MICHAEL W. MCTIGUE, JR. (SBN 053141993) 1 michael.mctigue@skadden.com MEREDITH C. SLAWE (SBN 041922005) meredith.slawe@skadden.com SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 3 (A Delaware Limited Liability Partnership) One Manhattan West New York, New York 10001 5 Telephone: (212) 735-3000 Facsimile: (212) 735-2000 6 7 Attorneys for Defendant J.B. Hunt Transport Services, Inc. 8 Additional Counsel Appears Below 9 10 UNITED STATES DISTRICT COURT 11 FOR THE DISTRICT OF NEW JERSEY 12 **13** BRUCE TAYLOR, on behalf of himself and CASE NO.: 22-4832 all others similarly situated, 14 State Court Docket No.: L-001599-22 15 Plaintiff, Camden County Filed: June 22, 2022 **16** v. **CLASS ACTION 17** J.B. HUNT TRANSPORT SERVICES, INC., 18 NOTICE OF REMOVAL Defendant. 19 20 NOTICE OF REMOVAL 21 Defendant J.B. Hunt Transport Services, Inc., through undersigned counsel, hereby removes 22 the state court action entitled Bruce Taylor v. J.B. Hunt Transport Services, Inc., Civil Action No. 23 CAM-L-001599-22, filed in the Superior Court of New Jersey, Law Division, of Camden County, to the United States District Court for the District of New Jersey. Removal is warranted under 28 25 U.S.C. Section 1441(a) because the Court has original jurisdiction over this action under 28 U.S.C. 26 Section 1331, as this action arises under the laws of the United States. 27 In support of removal, J.B. Hunt Transport Services, Inc. states as follows: 28

Case No.: 22-4832

NOTICE OF REMOVAL

PROCEDURAL HISTORY

- 1. On June 22, 2022, Plaintiff Bruce Taylor commenced an action against improperly named defendant J.B. Hunt Transport Services, Inc. in Camden County Superior Court. J.B. Hunt Transport Services, Inc., which has a principal place of business of 615 J.B. Hunt Corporate Drive, Lowell, Arkansas 72745, was served a copy of the Summons and Complaint ("Compl.") on July 1, 2022. J.B. Hunt Transport Services, Inc. has timely filed this Notice of Removal within 30 days of receipt, through service or otherwise, of a copy of the first pleading from which it became ascertainable that the matter was removable, in accordance with 28 U.S.C. Section 1446(b)(1).
- 2. As required by 28 U.S.C. Section 1446(a), all process, pleadings, and orders served on improperly named defendant J.B. Hunt Transport Services, Inc. in the action to date are attached hereto as **Exhibit A.**

BACKGROUND

3. Plaintiff alleges one cause of action under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. Section 1681b(b)(3). Plaintiff alleges that improperly named defendant J.B. Hunt Transport Services, Inc. failed to provide certain disclosures and a copy of a background report prior to taking an adverse employment action based in whole or in part on the report. (Compl. ¶ 4.) Plaintiff seeks to represent a nationwide class and seeks actual and statutory damages, along with declaratory and injunctive relief and attorney's fees. (Id. ¶ 36.)

BASIS FOR REMOVAL

- 4. "[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a).
- 5. This action is removable pursuant to 28 U.S.C. Section 1441(a) because this Court has original jurisdiction over the federal question presented here.

I. This Court Has Federal Question Jurisdiction Over This Action.

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- 6. This Court has original jurisdiction over this action because it has federal question jurisdiction over Plaintiff's claim.
- 7. 28 U.S.C. Section 1331 states: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."
- Plaintiff alleges a cause of action under 15 U.S.C Sections 1681b(b)(2)(3)(A)(i)-(ii) 8. for failure to (1) provide a copy of a background report, and (2) failure to provide a summary of rights under Section 1681g(c) prior to making an adverse employment decision. (Compl. ¶¶ 49, 50.)
- 9. Because these causes of action arise out of FCRA, a federal law, this Court has original jurisdiction over this action.

All Other Procedural Prerequisites For Removal Are Satisfied. II.

- 10. Plaintiff's state court action was commenced in the Superior Court of New Jersey, Law Division, of Camden County, and, under 28 U.S.C. Sections 110 and 1446(a), may be removed to this United States District Court for the District of New Jersey, which includes Camden County within its jurisdiction.
- 11. "The notice of removal of a civil action or proceeding shall be filed within 30 days after the 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 " 28 U.S.C. § 1446(b)(1).
- 12. The Complaint was filed on June 22, 2022. (See Ex. 1.) The grounds for removal first became ascertainable when improperly named defendant J.B. Hunt Transport Services, Inc. was served the Complaint on July 1, 2022. (See Ex. 2.) This Notice of Removal is being filed within 30 days of service of the Complaint, and the Notice is therefore timely.
- 13. As 28 U.S.C. Section 1446(d) requires, J.B. Hunt Transport Services, Inc. will file a copy of this Notice of Removal with the Clerk of Court for the Superior Court of Camden County. 25 J.B. Hunt Transport Services, Inc. also will promptly serve a copy of this Notice on counsel for Plaintiff.

CONCLUSION By removing this action to this Court, J.B. Hunt Transport Services, Inc. does not waive, but instead expressly reserves any and all arguments available to it. WHEREFORE, J.B. Hunt Transport Services, Inc. respectfully removes this action from the Superior Court of Camden County, in the State of New Jersey, bearing case number CAM-L-001599-22, to the United States District Court for the District of New Jersey. DATED: July 29, 2022 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP (A Delaware Limited Liability Partnership) 9 s/ Meredith C. Slawe 10 Meredith C. Slawe 11 MICHAEL W. MCTIGUE, JR. (SBN 053141993) michael.mctigue@skadden.com 12 MEREDITH C. SLAWE (SBN 041922005) **13** meredith.slawe@skadden.com SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 14 (A Delaware Limited Liability Partnership) One Manhattan West 15 New York, New York 10001 Telephone: (212) 735-3000 **16** Facsimile: (212) 735-2000 17 JASON D. RUSSELL (pro hac vice forthcoming) jason.russell@skadden.com 18 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP (A Delaware Limited Liability Partnership) 19 300 South Grand Avenue, Suite 3400 Los Angeles, California 90071 20 Telephone: (213) 687-5000 Facsimile: 21 (213) 687-5600 22 Attorneys for Defendant J.B. Hunt Transport Services, Inc. 23 24 25 26 27 28

Case No.: 22-4832

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

Pursuant to Local Civil Rule 11.2, we certify that the claims asserted in the above action are not presently the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

I certify under penalty of perjury the foregoing is true and correct.

DATED: July 29, 2022 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP (A Delaware Limited Liability Partnership)

By: <u>s/Meredith C. Slawe</u>

Meredith C. Slawe

Attorneys for Defendant

J.B. Hunt Transport Services, Inc.

Exhibit A

LITIGATION CLAIMS

JUL 0 5 2022

Attorney(s) James A. Francis Office Address 1600 Market Street, Suite 2510 Town, State, Zip Code Philadelphia, PA 19103 Telephone Number 215-735-8600 Attorney(s) for Plaintiff James A. Francis Bruce Taylor, on behalf of himself and others similarly situated Plaintiff(s) vs. J. B. Hunt Transport Services, Inc. Defendant(s) From The State of New Jersey To The Defendant(s) Named Above:
Town, State, Zip Code Philadelphia, PA 19103 Camden County Telephone Number 215-735-8600 Attorney(s) for Plaintiff James A. Francis Bruce Taylor, on behalf of himself and others similarly situated Plaintiff(s) vs. J. B. Hunt Transport Services, Inc.
Camden County Telephone Number 215-735-8600 Civil Part (L) Division Attorney(s) for Plaintiff James A. Francis Docket No: 1599-22 Bruce Taylor, on behalf of himself and others similarly situated Plaintiff(s) vs. J. B. Hunt Transport Services, Inc.
Telephone Number 215-735-8600 Attorney(s) for Plaintiff James A. Francis Bruce Taylor, on behalf of himself and others similarly situated Plaintiff(s) Vs. J. B. Hunt Transport Services, Inc. Civil Part (L) Division Docket No: 1599-22 CIVIL ACTION SUMMONS
Attorney(s) for Plaintiff James A. Francis Bruce Taylor, on behalf of himself and others similarly situated Plaintiff(s) Vs. J. B. Hunt Transport Services, Inc. Defendant(s)
Bruce Taylor, on behalf of himself and others similarly situated Plaintiff(s) vs. J. B. Hunt Transport Services, Inc. Defendant(s) CIVIL ACTION SUMMONS
others similarly situated Plaintiff(s) Vs. J. B. Hunt Transport Services, Inc. Defendant(s)
Plaintiff(s) vs. J. B. Hunt Transport Services, Inc. Defendant(s)
vs. J. B. Hunt Transport Services, Inc. Defendant(s)
Vs. J. B. Hunt Transport Services, Inc. Defendant(s)
J. B. Hunt Transport Services, Inc. Defendant(s)
From The State of New Jersey To The Defendant(s) Named Above:
answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153 deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiffs attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.
If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.
If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.nicourts.gov/forms/10153 deptyclerklawref.pdf.
/s/ Michelle Smith
Clerk of the Superior Court
DATED: 06/24/2022
Name of Defendant to Be Served: J. B. Hunt Transport Services, Inc.
Address of Defendant to Be Served: c/o John Roberts, 615 J.B. Hunt Corp. Drive, Lowell, AR 72745

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James A. Francis
FRANCIS MAILMAN SOUMILAS, P.C.
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Philadelphia, PA 19103
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Additional Counsel on Signature Page

Attorney(s) for Plaintiff and the Class

BRUCE TAYLOR, on behalf of himself and all others similarly situated,

Plaintiff,

٧.

J. B. HUNT TRANSPORT SERVICES, INC.

Defendant.

SUPERIOR COURT OF NEW JERSEY – LAW DIVISION

CAMDEN COUNTY

DOCKET NO. ____

JURY TRIAL DEMANDED

CLASS ACTION

COMPLAINT - CLASS ACTION

On behalf of himself and all others similarly situated, Plaintiff Bruce Taylor ("Plaintiff" or "Mr. Taylor"), by and through his attorneys, respectfully alleges as follows:

NATURE OF THE ACTION

1. This is a consumer class action under the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq. ("FCRA"), brought on behalf of applicants for employment with Defendant J.B. Hunt Transport Services, Inc. ("J.B. Hunt"). Plaintiff contends that Defendant systematically violates section 1681b(b)(3) of the FCRA by using a consumer report to make an "adverse" employment decision without, beforehand, providing the person who is the subject of the report a copy of the report and a summary of rights under the FCRA, leaving the person who is the subject of the report without any time, much less sufficient time, to dispute the report.

- 2. The FCRA was enacted "to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy," 15 U.S.C. § 1681(a)(4), by operating "in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy" of the consumer information they disseminate. 15 U.S.C. § 1681(b). Congress included in the statutory scheme a series of due-process-like protections that impose strict procedural rules on "users of consumer reports," such as J.B. Hunt. This action involves Defendant's systematic violations of several of those important rules.
- 3. Plaintiff was denied employment as a driver at J.B. Hunt based on a standardized background screen conducted by Carco Group, Inc., d/b/a Driver iQ ("Driver iQ") pursuant to an agreement between Driver iQ and Defendant whereby Driver iQ performs a standardized background screen on all of Defendant's candidates for hire or promotion. Driver iQ misidentified Plaintiff as not eligible for the job based on the purported criminal record involving a felony conviction.
- 4. In violation of the FCRA, Defendants willfully and negligently failed to provide Plaintiff with the mandatory "pre-adverse action notice" and a copy of the flagrantly inaccurate background report it obtained from Driver iQ, *before* the adverse action occurred, as required by 15 U.S.C. § 1681b(b)(3). Every year, individuals who have applied to J.B. Hunt for employment have been similarly aggrieved by the same violation of 15 U.S.C. § 1681b(b)(3).
- 5. Pursuant to 15 U.S.C. §§ 1681n and 1681o, Plaintiff seeks monetary relief for himself and a class of similarly situated employment applicants and employees who were required to sign Defendant's job application disclosure form that violated section 1681b(b)(2) and to whom Defendant failed to provide the "pre-adverse action notice" required by 15 U.S.C. § 1681b(b)(3).

PARTIES

- 6. Plaintiff is an adult individual residing in West Collingswood City, New Jersey.
- 7. Upon information and belief, Defendant J.B. Hunt is a company headquartered and incorporated in Arkansas. Generally, J.B. Hunt "provides a variety of freight transportation services to customers throughout the United States, Canada, and Mexico." (www.jbhunt.com, "Our Company") (last accessed June 16, 2022).

JURISDICTION AND VENUE

- 8. This Court has jurisdiction over this matter because Defendant regularly conducts business in the State of New Jersey. Defendant J.B. Hunt is a corporation licensed to do business in the State of New Jersey, regularly conducting business in New Jersey and at all times relevant, acting alone or in concert with others, formulated, directed, concealed, controlled, conspired, substantially assisted, enabled and/or participated in the acts and practices set forth in this Complaint.
- 9. Defendant claims that it is "one of the largest supply chain solutions providers in North America," which, as recently as November of 2021, touted its "recently expanded facility in Jersey City, New Jersey." https://www.jbhunt.com/our-company/newsroom/2021/11/211104-j-b--hunt-launches-new-transload-service-supporting-the-n.html (last accessed June 16, 2022). Where a defendant's contacts are "continuous and systematic," a court may properly exercise general personal jurisdiction over the defendant, even where the defendant's presence in the forum bears no relation to plaintiff's claim against it. Lebel v. Everglades Marina, Inc., 115 N.J. 317, 322 (1989).
- 10. Pursuant to R. 4:3-2(a)(3), venue is proper in this Court as the causes of action asserted herein arose in Burlington County and Plaintiff resides in Camden County.

STATEMENT OF FACTS

Background: Defendant's Use of Driver iO's Screening Activities

- 11. Driver iQ is, for the trucking industry, among the largest of the nation's employment background screening companies, *i.e.*, those that provide "consumer reports," as defined by 15 U.S.C. § 1681a(d)(1)(B), to prospective employers and employers.
- 12. Driver iQ investigates and reviews public record databases and assembles and/or maintains consumer files which contain public record information concerning, among other things, the alleged criminal record history of individuals.
- 13. From its files, Driver iQ sells consumer reports to potential employers (such as Defendant) wishing to investigate the criminal record history, or lack thereof, with regard to various job applicants or employees. According to its website, Driver iQ "understands the necessity of performing secure, accurate and up-to-date background checks for your applicants and employees." https://www.driverig.com/what-we-do/ (last accessed June 16, 2022).
- 14. In addition to providing background reports, Driver iQ provides to its employment screening customers the following background services: Previous Record of Employment and Driver School Record Verification; Driving Records; Criminal History; Education & Military Verification; Eligible for Rehire Notifications; Current Employee Retention Notification. https://www.driverig.com/what-we-do/ (last accessed June 16, 2022).
- 15. JB Hunt uses Driver iQ's screening services for job applicants and/or newly hired employees.
- 16. Under the FCRA, a "user" of a consumer report, such as JB Hunt, who intends to take an "adverse action" on a job application "based in whole or in part" on information obtained from the consumer report must provide notice of that fact to the consumer-applicant, and must

include with the notice a copy of the consumer report and a notice of the consumer's dispute rights under the FCRA, before taking the adverse action. 15 U.S.C. § 1681b(b)(3)(A).

- 17. The reasons for the "pre-adverse action notice" requirement with regard to employment situations are to alert the job applicant or employee that he is about to experience an adverse action, such as a rejection, based on the content of a report, and to provide him an opportunity to challenge the accuracy or relevancy of the information with the consumer reporting agency or the user before that job prospect or job is lost.
- 18. In negligent, reckless and willful disregard of the requirements of the FCRA, Defendant takes immediate adverse action against job applicants who have a disqualifying criminal record without providing them with a copy of the report, notice of potential adverse action and an opportunity to review and/or dispute the record.

The Facts Pertaining to Class Representative Plaintiff Bruce Taylor

- Plaintiff Bruce Taylor applied for employment with JB Hunt as a driver in or around
 March 2022.
 - 20. Mr. Taylor was qualified for the position.
- 21. After an interview, JB Hunt made an offer of employment to Mr. Taylor contingent upon drug screen and background check results.
- 22. In connection with Mr. Taylor's application, JB Hunt purchased a background screening report from Driver iQ for the purpose of evaluating his eligibility for employment.
- 23. On or about March 12, 2022, using its usual practices and procedures, Driver iQ compiled and furnished criminal records data for use in a consumer background report to Defendant JB Hunt regarding Mr. Taylor.

- 24. On or about March 18, 2022, while Plaintiff was accompanying a JB Hunt driver for training purposes, JB Hunt contacted Plaintiff and advised him that he was terminated.
- 25. JB Hunt did not provide Plaintiff with a reason for the termination or a copy of the March 12, 2022, Driver iQ report.
- 26. Immediately thereafter, Mr. Taylor attempted to reach JB Hunt to understand why he had been terminated.
- 27. After several failed attempts, Mr. Taylor made contact with JB Hunt on or about April 14, 2022, and JB Hunt's representative verbally informed Mr. Taylor that it terminated him due to a felony criminal charge in his history.
 - 28. JB Hunt still had not provided Plaintiff with a copy of the Background Report.
- 29. Thereafter, Plaintiff completed an authorization form from JB Hunt and repeatedly sent it to JB Hunt to gain a copy of his Background Report.
- 30. Plaintiff finally received a physical copy of the Background Report on or about May 7, 2022, after JB Hunt had terminated his employment.
- 31. Upon review of the report, Plaintiff discovered the felony record that was the cause of his termination. The criminal record was completely inaccurate, as Plaintiff does not have any criminal record and therefore the record belonged to another individual.
- 32. Plaintiff was deprived of an opportunity to dispute the report's accuracy, and/or explain its obvious inaccuracy with Driver iQ and with J.B. Hunt prior to his termination.
 - 33. J.B. Hunt never sent Mr. Taylor a "Notice of Adverse Action" letter.
- 34. J.B. Hunt denied Mr. Taylor's application for employment based partly or solely upon the felony criminal charge inaccurately reported on his background check.

35. As a direct result of Defendant's unlawful use of the Driver iQ background report,

Mr. Taylor lost the job at J.B. Hunt, and suffered financial loss in the form of lost wages.

CLASS ACTION ALLEGATIONS

36. Plaintiff brings this action pursuant to the New Jersey Rules of Civil Procedure 4:32-1 on behalf of a class defined as follows:

All employees of Defendant J.B. Hunt Transport, Inc. or applicants for employment with Defendant residing in the United States (including all territories and other political subdivisions of the United States) who were the subject of a background report that was used by Defendant to make an adverse employment decision regarding such employee or applicant for employment, within two years prior to the filing of this action and extending through the resolution of this case, and for whom Defendant failed to provide the employee or applicant a copy of their consumer report or a copy of the FCRA summary of rights at least five business days before it took such adverse action.

- 37. Plaintiff reserves the right to amend the definition of the Class based on discovery or legal developments.
- 38. Numerosity. N.J. Civ. P. 4:32-1(a)(1). The Class members are so numerous that joinder of all is impractical. Upon information and belief, J.B. Hunt obtains hundreds if not thousands of consumer reports on employees and applicants for employment each year, and those persons' names and addresses are identifiable through documents maintained by J.B. Hunt.
- 39. Existence and Predominance of Common Questions of Law and Fact. N.J. Civ. P. 4:32-1(a)(2). Common questions of law and fact exist as to all members of the Class, and predominate over the questions affecting only individual members. The common legal and factual questions include, among others:
- a) Whether Defendant failed to provide each employee or applicant for employment a copy of their consumer report at least five business days before they took adverse action based upon the consumer report;

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- b) Whether Defendant failed to provide each employee or applicant for employment a copy of their written notice of FCRA rights at least five business days before they took adverse action based upon the consumer report;
- c) Whether Defendant acted willfully or negligently in disregard of the rights of employees and applicants in their failure to permit their employees and automated systems to send consumers (employees and applicants) their full consumer report and a written statement of their FCRA rights at least five business days before taking adverse action based on the consumer report.
- 40. Typicality. N.J. CIV. P. 4:32-1(a)(3). Plaintiff's claims are typical of the claims of each Class member. Plaintiff has the same claims for statutory and punitive damages that he seeks for absent class members.
- 41. Adequacy. N.J. CIV. P. 4:32-1(a)(4). Plaintiff is an adequate representative of the Class. His interests are aligned with, and are not antagonistic to, the interests of the members of the Class he seeks to represent, he has retained counsel competent and experienced in such litigation, and he intends to prosecute this action vigorously. Plaintiff and his counsel will fairly and adequately protect the interests of members of the Class.
- 42. Predominance and Superiority. N.J. Crv. P. 4:32-1(b)(3). Questions of law and fact common to the Class members predominate over questions affecting only individual members, and a class action is superior to other available methods for fair and efficient adjudication of the controversy. The statutory and punitive damages sought by each member are such that individual prosecution would prove burdensome and expensive given the complex and extensive litigation necessitated by Defendant's conduct. It would be virtually impossible for the members of the Class individually to redress effectively the wrongs done to them. Even if the members of the

Class themselves could afford such individual litigation, it would be an unnecessary burden on the courts. Furthermore, individualized litigation presents a potential for inconsistent or contradictory judgments and increases the delay and expense to all parties and to the court system presented by the complex legal and factual issues raised by Defendants' conduct. By contrast, the class action device will result in substantial benefits to the litigants and the Court by allowing the Court to resolve numerous individual claims based upon a single set of proof in a unified proceeding.

CAUSES OF ACTION

COUNTI

Failure to Provide Pre-Adverse Action Notice Requirements
Fair Credit Reporting Act, 15 U.S.C. § 1681b(b)(3)

(On behalf of Plaintiff and Class)

- 43. Plaintiff realleges and incorporates by reference all preceding paragraphs as alleged above.
 - 44. Plaintiff is a "consumer," as defined by the FCRA, 15 U.S.C. § 1681a(c).
- 45. The Driver iQ background reports ordered by Defendant are "consumer reports" within the meaning of 15 U.S.C. § 1681a(d).
- 46. The FCRA provides that any person "using a consumer report for employment purposes" who intends to take any "adverse action based in whole or in part on the report," must provide the consumer with a copy of the report and a written description of the consumer's rights under the FCRA, as prescribed by the Federal Trade Commission, before taking such adverse action. 15 U.S.C. § 1681b(b)(3)(A).
- 47. For purposes of this requirement, an "adverse action" includes "any ... decision ... that adversely affects any current or prospective employee." 15 U.S.C. § 1681a(k)(1)(B)(ii).
- 48. Defendant J.B. Hunt is a "person" that regularly uses Driver iQ background reports for employment purposes.

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New Jersey Judiciary Civil Practice Division

Civil Case Information Statement (CIS)

Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1. Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed, or attorney's signature is not affixed.

For Use by Clerk's Office Only								
Payment type □ check Charge/Check No □ charge □ cash	ımber	Amount \$	Overpa \$	yment	Batch	Number		
Attorney/Pro Se Name James A. Francis		phone Num) 735-8600		- 1	County Camder	of Venue		
Firm Name (if applicable) Francis Mailman Soumilas, P.C.		Docket Number (when available)						
Office Address - Street 1600 Market Street, Suite 2510	City Phil	y adelphia			State PA	Zip 19103		
Document Type Complaint				Jury D	emano s	l □ No		
Name of Party (e.g., John Doe, Plaintiff) Plaintiff Bruce Taylor Caption Taylor v. J.B. Hunt Transport Services, Inc.						nc.		
Case Type Number (See page 3 for listing) 999								
Are sexual abuse claims alleged?		Yes	-	No				
Does this case involve claims related to CO		Yes		No				
Is this a professional malpractice case?		Yes		No				
If "Yes," see N.J.S.A. 2A:53A-27 and applicable case law regarding your obligation to file an affidavit of merit.								
Related Cases Pending? If "Yes," list docket numbers	•			Yes		No		
Do you anticipate adding any parties (arising out of same transaction or occurrence)?				Yes		No		
Name of defendant's primary insurance cor		None	-	Unknown				

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The Information Provided on This Form Cannot be Introd	uced in	ito Evidence.				
Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation						
If "Yes," is that relationship:	Yes	□ No				
■ Employer/Employee ☐ Friend/Neighbor ☐ Famili ☐ Other (explain)	al	□ Business				
Does the statute governing this case provide for payment of fees by the losing party?	■ Yes	□ No				
Use this space to alert the court to any special case characteristics that management or accelerated disposition.	it may	warrant individual				
Do you or your client need any disability accommodations? If yes, please identify the requested accommodation:] Yes	■ No				
Will an interpreter be needed? If yes, for what language?] Yes	■ No				
I certify that confidential personal identifiers have been redacted submitted to the court and will be redacted from all documents accordance with Rule 1:38-7(b). Attorney/Self-Represented Litigant Signature:	from a	documents now ed in the future in				

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Civil Case Information Statement (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES

(Choose one and enter number of case type in appropriate space on page 1.)

Track	1-	150	days	discovery
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- 151 Name Change
- 175 Forfeiture
- 302 Tenancy
- 399 Real Property (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 Book Account (debt collection matters only)
- 505 Other Insurance Claim (including declaratory judgment actions)
- 506 PIP Coverage
- 510 UM or UIM Claim (coverage issues only)
- 511 Action on Negotiable Instrument
- 512 Lemon Law
- 801 Summary Action
- 802 Open Public Records Act (summary action)
- 999 Other (briefly describe nature of action)
 - Violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq.

Track II - 300 days discovery

- 305 Construction
- 509 Employment (other than Conscientious Employees Protection Act (CEPA) or Law Against Discrimination (LAD))
- 599 Contract/Commercial Transaction
- 603N Auto Negligence Personal Injury (non-verbal threshold)
- 603Y Auto Negligence Personal Injury (verbal threshold)
- 605 Personal Injury
- 610 Auto Negligence Property Damage
- 621 UM or UIM Claim (includes bodily injury)
- 699 Tort Other

Track III - 450 days discovery

- 005 Civil Rights
- 301 Condemnation
- 602 Assault and Battery
- 604 Medical Malpractice
- 606 Product Liability
- 607 Professional Malpractice
- 608 Toxic Tort
- 609 Defamation
- 616 Whistleblower / Conscientious Employee Protection Act (CEPA) Cases
- 617 Inverse Condemnation
- 618 Law Against Discrimination (LAD) Cases

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Track	CIV - Active Case Management by Individual Judge / 450 days discovery				
156	Environmental/Environmental Coverage Litigation				
303	Mt. Laurel				
508	Complex Commercial				
513	Complex Construction				
514	Insurance Fraud				
620	False Claims Act				
701	Actions in Lieu of Prerogative Writs				
Multi	county Litigation (Track IV)				
271	Accutane/Isotretinoin				
281	Bristol-Myers Squibb Environmental				
282	Fosamax				
285	Stryker Trident Hip Implants				
291	Pelvic Mesh/Gynecare				
292	Pelvic Mesh/Bard				
293	DePuy ASR Hip Implant Litigation				
296	Stryker Rejuvenate/ABG II Modular Hip Stem Components				
299	Olmesartan Medoxomil Medications/Benicar				
300	Talc-Based Body Powders				
601	Asbestos				
624	Stryker LFIT CoCr V40 Femoral Heads				
625	Firefighter Hearing Loss Litigation				
626	Abilify				
627	Physiomesh Flexible Composite Mesh				
628	Taxotere/Docetaxel				
629	Zostayax				
630	Proceed Mesh/Patch				
631	Proton-Pump Inhibitors				
632	HealthPlus Surgery Center				
633	Prolene Hernia System Mesh				
634	Allergan Biocell Textured Breast Implants				
635	Tasigna				
636	Strattice Hernia Mesh				
637	Singulair				
638	Elmiron				
Ifv	you believe this case requires a track other than that provided above, please indicate the				
reason on page 1, in the space under "Case Characteristics".					
Please check off each applicable category					
	tative Class Action Title 59 Consumer Fraud				

CAM-L-001599-22 06/22/2022 4:19:44 PM Pg 1 of 1 Trans ID: LCV20222338215

Civil Case Information Statement

Case Details: CAMDEN | Civil Part Docket# L-001599-22

Case Caption: TAYLOR BRUCE VS J.B. HUNT

TRANSPORT SVCS, INC.

Case initiation Date: 06/22/2022

Attorney Name: JAMES ARTHUR FRANCIS Firm Name: FRANCIS & MAILMAN, PC Address: 1800 MARKET ST STE 2510

PHILADELPHIA PA 19103

Phone: 2157350800

Name of Party: PLAINTIFF: Taylor, Bruce

Name of Defendant's Primary Insurance Company

(If known): None

Case Type: OTHER Violations of FCRA 15 USC Sec 1681

Document Type: Complaint with Jury Demand

Jury Demand: YES - 12 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same

transaction or occurrence)? NO

Does this case involve claims related to COVID-197 NO

Are sexual abuse claims alleged by: Bruce Taylor? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO if yes, please identify the requested accommodation:

Will an interpreter be needed? NO if yes, for what language:

Please check off each applicable category: Putative Class Action? YES Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

06/22/2022 Dated

/s/ JAMES ARTHUR FRANCIS
Signed

CAM-L-001599-22 06/23/2022 5:41:12 AM Pg 1 of 1 Trans ID: LCV20222341674

CAMDEN COUNTY SUPERIOR COURT HALL OF JUSTICE CAMDEN

NJ 08103

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (856) 650-9100 COURT HOURS 8:30 AM - 4:30 PM

DATE: JUNE 22, 2022

RE: TAYLOR BRUCE VS J.B. HUNT TRANSPORT SVCS, INC

DOCKET: CAM L -001599 22

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 1,

DISCOVERY IS 150 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MARK K. CHASE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 201 AT: (856) 650-9100 EXT 43134.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: JAMES A. FRANCIS FRANCIS & MAILMAN, PC 1600 MARKET ST STE 2510 PHILADELPHIA PA 19103

ECOURTS

James A. Francis, Esquire 1600 Market Street, Suite 2510 Philadelphia 19103 PA (215) 735-8600



Superior Court of New Jersey In the Civil Division Camden County

	iden County
Bruce Taylor	Case No.:1699-22
V. J.B. Hunt Transport Services, Inc.	AFFIDAVIT OF SERVICE
STATE OF AR COUNTY OF BENTON SS I, PATTILL AY and say, that I am not a party to this action, am over litigation.	, being duly sworn according to law upon my oath, depose 18 years of age, and have no direct personal interest in this
On AM PM, sent following list of documents: Summons & Complaint, CIS, Track Assignment Notice	ved J.B. Hunt Transport Services, Inc. c/o John Roberts With the
Said service was executed at: (A) S B HUNT (A) P DVIII Address	ve Lowell AR 73745— City State Zip
	Relationship:
Adult in charge of Respondent's residence who refuse	•
Manager/Clerk of place of lodging in which Responder Agent or person in charge of Respondent's office or us Name: 200 H 5100E	sual place of business. Title: CAMAS Security Myr
Other:	0
	Height 2111 Weight: 180
☐ Unknown at Address ☐ Moved, Left no Forwa	• •
— A.4.	The Mishel - Obtels Attempts
Service Attempts: (1) (2) Date	Time (3) (4) Date Time Date Time
Comments:	
Signed and sworn before me on this, 20_22 Cayley Locula Official CATHY GO CATHY GO	(Signature) On Behalf of: Dennis Richman Services for the Professional, inc
Notary Public Notary Public BENTON COMMISSION:	ARKANSAS Trevose, PA 19053 SAAFF/P199020

$_{ m JS~44~(Rev.~04/21)}$ Case 1:22-cv-04832 Decement $_{ m GV}$ Fire $_{ m GV}$ Page 1 of 2 PageID: 25

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

purpose of initiating the civil de	ocket sheet. (SEE INSTRUCTIONS	S ON NEXT PAGE OF T	HIS FORM.)						
I. (a) PLAINTIFFS			DEFENDANTS						
Bruce Taylor		J.B. Hunt Transport Services, Inc.							
(b) County of Residence of	len County	County of Residence of First Listed Defendant							
(EX	-	NOTE: IN LAND		U.S. PLAINTIFF CASES ON INATION CASES, USE TH	· · ·				
					ND INVOLVED.				
	Address, and Telephone Number)		Attorneys (If Know	<i></i>			***		
2510, Philadelphia, PA 19103, Tel: (21:	en KW Brennan, Francis Mailman Soumilas, P.C 5) 735-8600; 1500 Walnut Street, Suite 900, Philadelphia, PA		York, NY 10001, Tel: (2	212) 735-3000;	ue, Jr., Skadden Arps, Slate, Meagle, Meagher & Flom, 300 S. Grand A				
II. BASIS OF JURISD	ICTION (Place an "X" in One Bo	ox Only)	. CITIZENSHIP OF						
1 U.S. Government	🗴 3 Federal Question		(For Diversity Cases Or		DEF ar	nd One Box for Defen PT			
Plaintiff	(U.S. Government Not a P	Party)	Citizen of This State	1	1 Incorporated or Prin of Business In Th		4 4		
2 U.S. Government Defendant			Citizen of Another State	_ 2 _	2 Incorporated and Pr of Business In Ar		5 5		
			Citizen or Subject of a Foreign Country	3	3 Foreign Nation		6 6		
IV. NATURE OF SUIT				_	here for: Nature of Su				
CONTRACT	TORTS		FORFEITURE/PENALT		BANKRUPTCY	OTHER STA			
110 Insurance 120 Marine 130 Miller Act		ERSONAL INJURY 5 Personal Injury - Product Liability	625 Drug Related Seizure of Property 21 USC 88		22 Appeal 28 USC 158 23 Withdrawal 28 USC 157	375 False Claim 376 Qui Tam (3: 3729(a))			
140 Negotiable Instrument	Liability 36	7 Health Care/			INTELLECTUAL	400 State Reapp	ortionment		
150 Recovery of Overpayment & Enforcement of Judgment	320 Assault, Libel & Slander	Pharmaceutical Personal Injury			PROPERTY RIGHTS 20 Copyrights	410 Antitrust 430 Banks and E	Banking		
151 Medicare Act 152 Recovery of Defaulted	330 Federal Employers' Liability 36	Product Liability 8 Asbestos Personal		83	30 Patent	450 Commerce 460 Deportation			
Student Loans	340 Marine	Injury Product		L 83	35 Patent - Abbreviated New Drug Application	470 Racketeer Ir			
(Excludes Veterans) 153 Recovery of Overpayment	345 Marine Product Liability PER	Liability SONAL PROPERTY	LABOR		40 Trademark 80 Defend Trade Secrets	Corrupt Org 480 Consumer C			
of Veteran's Benefits	350 Motor Vehicle 37	0 Other Fraud	710 Fair Labor Standards		Act of 2016	(15 USC 16	81 or 1692)		
160 Stockholders' Suits 190 Other Contract		1 Truth in Lending 0 Other Personal	Act 720 Labor/Management	S	OCIAL SECURITY	485 Telephone C			
195 Contract Product Liability	360 Other Personal	Property Damage	Relations		61 HIA (1395ff)	490 Cable/Sat T			
196 Franchise	Injury 38	5 Property Damage Product Liability	740 Railway Labor Act 751 Family and Medical		52 Black Lung (923) 53 DIWC/DIWW (405(g))	850 Securities/C Exchange	ommodities/		
REAL PROPERTY	Medical Malpractice CIVIL RIGHTS PRIS	SONER PETITIONS	Leave Act 790 Other Labor Litigation		64 SSID Title XVI 65 RSI (405(g))	890 Other Statut 891 Agricultural	-		
210 Land Condemnation	440 Other Civil Rights Ha	abeas Corpus:	791 Employee Retirement	- 🗀 🗎		893 Environmen	tal Matters		
220 Foreclosure 230 Rent Lease & Ejectment		3 Alien Detainee 0 Motions to Vacate	Income Security Act		EDERAL TAX SUITS 70 Taxes (U.S. Plaintiff	895 Freedom of Information Act			
240 Torts to Land	443 Housing/	Sentence			or Defendant)	896 Arbitration			
245 Tort Product Liability 290 All Other Real Property	_ =	0 General 5 Death Penalty	IMMIGRATION	87	71 IRS—Third Party 26 USC 7609	899 Administrative Procedure Act/Review or Appeal of			
	Employment Ot	ther: 0 Mandamus & Other	462 Naturalization Applica	ation		Agency Dec	ision		
	Other 55	0 Civil Rights	465 Other Immigration Actions			950 Constitution State Statute			
		5 Prison Condition 0 Civil Detainee -							
		Conditions of Confinement							
V. ORIGIN (Place an "X" is	n One Box Only)	Commentent		I					
1 Original x 2 Rea	moved from 3 Remar	nded from 4	Reopened And	nsferred fro	ict Litigation -	· Liti	ltidistrict gation -		
	Cite the U.S. Civil Statute un	nder which you are fil	1 1	ecify) Estatutes un	Transfer	Dir	ect File		
VI. CAUSE OF ACTION	28 U.S.C. § 1331.								
, 10 011002 01 11011	Brief description of cause: Removal of state court action	based on federal ques	stion.						
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A OUNDER RULE 23, F.R.		DEMAND \$		CHECK YES only it		nplaint:		
VIII. RELATED CASI	E(S)						:		
IF ANY	(See instructions): JUDO	GE		D	OCKET NUMBER				
DATE 7/20/2022		GNATURE OF ATTORN	NEY OF RECORD						
7/29/2022 FOR OFFICE USE ONLY	S/	Meredith C. Slawe							
	MOUNT	APPLYING IFP	JUDGI	R.	MAG. JUD	OGE.			
All All				-					

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 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 by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. 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 Rule 8(a), F.R.Cv.P., 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.

 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 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.

 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 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 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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.
- V. Origin. Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN 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 Rule 23, F.R.Cv.P.

 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 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: <u>Lawsuit Claims J.B. Hunt Fired Workers Based on Background Reports Without Proper Notice</u>