 background and experience, Defendant's conduct is contrary to the plain language
14 of the statute. Defendant willfully disregarded the FTC's regulatory guidance and
15 violated 15 U.S.C. §§ 1681b(b)(2)(A).

16 35. Defendants' failure to provide a clear disclosure, in a document that
17 consists solely of the disclosure, deprived Plaintiff and others similarly situated of
18 the right to information and the right to privacy guaranteed by 15 U.S.C. section
19 1681b(n)(2)(A)(i)–(ii). Because Defendant unlawfully included extraneous
20 information in its standard form permitting Defendant to obtain a consumer report
21 verifying Plaintiff's background and experience, Plaintiff was confused by the
22 standard form document and did not understand that Defendant would be requesting
23 a "consumer report" as defined in the FCRA.

24 VI.

25 THE CLASS

26 36. Plaintiff brings the First and Second Causes of Action on behalf of
27 herself and all others similarly situated as a Class Action pursuant to Rule 23(a) and
28 23(b)(3) of the F.R.C.P. Plaintiff satisfies the requirements of Rule 23(a) and (b)(3)

1 for the prosecution of this action as a class action. Plaintiff seeks to represent a
2 putative class composed of and defined as follows:

3 “all individuals for whom a consumer report was procured by
4 Defendant for employment purposes during the period beginning
5 August 16, 2015 and ending on the date as determined by the
6 Court.” (the “Proposed Class”)

7 37. Plaintiffs reserve the right to amend or modify the class description with
8 greater specificity or further division into subclasses or limitation to particular
9 issues.

10 38. Defendant, as a matter of corporate policy, practice, and procedure, in
11 violation of 15 U.S.C. §1681, et seq., intentionally, knowingly, and willfully,
12 engaged in a practice whereby Defendant uniformly, unfairly, and unlawfully
13 instituted a policy of including a liability release in its standard application form.

14 39. Defendant uniformly violated the rights of the Proposed Class by
15 violating the FCRA 15 U.S.C. §1681b(b)(2)(A)(i)-(ii) by including a liability release
16 in its standard application form.

17 40. This class action on behalf of members of the Proposed Class meets the
18 statutory prerequisites for the maintenance of a class action as set forth in Rule 23(a)
19 and 23(b)(3) of the F.R.C.P.

20 A. Numerosity

21 41. The Proposed Class is so numerous that joinder of all class members is
22 impracticable. While the precise number of members of the Proposed FCRA Class
23 has not been determined at this time, Plaintiff is informed and believes that
24 Defendant, during the relevant period, had applicants that numbered well over 1,000.

25 42. Plaintiff alleges that Defendant’s records will provide information as to
26 the number of all members of the Proposed Class.

27 B. Commonality

28 43. There are questions of law and fact common to the Proposed Class that

predominate over any questions affecting only individual members of the Class. These common questions of law and fact include, without limitation:

- a. Whether Defendant required members of the Proposed Class to fill out a standard application form permitting Defendant to obtain a consumer report verifying the applicant's background and experience;
- b. Whether Defendant's standard application form permitting Defendant to obtain a consumer report verifying the applicant's background and experience complies with 15 U.S.C. §1681, et seq.;
- c. Whether Defendant violated 15 U.S.C. §1681, et seq. by including a liability release in its standard application form permitting Defendant to obtain a consumer report verifying the applicant's background and experience;
- d. Whether Defendant violated 15 U.S.C. §1681, et seq. by procuring consumer reports without valid authorization; and
- e. Whether Defendant's violations of 15 U.S.C. §1681, et seq. were willful.

C. Typicality

44. The claims of the named Plaintiff are typical of the claims of the members of the Proposed Class.

45. Plaintiff is a member of the Proposed Class. Plaintiff was an applicant and filled out Defendant's standard form permitting Defendant to obtain a consumer report verifying an applicant's background and experience during her application process. Plaintiff was subjected to the same unlawful practices as other members of the Proposed Class.

46. Plaintiff and other members of the Proposed Class suffered the same injuries and seek the same relief.

///

D. Adequacy of Representation

47. Plaintiff will fairly and adequately represent and protect the interests of the members of the Proposed Class.

48. Counsel for Plaintiff are competent and experienced in litigating large complex consumer and wage and hour class actions.

E. Predominance and Superiority of a Class Action

49. A class action is superior to other available means for fair and efficient adjudication of this controversy. Individual joinder of all members of the Proposed Class is not practicable, and questions of law and fact common to the Class predominate over any questions affecting only individual members of the Proposed Class.

50. Class action treatment will allow those similarly situated persons to litigate their claims in the manner that is most efficient and economical for the parties and the judicial system. Plaintiff is unaware of any difficulties that are likely to be encountered in the management of this action that would preclude its maintenance as a class action.

51. Class action treatment will allow a large number of similarly situated employees to prosecute their common claims in a single forum, simultaneously, efficiently, and without the unnecessary duplication of effort and expense that numerous individual actions would require. Further, the monetary amounts due to many individual class members are likely to be relatively small, and the burden and expense of individual litigation would make it difficult or impossible for individual members of the members of the Proposed Class to seek and obtain relief. Moreover, a class action will serve an important public interest by permitting employees harmed by Defendant's unlawful practices to effectively pursue recovery of the sums owed to them.

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VII.

FIRST CAUSE OF ACTION
FAILURE TO MAKE PROPER DISCLOSURE IN VIOLATION OF THE
FCRA
[15 U.S.C. § 1681b(b)(2)(A)(I), ET SEQ.]
(BY PLAINTIFF AND ALL MEMBERS OF THE PROPOSED CLASS
AGAINST ALL DEFENDANTS)

52. Plaintiff, and the other members of the Proposed Class, reallege and incorporate by this reference, as though set forth herein, the prior paragraphs of this complaint.

53. Defendant violated 15 U.S.C. §1681b(b)(2)(A)(i) of the FCRA by including a liability release in its standard application form permitting it to obtain a consumer report verifying an applicant's background and experience that Defendant required Plaintiff and all other members of the Proposed Class to fill out as a condition of seeking employment with Defendant.

54. The violations of the FCRA were willful. Defendant knew that its standard application form permitting it to obtain a consumer report verifying an applicant's background and experience should not include extraneous information that is prohibited by the FCRA, and acted in deliberate disregard of its obligations and the rights of Plaintiff and all other members of the Proposed Class under 15 U.S.C. § 1681b(b)(2)(A)(i).

55. Plaintiff and all other members of the Proposed Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for every violation of the FCRA, pursuant to 15 U.S.C. § 1681n(a)(1)(A).

56. Plaintiff and all other members of the Proposed Class are also entitled to punitive damages for these violations, pursuant to 15 U.S.C. §1681n(a)(2).

57. Plaintiff and all other members of the Proposed Class are further entitled to recover their costs and attorneys' fees, pursuant to 15 U.S.C. §1681n(a)(3).

VIII.

SECOND CAUSE OF ACTION

FOR FAILURE TO OBTAIN PROPER AUTHORIZATION IN VIOLATION

OF THE FCRA

[15 U.S.C. § 1681b(b)(2)(A)(II)]

(BY PLAINTIFF AND ALL MEMBERS OF THE PROPOSED CLASS

AGAINST ALL DEFENDANTS)

58. Plaintiff, and the other members of the Proposed Class, reallege and incorporate by this reference, as though fully set forth herein, the prior paragraphs of this Complaint.

59. Defendant violated the FCRA by procuring consumer reports relating to Plaintiff and all other members of the Proposed Class without proper authorization. See 15 U.S.C. § 1681b(b)(2)(A)(ii).

60. The violations of the FCRA were willful. Defendant acted in deliberate disregard of its obligations and the rights of Plaintiff and all other members of the Proposed Class under 15 U.S.C. § 1681b(b)(2)(A)(ii).

61. Plaintiff and all other members of the Proposed Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for every violation of the FCRA, pursuant to 15 U.S.C. § 1681n(a)(1)(A).

62. Plaintiff and all other members of the Proposed Class are also entitled to punitive damages for these violations, pursuant to 15 U.S.C. § 1681n(a)(2).

63. Plaintiff and all other members of the Proposed Class are further entitled to recover their costs and attorneys' fees, pursuant to 15 U.S.C. § 1681n(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against each Defendant, jointly and severally, as follows:

1. On behalf of the Proposed Class:

- 1 A) That the Court certify the First and Second Causes of Action asserted
2 by the Proposed Class as a Class Action pursuant to Fed. R. Civ. Proc.
3 23(b)(2) and/or (3);
- 4 B) A determination and judgment that Defendant willfully violated 15 U.S.C.
5 § 1681(b)(2)(A)(i) and(ii) of the FCRA by improperly including liability
6 release language in its standard application form permitting it to obtain a
7 consumer report verifying an applicant's background and experience and
8 by obtaining consumer reports on Plaintiff and all other members of the
9 Proposed Class without having proper authorization to do so;
- 10 C) Pursuant to 15 U.S.C. § 1681n(a)(1)(A), an award of statutory damages to
11 Plaintiff and all other members of the Proposed Class in an amount equal
12 to \$1,000 for Plaintiff and all other members of the Proposed Class for
13 Defendant's willful violation of the FCRA;
- 14 D) Pursuant to 15 U.S.C. § 1681n(a)(2), an award of punitive damages to
15 Plaintiff and all other members of the Proposed Class;
- 16 E) An award for costs of suit and reasonable attorneys' fees pursuant to 15
17 U.S.C. § 1681n(a)(3); and,
- 18 F) Such other and further relief as the Court deems just and equitable.

19
20 **DEMAND FOR JURY TRIAL**

21
22 DATED: October 30, 2018

KINGSLEY & KINGSLEY, APC

23
24 By: _____

25 Eric B. Kingsley
26 Kelsey M. Szamet
27 Attorneys for Plaintiff
28

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

I. (a) PLAINTIFFS

Theresa Richard, an individual, on behalf of herself and others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Kingsley & Kingsley, APC, 16135 Ventura Bl., Ste 1200, Encino, CA 91436
Tel: (818) 990-8300/Fax: (818) 990-2903
Eric B. Kingsley, Esq. SBN-185123; Kelsey M. Szamc, Esq., SBN-260264

DEFENDANTS

The Leland Stanford Junior University; and DOES 1 thru 50, Inclusive

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

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

Attorneys (If Known)

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

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

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

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	LABOR	PROPERTY RIGHTS	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	710 Fair Labor Standards Act	820 Copyrights	410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability	720 Labor/Management Relations	830 Patent	430 Banks and Banking
151 Medicare Act	340 Marine	740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	751 Family and Medical Leave Act	840 Trademark	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	790 Other Labor Litigation	SOCIAL SECURITY	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	791 Employee Retirement Income Security Act	861 HIA (1395ff)	<input checked="" type="checkbox"/> 480 Consumer Credit
190 Other Contract	360 Other Personal Injury	IMMIGRATION	862 Black Lung (923)	490 Cable/Sat TV
195 Contract Product Liability	362 Personal Injury—Medical Malpractice	462 Naturalization Application	863 DIWC/DIWW (405(g))	850 Securities/Commodities/Exchange
196 Franchise	CIVIL RIGHTS	465 Other Immigration Actions	864 SSID Title XVI	890 Other Statutory Actions
REAL PROPERTY	440 Other Civil Rights		865 RSI (405(g))	891 Agricultural Acts
210 Land Condemnation	441 Voting		FEDERAL TAX SUITS	893 Environmental Matters
220 Foreclosure	442 Employment		870 Taxes (U.S. Plaintiff or Defendant)	895 Freedom of Information Act
230 Rent Lease & Ejectment	443 Housing/Accommodations		871 IRS—Third Party 26 USC § 7609	896 Arbitration
240 Torts to Land	445 Amer. w/Disabilities—Employment			899 Administrative Procedure Act/Review or Appeal of Agency Decision
245 Tort Product Liability	446 Amer. w/Disabilities—Other			950 Constitutionality of State Statutes
290 All Other Real Property	448 Education			
	PRISONER PETITIONS			
	463 Alien Detainee			
	510 Motions to Vacate Sentence			
	530 General			
	535 Death Penalty			
	OTHER			
	540 Mandamus & Other			
	550 Civil Rights			
	555 Prison Condition			
	560 Civil Detainee—Conditions of Confinement			

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 1681b, et seq., 15 U.S.C. Section 1681b, et seq.

Brief description of cause:

Violation of the Fair Labor Credit Reporting Act for Failure to Make Proper Disclosures and Violation of the Fair Credit Reporting Act for Failure to Obtain Proper Authorization

VII. REQUESTED IN COMPLAINT:

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

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

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

JUDGE

DOCKET NUMBER

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

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

☒ SAN JOSE

EUREKA-MCKINLEYVILLE

DATE 10/30/2018

SIGNATURE OF ATTORNEY OF RECORD

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

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

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

UNITED STATES DISTRICT COURT

for the

NORTHERN District of CALIFORNIA

THERESA RICHARD, an individual, on behalf of
herself and others similarly situated,

Plaintiff(s)

v.

THE LELAND STANFORD JUNIOR UNIVERSITY;
and DOES 1 thru 50, inclusive

Defendant(s)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

The Leland Stanford Junior University
450 Serra Mall Building 10
Stanford, CA 94305

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Kingsley & Kingsley, APC
16133 Ventura Blvd., Suite 1200
Encino, CA 91436

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Leland Stanford Junior University Facing Class Action Over Alleged Employment Background Check Violations](#)
