

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPADIVISION**

**TODD K. WHITAKER, on behalf of
himself and on behalf of all others
similarly situated,**

Plaintiff,

v.

Case No. :

BVM THE BRIDGES, LLC,

Defendant.

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, TODD M. WHITAKER, on behalf of himself and the Putative Class set forth below, files the following Class Action Complaint against BVM THE BRIDGES, LLC ("Defendant"), pursuant to the Fair Credit Reporting Act ("FCRA").

PRELIMINARY STATEMENT

1. Defendant BVM THE BRIDGES, LLC is a Florida corporation that specializes in assisted living communities.
2. Defendant routinely obtains and uses information in consumer reports to conduct background checks on prospective employees and existing employees, and frequently relies on such information as a basis for adverse employment action. In this case, Defendant used a national consumer reporting agency to procure consumer reports on Plaintiff and the putative class members he seeks to represent.
3. The FCRA, 15 U.S.C. §1681b makes it presumptively unlawful to obtain and use a "consumer report" for an employment purpose. Such use becomes lawful if and only if

the “user” – in this case BVM – complied with the statute’s strict disclosure and authorization requirements. 15 U.S.C. § 1681b(b)(2) and (3).

4. Defendant willfully violated these requirements in multiple ways and in systematic violation of Plaintiff’s rights, and as to the rights of the other putative class members.

5. Defendant also violated the FCRA’s requirement that, prior to procuring a consumer report for employment purposes, a prospective employer must disclose that it is going to procure a consumer report “in a document consisting solely of the disclosure.” This conduct violates 15 U.S.C. §1681b(b)(2)(A)(i). The standard forms utilized by Defendant fail to comply with this long-standing statutory requirement.

6. Defendant’s practices in violation the FCRA were repeated and systematic and, thus, the claims at issue in this Amended Complaint are ripe for class treatment.

JURISDICTION AND VENUE

7. This Court has federal question jurisdiction over Plaintiff’s FCRA claims pursuant to 28 U.S.C. § 1331. The Court has also jurisdiction under the FCRA, 15 U.S.C. §§ 1681n and 1681p.

8. Venue is proper in the United States District Court, Middle District of Florida, pursuant to 28 U.S.C. § 1391.

PARTIES

9. Plaintiff is a citizen of Florida and former employee of Defendant. He is a natural person and is a consumer as defined by the FCRA, 15 U.S.C. §§ 1681 *et seq.*, at §1681a(c).

10. Defendant is a corporation and a user of consumer reports as contemplated by the FCRA, at 15 U.S.C. § 1681b.

ALLEGATIONS REGARDING DEFENDANT'S BUSINESS PRACTICES
Defendant's Willful Violation of 15 U.S.C. § 1681b(b)(2)

11. Defendant willfully violated 15 U.S.C. § 1681b(b)(2). Specifically, Defendant is liable for willfully or negligently violating Section 1681b(b)(2) of the FCRA by procuring or causing to be procured a consumer report for employment purposes without first providing a clear and conspicuous disclosure in writing to the consumer in a document that consists solely of the disclosure that a consumer report may be obtained for employment purposes.

12. As explained above, Plaintiff initially applied to work for Defendant as a Chef in May of 2015. When he first applied Plaintiff received Defendant's paper Job Application, as do all job applicants, which is attached as Exhibit A. It specifically informs applicants that "[i]n compliance with the Amended Fair Credit Reporting Act and applicable state law, this notice is to inform you that a consumer report may be obtained in connection with your application for employment or your current employment."

13. The document is not a stand-alone FCRA disclosure document. It contains at least the following extraneous items of information:

- a) A liability release;
- b) A certification that all statements made in the application are true and accurate;
- c) Spaces for identification information about the application;
- d) Spaces for availability of the applicant for work assignments;
- e) Spaces for educational information about the applicant;

- f) Spaces for recent employment history of the applicant;
- g) A box asking whether an applicant is available to work overtime;
- h) A question regarding an applicant's employment eligibility-to-work status;
- i) Questions regarding special training and skills;
- j) Certifications by the applicant of the accuracy of the information provided; and
- k) Acknowledgement of at-will employment status.

14. Defendant's Job Application does not constitute a document consisting solely of a disclosure that a background check will be procured for employment purposes. Because this was the only form Defendant provided to Plaintiff prior to procuring a report on him which related in any way to consumer reports, Defendant violated 15 U.S.C. § 1681b(b)(2)(A)(i).

15. Defendant's conduct was knowing and reckless.

16. Defendant knowingly and recklessly disregarded the plain meaning of 15 U.S.C. § 1681b(b)(2)(A), as well as guidance from the Federal Trade Commission and numerous court decisions stating that the inclusion of extraneous information in the disclosure required under § 1681b(b)(2)(A) is a violation of the FCRA.

17. Defendant knew that it had an obligation to provide a stand-alone disclosure before procuring a consumer report, but chose to place its own interests ahead of the rights of consumers.

18. Defendant did not procure Plaintiff's report in connection with any investigation of suspected misconduct relating to employment, or compliance with federal,

state, or local laws and regulations, the rules of a self-regulatory organization, or any preexisting written policies of the employer.

19. Defendant repeatedly used the same Job Application to procure background reports on numerous other applicants and employees.

20. By systematically inserting extraneous information into Plaintiff's and other current or prospective employees' disclosures, Defendant knowingly and willfully violated 15 U.S.C. § 1681b(b)(2)(A)(i).

21. Plaintiff and the putative class experienced a concrete injury from Defendant's failure to provide the statutorily-required stand-alone disclosure in at least two ways. First, Defendant invaded Plaintiff's right to privacy. Under the FCRA, "a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer, unless" it complies with the statutory requirements (*i.e.*, disclosure and authorization) set forth in the following subsections: 15 U.S.C. § 1681b(b)(2). As one court put it, "[t]he FCRA makes it unlawful to 'procure' a report without first providing the proper disclosure and receiving the consumer's written authorization." *Harris v. Home Depot U.S.A., Inc.*, 114 F. Supp. 3d 868, 869 (N.D. Cal. 2015). Plaintiff's report contained a wealth of private information which Defendant had no right to access absent a specific Congressional license to do so. The report included, *inter alia*, Plaintiff's date of birth, address history, social security number, and information about his criminal background. By procuring a report containing this private information without complying with these requirements, Defendant illegally invaded Plaintiff's privacy.

22. Second, Plaintiff has suffered a concrete informational injury because Defendant failed to provide Plaintiff with information to which he was entitled by statute. Pursuant to § 1681b(b)(2), Plaintiff was entitled to receive certain information at a specific time, namely a disclosure that a consumer report may be procured for employment purposes in a document consisting solely of the disclosure. Such disclosure was required to be provided to Plaintiff before the consumer report was to be procured. By depriving Plaintiff of this information, Defendant injured him and the putative class members. *Public Citizen v. U.S. Department of Justice*, 491 U.S. 440, 449 (1989); *Federal Election Commission v. Akins*, 524 U.S. 11 (1998).

23. Based on the foregoing violations, Plaintiff asserts FCRA claims against Defendant on behalf of himself and a class of Defendant's employees, and prospective employees.

24. On behalf of himself and the Putative Class, Plaintiff seeks statutory damages, punitive damages, costs and attorneys' fees, equitable relief, and other appropriate relief pursuant to the FCRA.

RULE 23 REQUIREMENTS

25. Plaintiff asserts his claims in Counts 1 and 2 on behalf of a Putative Background Check Class defined as follows:

Improper Disclosure and Authorization Class: All BVM employees and job applicants who applied for or worked in a position at BVM in the United States and who were the subject of a consumer report that was procured by BVM within two years of the filing of this complaint through the date of final judgment and as to whom BVM used the disclosure and authorization forms substantially similar to those attached as Exhibit A.

26. Numerosity: The Putative Class is so numerous that joinder of all Class members is impracticable. Defendant regularly obtains and uses information in consumer reports to conduct background checks on prospective employees and existing employees. Plaintiff is informed and believes that during the relevant time period, thousands of Defendant's employees and prospective employees satisfy the definition of the Putative Class.

27. Typicality: Plaintiff's claims are typical of the members of the Putative Class. Defendant typically uses consumer reports to conduct background checks on employees and prospective employees. The FCRA violations suffered by Plaintiff are typical of those suffered by other Putative Class members, and Defendant treated Plaintiff consistent with other Putative Class members in accordance with its standard policies and practices.

28. Adequacy: Plaintiff will fairly and adequately protect the interests of the Putative Class, and has retained counsel experienced in complex class action litigation.

29. Commonality: Common questions of law and fact exist as to all members of the Putative Class and predominate over any questions solely affecting individual members of the Putative Class, including but not limited to:

- a) Whether the specific Defendant's background check practices and/or procedures alleged in this case comply with the FCRA;
- b) Whether Defendants standard FCRA disclosures complied with 15 U.S.C. §1681b(b)(2);
- c) Whether Defendant's violations of the FCRA were willful;
- d) The proper form of injunctive and declaratory relief.

30. This case is maintainable as a class action because prosecution of actions by or against individual members of the Putative Class would result in inconsistent or varying adjudications and create the risk of incompatible standards of conduct for Defendants. Further, adjudication of each individual Class member's claim as separate action would potentially be dispositive of the interest of other individuals not a party to such action, impeding their ability to protect their interests.

31. This case is maintainable as a class action because Defendant has acted or refused to act on grounds that apply generally to the Putative Class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the Class as a whole.

32. Class certification is also appropriate because questions of law and fact common to the Putative Class predominate over any questions affecting only individual members of the Putative Class, and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation. Defendant's conduct described in this Complaint stems from common and uniform policies and practices, resulting in common violations of the FCRA. Members of the Putative Class do not have an interest in pursuing separate actions against Defendant, as the amount of each Class member's individual claims is small compared to the expense and burden of individual prosecution. Class certification also will obviate the need for unduly duplicative litigation that might result in inconsistent judgments concerning Defendant's practices. Moreover, management of this action as a class action will not present any likely difficulties. In the interests of justice and judicial efficiency, it would be desirable to concentrate the litigation of all Putative Class members' claims in a single forum.

33. Plaintiff intends to send notice to all members of the Putative Class to the extent required by Rule 23. The names and addresses of the Putative Class members are available from Defendant's records.

FIRST CLAIM FOR RELIEF
Failure to Make Proper Disclosure in Violation of FCRA
15 U.S.C. § 1681b(b)(2)(A)(i)

34. Plaintiff alleges and incorporates by reference the allegations in the preceding paragraphs.

35. Defendant used the consumer reports of the Plaintiff and each member of the Background Check Class without first providing the disclosures necessary to satisfy 15 U.S.C. § 1681b(b)(2)(A)(i).

36. Defendant violated the FCRA by procuring consumer reports relating to Plaintiff and other Background Check Class members without first making proper disclosures in the format required by 15 U.S.C. § 1681b(b)(2)(A)(i). Namely, in a stand-alone document.

37. The foregoing violations were willful. Defendant knew it was required to provide a stand-alone form (separate from the employment application) prior to obtaining and then utilizing a consumer report on the Background Check Class members. By failing to do so Defendant acted in deliberate or reckless disregard of its obligations and the rights of Plaintiff and other Background Check Class members under 15 U.S.C. § 1681b(b)(2)(A)(i). Defendant knew or should have known about its legal obligations under the FCRA. These obligations are well established in the plain language of the FCRA and in the promulgations of the Federal Trade Commission. Defendant obtained or had available substantial written materials which apprised it of its duties under the FCRA. Any reasonable employer knows

about or can easily discover these mandates.

38. Defendant's willful conduct is also reflected by, among other things, the following facts: Defendant is a large corporation with access to legal advice through its own general counsel's office and outside employment counsel, and there is no contemporaneous evidence that it determined that its conduct was lawful; Defendant knew or had reason to know that its conduct was inconsistent with published FTC guidance interpreting the FCRA, case law, and the plain language of the statute; and, finally, Defendant voluntarily ran a risk of violating the law substantially greater than the risk associated with a reading that was merely careless.

39. Plaintiff and the Background Check Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each and every one of these violations, pursuant to 15 U.S.C. § 1681n(a)(1)(A), plus punitive damages pursuant to 15 U.S.C. §1681n(a)(2).

40. Plaintiff and the Background Check Class are further entitled to recover their costs and attorneys' fees, pursuant to 15 U.S.C. § 1681n(a)(3).

SECOND CLAIM FOR RELIEF
Failure to Obtain Proper Authorization in Violation of FCRA
15 U.S.C. § 1681b(b)(2)(A)(ii)

41. Plaintiff alleges and incorporates by reference the allegations in the preceding paragraphs.

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

43. The foregoing violations were willful. Defendant acted in deliberate or reckless disregard of its obligations and the rights of Plaintiff and other Background Check Class members under 15 U.S.C. § 1681b(b)(2)(A)(ii). Defendant knew or should have known about its legal obligations under the FCRA. These obligations are well established in the plain language of the FCRA and in the promulgations of the Federal Trade Commission. Defendant obtained or had available substantial written materials, which apprised it of its duties under the FCRA. Any reasonable employer knows about or can easily discover these mandates.

44. Defendant's willful conduct is also reflected by, among other things, the following facts: Defendant is a large corporation with access to legal advice through its own general counsel's office and outside employment counsel, and there is no contemporaneous evidence that it determined that its conduct was lawful; Defendant knew or had reason to know that its conduct was inconsistent with published FTC guidance interpreting the FCRA, case law, and the plain language of the statute; and, finally, Defendant voluntarily ran a risk of violating the law substantially greater than the risk associated with a reading that was merely careless.

45. Plaintiff and the Background Check Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each and every one of these violations, pursuant to 15 U.S.C. § 1681n(a)(1)(A), plus punitive damages pursuant to 15 U.S.C. §1681n(a)(2).

46. Plaintiff and the Background Check Class are further entitled to recover their costs and attorneys' fees, pursuant to 15 U.S.C. § 1681n(a)(3).

PRAYER FOR RELIEF

47. WHEREFORE, Plaintiff, on behalf of himself and the Putative Class, prays for relief as follows:

- a) Determining that this action may proceed as a class action under Rule 23(b)(1), and (2) and (3) of the Federal Rules of Civil Procedure;
- b) Designating Plaintiff as class representative and designating Plaintiff's counsel as counsel for the Putative Class;
- c) Issuing proper notice to the Putative Class at Defendant's expense;
- d) Declaring that Defendant committed multiple, separate violations of the FCRA;
- e) Declaring that Defendant acted willfully in deliberate or reckless disregard of Plaintiff's rights and its obligations under the FCRA;
- f) Awarding statutory damages as provided by the FCRA, including punitive damages;
- g) Awarding reasonable attorneys' fees and costs as provided by the FCRA; and
- h) Granting other and further relief, in law or equity, as this Court may deem appropriate and just.

DEMAND FOR JURY TRIAL

48. Plaintiff and the Putative Class demand a trial by jury.

DATED this 27th day of March, 2017.

Respectfully submitted,



LUIS A. CABASSA

Florida Bar Number: 053643

Direct No.: 813-379-2565

CHRISTOPHER J. SABA

Florida Bar Number: 092016

Direct No.: 813-321-4086

WENZEL FENTON CABASSA, P.A.

1110 North Florida Ave., Suite 300

Tampa, Florida 33602

Main No.: 813-224-0431

Facsimile: 813-229-8712

Email: lcabassa@wfcclaw.com

Email: bhill@wfcclaw.com

Email: twells@wfcclaw.com

Email: tsoriano@wfcclaw.com

Attorneys for Plaintiff

EXHIBIT A

EMPLOYMENT APPLICATION HR Form 2.0 (1)

EOE/AA - DRUG FREE WORKPLACE

Date: 5-7-2015

Last Name: Whitaker First: Todd Middle: Kenneth

Present Address, Street, City/State, Home Phone#

Email Address, Cell Phone#, Fax Number#

Position Applying For: Chef

Full-time, Part-time, On-Call - work as needed (check all that apply)

Shifts: 1st, 2nd, 3rd, Any shift you cannot work? No

Only US citizens or aliens who have a legal right to work in the US are eligible for employment. Can you, upon employment submit documentation verifying your legal right to work in the US and your identity? Yes No

Are you willing to submit to a Criminal Background check? Yes No

Are you willing to submit to a Post-Offer Pre-Employment drug test? Yes No

Have you ever been convicted of a felony or have you had adjudication withheld? Yes No

If yes, give dates and explain

Have you ever been sanctioned or disciplined by any federal or state government agency, including but not limited to the Office of the Inspector General, Medicare, Medicaid, Department of Health or any state licensing boards? Yes No

If yes, please explain

Are you able to perform the essential functions of the position in which you are applying, with or without reasonable accommodation? Yes No

If no, please explain

Do you have the use of a personally insured automobile, if required for the position? Yes No

Do you have a valid US driver's license, if required for the position you are applying? Yes No

Are you fluent in another language other than English? If so, which No

EDUCATION

School	Print Name, Phone Number and Address for each School	Number of Years Completed	Degree	Course of Study
High School	Boone High school	4	yes	
College	Culinary Institute of America	2	yes	
Graduate School				
Certification/License				

SPECIAL SKILLS list any job-related skills or qualifications that support your application _____

- In order to permit a check of your work and educational records, should we be aware of any change of name or assumed name that you previously used? Yes No

If yes, identify names and relevant dates _____

LIST ALL PREVIOUS EMPLOYERS (most recent job first). Account for all time periods including unemployment, self-employment and military service. Please attach additional sheet if needed.

WORK EXPERIENCE

Current Employer	See Resume	Immediate Supervisor	Job Title
Address			
Phone Number			
Dates Employed	Hourly Rate/Salary		
From _____ To _____	Starting _____	Ending _____	
Work Performed			
Reason for Leaving			

DO NOT CONTACT REASON _____

Employer (Immediate Supervisor (Job Title
Address		
Phone Number		
Dates Employed From _____ To _____	Hourly Rate/Salary Starting _____ Ending _____	
Work Performed		
Reason for Leaving		

DO NOT CONTACT REASON _____

Employer	Immediate Supervisor	Job Title
Address		
Phone Number		
Dates Employed From _____ To _____	Hourly Rate/Salary Starting _____ Ending _____	
Work Performed		
Reason for Leaving		

DO NOT CONTACT REASON _____

WORK EXPERIENCE - Continued

Employer	Immediate Supervisor	Job Title
Address		
Phone Number		
Dates Employed To _____ From _____	Hourly Rate/Salary Starting _____ Ending _____	
Work Performed		
Reason for Leaving		

DO NOT CONTACT REASON _____

OTHER

▪ Have you had prior educational experience, which relates to the job for which you are applying?

Yes No

If yes, describe Associate Degree in Culinary arts

▪ Please list reason for any lapse in your employment history _____

▪ Have you ever been discharged from a previous employer? Yes No

If yes, please explain _____

▪ Can you work overtime, if required? Yes No

Can you work nights, weekends or holidays, if required? Yes No

▪ Will you be engaged in any other employment or school while working here? Yes No

▪ Do you have any friends or relatives who work for the company? Yes No

Name _____

Relationship _____

▪ Do you have any friends or relatives who work within any of our facilities? Yes No

Name _____

Relationship _____

▪ Have you filed an application here before? Yes No

If yes, give date _____

▪ Have you ever been employed here before? Yes No

If yes, did you leave the company in good standing and with appropriate notice? _____

TWO PROFESSIONAL REFERENCES

List 2 individuals that are not relatives or personal friends, preferably a previous supervisor or HR Department

SUPERVISOR NAME	PHONE NUMBER	COMPANY

HIRING MANAGER / HR OFFICE USE ONLY

Jim Pierce

REFERENCE #1	Exceeded Standards	Met Standards	Below Standards	Counseling Required	Comments
Met Performance Standards		✓			Good worker
Maintained Confidentiality		✓			Dependable
Worked well with Co-Workers		✓			Good cook
Worked well with Supervisors		✓			
Followed Policies and Procedures		✓			
Met Attendance Standards		✓			
Appropriate Dress Code		✓			

Eligible for Re-Hire	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If No, why?
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Ryan Odlorne

REFERENCE #2	Exceeded Standards	Met Standards	Below Standards	Counseling Required	Comments
Met Performance Standards		✓			Professional
Maintained Confidentiality		✓			Very Good Cook
Worked well with Co-Workers		✓			
Worked well with Supervisors		✓			
Followed Company Policies		✓			
Met Attendance Standards		✓			
Appropriate Dress Code		✓			

Eligible for Re-Hire	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If No, why?
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Additional Information:

If we are not able to verify your references, we reserve the right not to offer you employment.

DISCLAIMER

I understand that the Facility is committed to providing equal opportunity in all employment practices, including but not limited to, selection, hiring, promotion, transfer and compensation to all qualified applicants and employees without regard to age, race, color, national origin, sex, religion, handicap or disability, or any other protected status by federal, state or local law.

I certify that the answers given herein are true and complete to the best of my knowledge. I authorize former and present employers and schools, work and personal references listed in the application, and any other individuals I may name, to give the Facility or its designee any and all information concerning my previous employment, education background, and any pertinent information they may have, I release such parties from all liability for damages that may result from furnishing same to Facility. I also authorize the Facility to provide truthful information concerning my employment with it to future employers and I agree to hold it harmless for providing such information. I understand that misrepresentations, omissions of facts or incomplete information requested in this application may result in the Facility refusing to consider me for employment. In addition, if employed, any misrepresentations or omissions of facts called for in this application may result in termination of employment.

I understand that this employment application and any other Facility documents are not constructed as a contract of employment. I further understand that if I am employed, I can terminate my employment at any time with or without cause and with or without advance notice, and that the Facility has a similar right. I understand that no manager, representative, or agent of the Facility has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the foregoing without agreement being signed by an Officer of the Facility.

NOTIFICATION TO AN INDIVIDUAL THAT A CONSUMER REPORT MAY BE OBTAINED

In compliance with the Amended Fair Credit Reporting Act and applicable state law, this notice is to inform you that a consumer report may be obtained in connection with your application for employment or your current employment. A "consumer report" is any written, oral or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collection in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility. "Consumer Report" is any information obtained from a "consumer reporting agency" and may include, but is not limited to the following: Criminal history records, drug screening tests, driving records, school attendance records, school transcripts, military service records, credit records, records of former addresses, and any other public information or consumer reports.

Applicant Signature *Todd K. Winters* Date 5-7-2015

Revised 03/01/2013

EOE/AA - DRUG FREE WORKPLACE

JS 44 (Rev. 12/12)

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.)

I. (a) PLAINTIFFS

TODD K. WHITAKER, on behalf of himself and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
CHRISTOPHER J. SABA, WENZEL FENTON CABASSA, P.A., 1110 North Florida Avenue, Suite 300, Tampa, Florida 33602, Main No.: 813-224-0431

DEFENDANTS

BVM THE BRIDGES, LLC,

County of Residence of First Listed Defendant Pasco
(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	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input 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

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marins <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"/> 193 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <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	PERSONAL INJURY <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 PERSONAL PROPERTY <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 LABOR <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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395t) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XX <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <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 checked="" 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
REAL PROPERTY <input type="checkbox"/> 310 Land Condemnation <input type="checkbox"/> 320 Easement <input type="checkbox"/> 330 Rent Lease & Ejectment <input type="checkbox"/> 340 Torts to Land <input type="checkbox"/> 345 Tort Product Liability <input type="checkbox"/> 390 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 533 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity; Fair Credit Reporting Act ("FCRA"))*

Brief description of cause:

Failure to Make Proper Disclosure in Violation of FCRA and Failure to Obtain Proper Authorization in Violation of F

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE _____

DOCKET NUMBER _____

DATE 03.27.17 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

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

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Takes Issue with BVM The Bridges' FCRA Disclosure Document](#)
