

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
AT LEXINGTON
CASE NO. _____

Electronically Filed

HEATHER CRISWELL, on behalf of)
herself and all other similarly situated; and)
JADE MADDOX, on behalf of herself and)
all other employees and business victims)
similarly situated)

Plaintiffs)

V.)

COMPLIANCE ADVANTAGE, LLC,)
CAL LABORATORY SERVICES,)
CAL LEASING, LLC, RELIABLE LAB)

Defendants.)

* * * * *

**CLASS ACTION COMPLAINT
FOR VIOLATION OF 31 U.S.C. §3729, ET SEQ.**

Plaintiff, Heather Criswell, alleges on behalf of herself and a class of similarly situated victims of false laboratory results and plaintiff, Jade Maddox, alleges on behalf of herself and a class of similarly situated business employees detrimentally affected by defendants’ false reports (hereinafter “plaintiffs”) and state as follows:

NATURE OF THE ACTION

1. Within the year of 2016, plaintiff, Heather Criswell, was one of many similarly situated persons whose laboratory results were falsely reported by the defendants, thereby causing her and others similarly situated physical, economic and emotional damage.

2. Plaintiff Maddox during 2016 was a business owner whose business was adversely and economically affected, along with similarly situated employees, agents and/or contractors, by defendants' false reporting.

3. The plaintiffs bring this action on behalf of themselves and others similarly situated pursuant to 31 U.S.C. §3729, *et seq.*

4. Plaintiff and all similarly situated employees seek to recover either physical, economic and/or emotional damages, or economic damages for loss of clients and business caused by the defendants' false and/or fraudulent conduct.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1345 and 1355 and 31 U.S.C. §3729.

6. Venue is proper in this district because the defendants are located in this district.

PARTIES

7. Plaintiff, Heather Criswell, was a client of an addiction counseling business in Ashland, Kentucky during 2016, during which time false testing and/or lab results were reported by defendants concerning her, thereby causing her to lose custody of her child and other severe emotional and economic damages. There are numerous other similarly situated victims of false lab reports by these defendants.

8. Additional plaintiffs include those owning or employed by the business(es) that lost clients and revenue as a result of defendants' actions, including clerical staff and contract physicians.

9. The defendant corporations, and each of them, are incorporated in Kentucky and are active. The registered agent for each of the defendant corporations and/or companies is Mason Rount, 173 E. Brannon, Nicholasville, Kentucky 40356.

10. Defendants maintained and operated their business from a facility in Jessamine County, Kentucky, but served customers both intrastate and interstate.

CLASS ALLEGATIONS, 31 U.S.C. §3729 ET SEQ. and 29 U.S.C. §2101, ET SEQ.

11. Plaintiffs bring this claim for relief for violation of 31 U.S.C. §3729, *et seq.*, and for violation of 29 U.S.C. §2101 *et seq.*

12. Plaintiff, Heather Criswell, brings this claim for relief on behalf of herself and on behalf of all similarly situated victims of false reporting of laboratory results by the defendants.

13. Plaintiff Maddox brings this claim for relief on behalf of herself and on behalf of all similarly situated business victims of false reporting of lab results.

14. While defendants' acts or omissions were false, and reasonably believed to be knowingly false, the acts or omissions are at least reckless, grossly negligent, and/or outrageous.

15. The persons in the class(es) identified above ("class members") are so numerous that joinder of all members is impracticable. Although the precise number of such persons is unknown, it is reasonably believed to be in excess of three hundred at one facility and much more at others. The facts on which the calculation of that number can be based are partially within the control of defendants.

16. On information and belief, the identity of the members of the class and the most recent address of each of the class members can be reasonably obtained, but in the class of patient victims may require dealing with HIPAA.

17. Common questions of law and fact exist as to each of the class members, including, but not limited to, the following:

- (a) Whether the class members received false laboratory results from the defendants;
- (b) Whether class members were employees, agents and/or contractors of one or more

businesses in Kentucky, who were economically affected, terminated, etc., by the loss.

18. Plaintiffs' claims are typical of those of the class. Plaintiffs will fairly and adequately protect the interests of the class.

19. Class certification of these claims is appropriate under FRCP 23(b)(3) because questions of law and fact common to the class predominate over any questions affecting only individual members of the class, and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation – particularly in the context of litigation concerning 31 U.S.C. §3729 and 29 U.S.C. §2101, where individual plaintiffs may lack the financial resources to vigorously prosecute a lawsuit in federal court against corporate defendants, and damages suffered by individual class members are relatively moderate compared to the expense and burden of individual prosecution of this litigation.

20. Concentrating all the potential litigation concerning the respective federal acts and rights of the members of the class in this Court will obviate the need for unduly duplicative litigation that might result in inconsistent judgments, will conserve the judicial resources and the resources of the parties and is the most efficient means of resolving the rights of all the members of the class.

21. Plaintiffs' counsel intends to send notice to all class members to the extent required by FRCP 23.

22. Plaintiff, Heather Criswell, and similarly situated victims of false laboratory reports, which class number exceeds 300, and each of them, have within information and belief, is

a direct and proximate result of defendants' conduct, suffered and will continue to suffer physical and severe emotional damage and economic damage as a result of these false reports.

23. Plaintiff Maddox and similarly situated class members either have or are likely to suffer economic damages as "affected employees" within the meaning of 29 U.S.C. §2101 and/or §2104.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs, individually and on behalf of all other similarly situated persons, pray for the following relief as against defendants, jointly and severally:

- (a) Certification of this action as a class action;
- (b) Designation of plaintiffs as the class representatives;
- (c) Appointment of the undersigned attorneys as class counsel;
- (d) Judgment in favor of plaintiffs and the other similarly situated victims of false reporting and/or employees, agents, and/or contractors for physical, emotional and/or economic damages for each class member victimized by false reporting and each claim being in excess of the jurisdictional amount of this Court, and anticipated unpaid wages, salaries, commissions, accrued holiday pay, vacation pay, retirement contributions and other employee benefits that would have been paid to the owner, employees and/or contractors collectively in excess of the jurisdictional amount of this Court and less than \$2 million;
- (e) Attorneys' fees and pre-judgment interest; and

(f) Such other and further relief as this Court may deem just and proper.

Respectfully submitted,

HERREN & ADAMS LLP.
148 N. Broadway
Lexington, KY 40507
(859) 254-0024
(859) 254-5991 (fax)
tom.herren@herrenadams.com

/s/ Thomas K. Herren

THOMAS K. HERREN
ATTORNEY FOR PLAINTIFFS

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JS 44 (Rev. 07/16)

CIVIL COVER SHEET

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.)

<p>I. (a) PLAINTIFFS HEATHER CRISWELL, on behalf of herself and all other similarly situated; and JADE MADDOX, on behalf of herself and all other employees and business victims similarly situated</p> <p>(b) County of Residence of First Listed Plaintiff <u>Boyd</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Thomas K. Herren Herren & Adams LLP., 148 N. Broadway Lexington, KY 40507</p>	<p>DEFENDANTS Compliance Advantage, LLC, CAL Laboratory Services, CAL Leasing, LLC, Reliable Lab</p> <p>County of Residence of First Listed Defendant <u>Jessamine</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input checked="" type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
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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):
31 U.S.C. §3729, et seq.

Brief description of cause:
Class action for false claim(s) reporting of lab results

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 2,000,000.00 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

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

JUDGE _____ DOCKET NUMBER _____

DATE: 10/27/2016 SIGNATURE OF ATTORNEY OF RECORD: Thomas K. Herren

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Kentucky

HEATHER CRISWELL, on behalf of herself and all other similarly situated; and JADE MADDOX, on behalf of herself and all other employees and business victims similarly situated

Plaintiff(s)

v.

COMPLIANCE ADVANTAGE, LLC, CAL LABORATORY SERVICES, CAL LEASING, LLC, RELIABLE LAB

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Compliance Advantage, LLC, CAL Laboratory Services, Reliable Lab c/o Mason Routt 173 East Brannon Nicholasville, KY 40356

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: Thomas K. Herren, Esq. Herren & Adams LLP. 148 N. Broadway Lexington, KY 40507

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: 11/16/2016

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 \$ _____ 0.00 _____ .

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:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

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Eastern District of Kentucky

HEATHER CRISWELL, on behalf of herself and all other similarly situated; and JADE MADDOX, on behalf of herself and all other employees and business victims similarly situated

Plaintiff(s)

v.

COMPLIANCE ADVANTAGE, LLC, CAL LABORATORY SERVICES, CAL LEASING, LLC, RELIABLE LAB

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CAL Leasing, LLC
c/o Clay Corman
1151 Jessamine Station Road
Nicholasville, KY 40356

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: Thomas K. Herren, Esq. Herren & Adams LLP. 148 N. Broadway Lexington, KY 40507

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Date: 11/16/2016

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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:

Print

Save As...

Reset

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Filed Against Compliance Advantage Over False Lab Tests](#)
