

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL KELLY, *on behalf of himself and
all others similarly situated,*)

Plaintiff,)

v.)

BUSINESS INFORMATION GROUP, INC.,)

Defendant.)

Civil Action No.: _____

CLASS COMPLAINT

COMES NOW the Plaintiff, Michael Kelly (“Plaintiff”), on behalf of himself and all similarly situated individuals, by counsel, and as for his Class Complaint against the Defendant, he alleges as follows:

PRELIMINARY STATEMENT

1. This is an action for statutory and punitive damages, costs, and attorney’s fees brought pursuant to 15 U.S.C. § 1681, *et seq.* (the Fair Credit Reporting Act or “FCRA”). The FCRA imposes several important requirements on consumer reporting agencies (“CRAs”) that furnish consumer reports, including background checks for employment. The FCRA was designed to protect consumers like the Plaintiff.

2. Plaintiff was denied employment opportunities due to inaccuracies in a consumer report from the Defendant, Business Information Group, Inc. (“Defendant”). At least one consume report furnished by Defendant to Mr. Kelly’s employer contained materially false and derogatory information. Accordingly, Plaintiff alleges an individual claim against Defendant for violating § 1681e(b) of the FCRA, which requires CRAs to follow reasonable procedures to

assure maximum possible accuracy when furnishing credit reports.

3. Additionally, Plaintiff also alleges a class action claim against Defendant pursuant to § 1681k, which is an important requirement intended to provide consumers immediate notice of the furnishing of a consumer report for employment purposes and the details necessary to preemptively contact the reporting agency to obtain and, as appropriate, correct information in the furnished report.

JURISDICTION

4. The jurisdiction of this Court is conferred by the FCRA, 15 U.S.C. § 1681(p) and 28 U.S.C. §1331.

5. Venue lies properly in this District and Division pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

6. The Plaintiff, Michael Kelly (“Mr. Kelly”), is a natural person, and at all times relevant to this Complaint was a “consumer” as defined by the Fair Credit Reporting Act, at 15 U.S.C. § 1681a.

7. Defendant Business Information Group, Inc. (“Defendant”) is a Pennsylvania corporation that at all times relevant to the Complaint was doing business in the Commonwealth of Pennsylvania.

8. Defendant is a “consumer reporting agency” as defined in 15 U.S.C. § 1681a(f) that regularly conducts business in the Commonwealth of Pennsylvania. Defendant is also a “reseller” that assembles and merges information contained in the databases of other consumer reporting agencies and resells the data to third parties, as defined in 15 U.S.C. § 1681a(u).

STATEMENT OF FACTS

9. On or around December 19, 2013, Defendant procured a consumer report from Trans Union about Plaintiff as part of a routine employment background screening.

10. In turn, Defendant resold the consumer report to Plaintiff's employer. The report sold by Defendant contained derogatory and inaccurate public record information erroneously attributed to Plaintiff, including that he had a court case filed against him for an unpaid debts that did not belong to him.

11. The derogatory and inaccurate public record information that was in Plaintiff's consumer report was likely to have an adverse effect on Plaintiff's ability to obtain employment.

12. Upon information and belief, this incorrect reporting was caused by Defendant's failure to follow reasonable procedures to assure maximum possible accuracy in the preparation of the consumer reports and consumer files it publishes and maintains concerning Plaintiff.

13. Defendant—a "reseller" as defined by § 1681a(u)—does not have sufficient procedures to assure the maximum possible accuracy of the credit reports it furnishes regarding consumers. Instead, Defendant assembles and merges the information from other consumer reporting agencies (such as Trans Union) without following any procedures to assure the accuracy of the underlying data. If Defendant had any procedure to check the underlying data, or make sure it was complete, it would have discovered that the judgment reported was taken against Plaintiff's son.

14. Upon information and belief, Defendant does not maintain procedures designed to insure public record information that is likely to have an adverse effect on a consumer's ability to obtain employment is complete and up to date.

15. Mr. Kelly was informed that he would not be able to sell a particular insurance

product due to this derogatory, inaccurate and incomplete item in his consumer report.

16. Moreover, despite providing a report for employment purposes, which contained public record information likely to have an adverse effect upon Plaintiff's employment, Defendant failed to provide timely notice to Plaintiff that it was doing so.

17. Upon information and belief, Plaintiff alleges that Defendant did not attempt to follow the option available at 15 U.S.C. §1681k(a)(2), which requires a consumer reporting agency to maintain strict procedures designed to ensure that its public records reporting is complete and up to date.

18. FCRA section § 1681k(a)(2) is thus inapplicable to the consumer reports at issue in this case.

19. Moreover, Defendant also knew about its legal obligations to provide notice of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported, to consumers who are the subject of a consumer report for employment purposes at the time that the report is made. These obligations are well established in the plain language of the FCRA and in the promulgations of the Federal Trade Commission and the Consumer Financial Protection Bureau.

20. Defendant routinely fails to provide this notice. Its failure was intentional and not a mere accident or mistake. Instead, Defendant's actions constitute its standard operating procedures.

21. At all times pertinent to this Complaint, Defendant's conduct was willful and carried out in reckless disregard for a consumer's rights under the FCRA. By example only and without limitation, Defendant's conduct is willful because it was intentionally accomplished

through its intended procedures; these procedures have continued despite the fact that Defendant and other consumer reporting agencies have been subject to court decisions in other states critical of similar conduct; and Defendant will continue to engage in this conduct because it believes that there is greater economic value in hiding information from consumers, as well as collecting and reporting derogatory public record information than updating consumers' reports with information that would fully cancel or render the previous reporting of the public record irrelevant.

COUNT ONE:
Violation of 15 U.S.C. § 1681e(b)
Plaintiff's Individual Claims

22. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth at length herein.

23. Defendant violated 15 U.S.C. § 1681e(b) by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the consumer report and credit files it published and maintained concerning Plaintiff.

24. As a result of Defendant's conduct, action, and inaction, Plaintiff suffered actual damages, including but not limited to: embarrassment and humiliation, credit rating, lost opportunities to enter into consumer credit transactions, denial of credit and aggravation, inconvenience, embarrassment and frustration. Moreover, Mr. Kelly was denied employment opportunities.

25. Defendant's conduct, actions, and inaction were willful, rendering it liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling the Plaintiff to recover under 15 U.S.C. § 1681o.

26. Plaintiff is entitled to recover actual damages, statutory damages, costs, and their

attorney's fees from Defendant in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or 15 U.S.C. § 1681o.

COUNT TWO:
Violation of 15 U.S.C. § 1681k
Class Claim

27. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth at length herein.

28. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiff brings this action for himself and on behalf of a class (the "1681k Class") defined as follows:

All natural persons residing in the United States (including all territories and other political subdivisions of the United States) (a) who were the subject of a consumer report furnished to a third party by Defendant, (b) that was furnished for an employment purpose, (c) that contained at least one record of a criminal conviction or arrest, civil lien, bankruptcy or civil judgment, (d) on or after December 15, 2010, and (e) to whom Defendant did not place in the United States mail postage pre-paid, on the day it furnished any part of the report containing the public record, a written notice that it was furnishing the subject report and containing the name of the person that was to receive the report.

29. Numerosity. Fed. R. Civ. P. 23(a)(1). Upon information and belief, Plaintiff alleges that the 1681k Class is so numerous that joinder of the claims of all class members is impractical. Plaintiff estimates that the 1681k Class is comprised of potentially thousands, if not tens of thousands, of consumers. Defendant operates as a national consumer-reporting agency and, upon information and belief, provides at least tens of thousands of consumer reports for employment purposes each year. The names and addresses of the class members are identifiable through documents maintained by Defendant and the class members may be notified of the pendency of this action by published and/or mailed notice.

30. Existence and Predominance of Common Questions of Law and Fact. Fed. R. Civ. P. 23(a)(2). There are questions of law and fact common to the class, which common issues

predominate over any issues involving only individual class members. For example, and without limitation, the focus of the litigation will be: (a.) whether Defendant sent the required notices; (b.) the date on which the Defendant sent the required notices; (c.) whether Defendant's conduct constituted a violation of the FCRA; (d.) whether Defendant acted willfully in its failure to design and implement procedures to assure compliant delivery and/or timing of these notices; and (e.) the appropriate amount of statutory and/or punitive damages that are appropriate for such a violation.

31. Typicality. Fed. R. Civ. P. 23(a)(3). Plaintiff's claims are typical of those of the class members. All are based on the same facts and legal theories. Defendant uses common practices and automated systems in committing the conduct that Plaintiff alleges injured him and the Class. Defendant routinely failed to notify consumers when it provided a consumer report for an employment purpose containing public record information likely to have an adverse effect upon the consumer's ability to obtain employment during the full class period. Plaintiff seeks statutory and punitive damages for the class claims for the purposes of class certification. Plaintiff would seek individual or actual damages only if class certification is denied.

32. Adequacy. Fed. R. Civ. P. 23(a)(4). Plaintiff will fairly and adequately protect the interests of the class. Plaintiff's interests coincide with and are not antagonistic to the class members' interests. Plaintiff has retained counsel experienced in handling actions involving unlawful practices against consumers and class actions. Plaintiff's Counsel has prosecuted complex FCRA class actions across the country, many of those within this District and Division. Neither Plaintiff, nor their counsel have any interests that might cause them not to vigorously pursue this action. Plaintiff is aware of his responsibilities to the putative classes and have accepted such responsibilities.

33. Superiority. Fed. R. Civ. P. 23(b)(3). Questions of law and fact common to the 1681k 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 1681k Class individually to redress effectively the wrongs done to them. Even if the members of the 1681k 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 Defendant's 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 just one case.

34. Further, the Court is able to certify a liability-only class pursuant to Fed. R. Civ. P. 23(c)(4).

35. Injunctive Relief Appropriate for the Class. Fed. R. Civ. P. 23(b)(2). Certification of a class under Rule 23(b)(1) of the Federal Rules of Civil Procedure is proper. Prosecuting separate actions by or against individual class members would create a risk of adjudications with respect to individual class members that, as a practical matter, would be dispositive of the interests of the other members not parties to the individual adjudications or would substantially impair or impede their ability to protect their interests.

36. Certification of a class under Rule 23(b)(2) of the Federal Rules of Civil

Procedure is appropriate in that Defendant has acted on grounds generally applicable to the class thereby making appropriate declaratory relief with respect to the class as a whole.

37. Certification of the class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is also appropriate in that:

a. As alleged above, the questions of law or fact common to the members of the classes predominate over any questions affecting an individual member. Each of the common facts and legal questions in the case overwhelm the more modest individual damages issues. Further, those individual issues that do exist can be effectively streamlined and resolved in a manner that minimizes the individual complexities and differences in proof in the case.

b. A class action is superior to other available methods for the fair and efficient adjudication of the controversy. Consumer claims generally are ideal for class treatment as they involve many, if not most, consumers who are otherwise disempowered and unable to afford and bring such claims individually. Further, most consumers affected by Defendant's FCRA violation would likely be unaware of their rights under the law, or of whom could represent them in federal litigation. Additionally, individual litigation of the uniform issues in this case would be a waste of judicial resources as it increases the delay and expense to all parties and to the court system presented by the complex legal and factual issues raised by Defendant's 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 just one case. The issues at the core of this case are class wide and should be resolved at one time. One win for one consumer would set the law as for every similarly situated consumer.

38. Defendant's failure to timely provide the required FCRA notices to Plaintiff and the putative class members violated 15 U.S.C. § 1681k(a)(1).

39. The conduct, actions, and inaction of Defendant was willful, rendering it liable for statutory and punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n.

40. Plaintiff and other members of the 1681k Class are entitled to recover costs and attorney's fees as well as appropriate equitable relief from Defendant in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n.

41. As a result of these FCRA violations, Defendant is liable to Plaintiff and each 1681k Class Member, for statutory damages from \$100.00 to \$1,000.00, punitive damages, and for their attorney's fees and costs.

WHEREFORE, Plaintiff, on behalf of himself and the putative class members, moves for class certification, statutory, and punitive damages, and attorney's fees and costs against Defendant for his class claims, as well as statutory, actual, and punitive damages, and attorney's fees and costs against Defendant for his individual claims; for pre-judgment and post-judgment interest at the legal rate, and such other relief the Court does deem just, equitable, and proper.

TRIAL BY JURY IS DEMANDED.

Dated: December 17, 2015

Respectfully submitted,
MICHAEL KELLY, *on behalf of himself and of
all similarly situated individuals*

/s/ James A. Francis
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Attorneys for Plaintiff and the Class

JS 44 (Rev. 12/07)

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
 Michael A. Kelly

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
 Francis & Mailman, P.C. 215-735-8600
 100 S. Broad Street, 19th Floor Philadelphia, PA 19110

DEFENDANTS
 Business Information Group, Inc.

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE 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 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 (Excl. 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	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	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 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"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<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	<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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions			

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

7 Appeal to District Judge from Magistrate Judgment

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, 15 U.S.C. § 1681, et seq.

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 12/18/2015

SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

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

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Michael Kelly	:	CIVIL ACTION
	:	
v.	:	
	:	
Business Information Group, Inc.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

12/18/15		James A. Francis
Date	Attorney-at-law	Attorney for Plaintiffs
215-735-8600	215-940-8000	jfrancis@consumerlawfirm.com
Telephone	FAX Number	E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Sunset Lane Monmouth Beach, NJ 07750

Address of Defendant: 1125 Industrial Blvd, Southampton, PA 18966

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes No

Does this case involve multidistrict litigation possibilities? Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases

(Please specify) Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify)

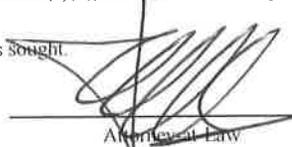
ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, James a. Francis, counsel of record do hereby certify:

- Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- Relief other than monetary damages is sought.

DATE: 12/18/15



Attorney-at-Law

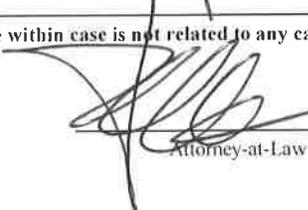
77474

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/18/15



Attorney-at-Law

77474

Attorney I.D.#