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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 JOHN DOE,
14 individually and on behalf of the
15 putative classes,

16 Plaintiff,

17 vs.

18 GEORGIA-PACIFIC, LLC,

19 Defendant.
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CV12-05607 DSF (Ex)
Case No. ...

**CLASS ACTION COMPLAINT
FOR VIOLATIONS OF THE FAIR
CREDIT REPORTING ACT, 15
U.S.C. § 1681 et seq. AND THE
CALIFORNIA BUSINESS &
PROFESSIONS CODE, § 17200 et
seq.**

JURY TRIAL DEMANDED

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CLERK OF COURT
CENTRAL DISTRICT OF CALIF.

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1 Plaintiff JOHN DOE (“Plaintiff”), on behalf of himself and all similarly situated
2 individuals, complains and alleges against Defendant GEORGIA-PACIFIC LLC (“Defendant”
3 or “Georgia-Pacific”) as follows:

4 **I. Preliminary Statement**

5 1. This is a consumer class action based upon Defendant’s willful violation of the
6 Fair Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq.* (“FCRA”), and the California Business and
7 Professions Code §17200, *et seq.* which prohibits unlawful and unfair acts of competition, which
8 include any “unlawful and unfair...business act or practice.” Plaintiff brings this action on
9 behalf of thousands of employment applicants in the State of California and throughout the
10 country whose privacy has been invaded and who have been deprived of their right to obtain
11 copies of background reports purchased by Defendant for employment purposes. Defendant has
12 adopted and maintained a policy and practice of failing to comply with the law’s requirement
13 that consumers as to whom Defendant intends to take adverse action based on such reports be
14 provided with a copy of the report.

15 2. The prejudice caused by the failure to provide reports is exacerbated by
16 Defendant’s imposition of a release hidden in fine print in its standard employment application
17 forms pursuant to which Defendant improperly seeks to prospectively protect itself against its
18 own wrongful acts, and which violates the FCRA’s prohibition on inserting such language in
19 employment application documents.

20 3. As a result, consumers who are entitled to receive copies of their consumer
21 reports from Defendant pursuant to the FCRA are deprived of full disclosure, and unable to
22 adequately verify and/or dispute the accuracy of the public record information that Defendant
23 purchases and relies upon in taking adverse action against applicants.

24 **II. Jurisdiction and Venue**

25 4. Jurisdiction of this Court arises under 15 U.S.C. § 1681p, 28 U.S.C. §§ 1331 and
26 1337.

27 5. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).
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III. Parties

6. Plaintiff John Doe is an adult individual and citizen of the State of California who resides in Culver City, California 90230.

7. Defendant Georgia-Pacific is headquartered at 133 Peachtree Street, N.E. Atlanta, Georgia 30303. Defendant is wholly owned by Koch Industries, Inc., the second largest privately held company in the United States. Georgia-Pacific touts itself as “one of the world’s leading manufacturers and marketers of tissue, packaging, paper, pulp, and building products and related chemicals. The company employs more than 40,000 people at approximately 300 locations in North America, South America and Europe.” See <http://www.gp.com/aboutus/index.html>. Georgia-Pacific does business in the Central District of California.

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IV. Factual Allegations

A. Defendant’s Practices As A Purchaser and User Of Consumer Reports For Employment Purposes

3. At all times pertinent hereto, Defendant Georgia-Pacific was a “person” using “consumer reports” to make “employment decisions” and take “adverse action” against “consumers” as those terms are defined by section 1681a of the FCRA.

8. At all times relevant hereto, Plaintiff was a “consumer” as that term is defined by section 1681a(c) of the FCRA.

9. 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) (emphasis added), 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). One of the principal ways

1 Congress sought to ensure a “fair and equitable” dissemination and use of potentially damaging
2 consumer information was by including in the statutory scheme a series of due-process-like
3 protections intended to impose strict procedural rules on users of “consumer reports.” This
4 action involves Defendant’s systematic violation of several of those important rules.

5
6 10. Ninety-two percent (92%) of all employers routinely obtain consumer reports on
7 prospective and existing employees. Employers frequently rely on such information as a basis for
8 adverse employment action, *e.g.*, denial of employment.¹

9
10 11. Background check companies, which are “consumer reporting agencies”
11 (“CRAs”) within the meaning of the FCRA, provide consumer reports based on public record
12 data compiled from various sources including state and federal criminal record repositories.

13
14 12. Georgia-Pacific purchases consumer reports from InfoMart, Inc. and, on
15 information and belief, other CRAs as well, regarding job applicants and those reports are used
16 as a basis, in whole or in part, for taking adverse action against said applicants.

17
18 13. When a consumer applies for a job, the FCRA requires an employer to make a
19 clear and conspicuous disclosure to the applicant, in writing, that a consumer report may be
20 obtained for employment purposes. 15 U.S.C. § 1681b(b)(2).

21
22 14. The disclosure must be contained in a stand-alone document consisting solely of
23 the disclosure. 15 U.S.C. § 1681b(b)(2)(A)(i).

24
25 15. Additionally, the employer must, before taking any adverse action based in whole
26 or in part on the report, provide to the job applicant a copy of the report. 15 U.S.C. §
27 1681b(b)(3)(A)(i).

28 ¹ EEOC Enforcement Guidance, *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as amended*, 42 U.S.C. §2000e et seq., (April 25, 2012), p. 6 (http://www.eeoc.gov/laws/guidance/upload/arrest_conviction.pdf, last viewed June 13, 2012).

1 16. All of the foregoing requirements are spelled out to Georgia-Pacific, and Georgia-
2 Pacific is required to certify as to its understanding of the requirements, as a condition of
3 procuring reports from InfoMart.

4 17. The National Association of Professional Background Screeners (NAPBS) is a
5 non-profit trade association that serves the interest of companies that provide and use
6 background screening. NAPBS' purpose is "to promote ethical business practices, promote
7 compliance with the Fair Credit Reporting Act and Equal Employment Opportunity Laws and
8 foster awareness of issues related to consumer protection and privacy rights within the
9 background screening industry." See <http://www.napbs.com/i4a/pages/index.cfm?pageid=3589>.
10

11 18. NAPBS advises users of background consumer reports like Georgia-Pacific as
12 follows:

13 Before an employer takes any adverse action, it must provide the applicant or
14 employee with a copy of the consumer report obtained from the CRA, and a
15 summary of the consumer's rights under the Act. After providing these
16 documents, the employer must wait before providing the actual notice of the
adverse action. ...

17 After the waiting period and upon taking the adverse action, the employer must
18 provide to the applicant or employee the following notices: 1) notice of the
19 adverse action taken; 2) the name, address, and toll-free number of the consumer
20 reporting agency that furnished the consumer report; 3) a statement that the CRA
21 did not make the decision to take adverse action and is unable to provide the
consumer the specific reasons why the adverse action was taken; 4) notice of the
22 consumer's right to obtain a free copy of the consumer report from the CRA
within 60 days; and 5) notice of the consumer's right to dispute the accuracy or
23 completeness of any information in the consumer report furnished by the CRA.

24 *See also* 15 U.S.C. § 1681m(a).

25 19. Georgia-Pacific does not provide a clear and conspicuous disclosure and
26 authorization and does not obtain an adequate authorization from job applicants as required by
27 section 1681b(b)(2) of the FCRA prior to obtaining these consumer reports for employment
28 purposes.

1 20. Georgia-Pacific does not provide a clear and conspicuous disclosure that consists
2 “solely of the disclosure that a consumer report may be obtained for employment purposes” but
3 instead unlawfully attempts to obtain in advance a waiver of the consumer’s rights under the
4 FCRA and improperly provide prospective protection to Georgia-Pacific and InfoMart from any
5 improper actions or omissions committed in the retrieval and use of the background information,
6 in violation of section 1681b(b)(2)(A)(i).
7

8 21. Before taking adverse action based in whole or in part on the consumer reports
9 that it purchases, Georgia-Pacific does not provide a copy of the consumer report to the
10 consumer to whom the report relates, in violation of section 1681b(b)(3)(A)(i) of the FCRA.
11

12 22. Georgia-Pacific does not comply with the FCRA’s requirements for providing
13 adverse action notification to consumer job applicants before and after taking adverse action
14 based in whole or in part on information contained in a consumer report.
15

16 23. Before procuring a consumer report from InfoMart, Georgia-Pacific was required
17 to certify that it would comply with disclosure and adverse action requirements of the FCRA.

18 In particular, Georgia-Pacific was notified as follows:

19 Adverse Action

20 If an employer INTENDS to take adverse action (i.e., denial of employment)
21 based on any information in the consumer report or the investigative consumer
22 report, they must first provide the consumer with:

- 23 • Notification of the company's intent
- 24 • A copy of the report
- 25 • A description, in writing, of the consumer's rights as prescribed by
26 the Federal Trade Commission (FTC).

27 InfoMart will provide to the employer a summary of the consumer's rights as
28 prescribed by the FTC.

Employer Requirements

1 Requirements on Users of Consumer Reports or Investigative Consumer Reports:
2 If an employer TAKES adverse action based on any information in the report,
3 they must:

4 • Notify the consumer of the adverse action (most often a decision
5 not to offer employment). This notification can be orally, in writing or
6 electronically delivered.

7 • Provide the name, address and toll-free telephone number of the
8 consumer reporting agency (InfoMart).

9 • Provide a statement that the consumer reporting agency did not
10 make the adverse decision and cannot provide the reason for the decision.

11 • Provide notice of the consumer's rights to obtain a free report
12 within 60 days and to dispute the accuracy with the consumer reporting agency.

13 See <http://www.infomart-usa.com/resources/fcra.asp>. (Emphasis in original).

14 24. For these among other reasons, Defendant's violations of the FCRA have been
15 willful, wanton and reckless in that Defendant knew, or reasonably should have known, that it
16 was failing to comply with the requirements of the FCRA.

17 25. Defendant's practices not only violate the FCRA as a matter of law, they cause
18 damage to consumer job applicants and interstate commerce. Consumers are prejudiced in their
19 ability to adequately determine whether the information is being accurately reported. Pursuant to
20 Defendant's practice of not providing job applicants with a copy of their consumer reports, by
21 the time the consumer becomes aware of any erroneous reporting, it is too late to correct the
22 information because Defendant has already made an adverse decision based on the erroneous
23 information.

24 26. In addition, given the fact that Defendant does not obtain consent from consumer
25 job applicants in the manner required by the FCRA, Defendant has no authorization to obtain any
26 background information on such consumers, and invades their privacy by doing so.
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1 **B. The Experience Of The Representative Plaintiff**

2 27. On or about June 28, 2010, Plaintiff Doe applied for a position with Georgia-
3 Pacific as a machine operator.

4 28. One of the form application documents filled out by Mr. Doe and dated June 28,
5 2010 was titled "APPLICANT'S *Disclosure & Consent* RELEASE OF INFORMATION." The
6 form document authorized Georgia-Pacific to obtain a "'consumer report' and/or 'investigative
7 consumer report'" concerning Plaintiff and included a section for California residents whereby
8 the job applicant could check a box to request a copy of the consumer report being obtained by
9 Georgia-Pacific. Mr. Doe placed a check mark in that box.

10 29. By email from the Human Resources office at Georgia-Pacific the same day, Mr.
11 Doe was notified that he was hired. The email stated "Congratulations on your new position
12 with Georgia Pacific."
13

14 30. On June 30, 2010, Plaintiff proceeded to complete and sign additional
15 standardized form documents as requested by Georgia-Pacific, including a document titled
16 "AUTHORIZATION AND RELEASE FOR THE PROCUREMENT OF A CONSUMER
17 AND/OR INVESTIGATIVE CONSUMER REPORT."
18

19 31. This form document included, in small print in the middle of the last paragraph in
20 a section titled "Consent Statement," the following sentence: "I do hereby agree to forever
21 release and discharge this company, our agent InfoMart and their associates to the full extent
22 permitted by law from any claims, damages, losses, liabilities, costs and expenses, or any other
23 charge or complaint arising from the retrieving and reporting of information."
24

25 32. Another form document Mr. Doe was required to sign as a condition of applying
26 for the job was entitled "Employment Application," which contained the following clause:
27

28 Waiver of Jury Trial and Class/Collective Actions

1 I understand and agree that by signing and submitting this employment
2 application for consideration, I am waiving my right to have a jury trial to resolve
3 any lawsuit I may ever bring against Georgia-Pacific, its subsidiaries and affiliates
4 (the "Company"). Any lawsuit that I might bring against the company will be
5 tried to a judge without a jury. I also understand and agree that I am waiving my
6 right to participate as a member in a class action lawsuit and/or act as a
7 representative of a class of similarly situated individuals in any lawsuit against the
8 Company. I understand that unless I waive these rights, the Company will not
9 further consider my application for employment.

10 33. The clause was contained in a standardized employment application form,
11 imposed and drafted by Georgia-Pacific, which had superior bargaining strength. By its very
12 terms, the clause provided the job applicant only the opportunity to adhere to the application
13 language, or reject it.

14 34. Mr. Doe was not aware of the waiver clause quoted above and was unable to
15 negotiate, modify or seek a waiver of that term of the employment application.

16 35. The clause was harsh, one-sided and oppressive, depriving Plaintiff and other job
17 applicants of constitutional and procedural rights not justified by the circumstances under which
18 they were applying for employment.

19 36. The clause is both procedurally and substantively unconscionable, and should be
20 declared unenforceable in this action.

21 37. By letter dated July 1, 2010, Georgia-Pacific notified Mr. Doe as follows:

22 Dear Mr. [redacted]:

23 While a final decision has not yet been made, we currently intend to reject your
24 application for employment. This action was influenced by information in a
25 consumer report made, at our request, by InfoMart at 1582 Terrell Mill Road,
26 Marietta Georgia 30067. You may also contact InfoMart via their toll free
27 number 800-800-3774.

28 InfoMart did not make this decision and can not provide the reason for it.

You may obtain a free copy of the report within 60 days, and you have the right to
dispute the accuracy of the information with InfoMart.

1 38. The July 1, 2010 letter did not include a copy of the consumer report as required
2 by section 1681b(b)(3)(A)(i) of the FCRA.

3 39. By email dated July 21, 2010, Georgia-Pacific notified Mr. Doe as follows:

4 Dear [redacted],

5 Thank you for your interest in employment at Georgia-Pacific and taking the time
6 to take the skills test and interview with Georgia-Pacific. Unfortunately, we have
7 found it necessary to reject your application for employment. Again, thank you
8 for your interest, and good luck with your future endeavors.

9 40. The July 21, 2010 email did not include a copy of the consumer report and did not
10 include a description of the rights of the consumer. The email did not contain the information
11 required by section 1681m(a) of the FCRA.

12 41. At all times pertinent hereto, the conduct of the Defendant, as well as that of its
13 agents, servants and/or employees, was malicious, intentional, willful, reckless, and in grossly
14 negligent disregard for federal laws and the rights of the Plaintiff herein.

15 **V. Class Action Allegations**

16 42. Plaintiff brings this action individually and as a class action for Defendant's
17 violations of sections 1681b(b)(2) and (3) of the FCRA, pursuant to Rules 23(a) and 23(b) of the
18 Federal Rules of Civil Procedure, on behalf of the following Class:

19 All employees or prospective employees of Georgia-Pacific who were the
20 subject of a consumer report which was used by Georgia-Pacific to make
21 employment decisions during the two (2) years prior to the filing of this action
22 and through final judgment.

23 43. Plaintiff also brings this action on behalf of a California Subclass defined as
24 follows:

25 All California resident employees or prospective employees of Georgia-Pacific
26 who were the subject of a consumer report which was used by Georgia-Pacific to
27 make employment decisions during the two (2) years prior to the filing of this
28 action and through final judgment.

1 44. The Class is so numerous that joinder of all members is impracticable. Although
2 the precise number of Class members is known only to Defendant, Plaintiff avers upon
3 information and belief that the Class numbers in the thousands. Defendant purchases and uses
4 public record information concerning its employees and employment applicants throughout the
5 country, and its employment application forms, pre-adverse action notices and adverse action
6 notices are standardized, form documents, produced by the same practices and procedures
7 applicable to all subjects of the reports.

8 45. There are questions of law and fact common to the Class that predominate over
9 any questions affecting only individual Class members. Those questions include:

10 (a) whether the Defendant willfully violated section 1681b(b)(2) of the FCRA
11 by procuring or causing to be procured consumer reports for employment purposes without
12 providing a clear and conspicuous disclosure in a document that consists solely of the disclosure
13 that a consumer report may be obtained for employment purposes;

14 (b) whether Defendant willfully violated section 1681b(b)(3) of the FCRA by,
15 prior to taking any adverse action based in whole or in part on a consumer report, failing to
16 provide a copy of the report to the consumer to whom the report relates; and/or after taking
17 adverse action, failing to notify Plaintiff and the Class within three (3) business days that it took
18 adverse action based in whole or in part on a consumer report from a consumer reporting agency,
19 of the name, address and telephone number of the consumer reporting agency that furnished the
20 report, including its toll free number, that the consumer reporting agency did not make the
21 decision to take adverse action and is unable to provide to the consumer the specific reasons why
22 adverse action was taken, and that they could request a free copy of the report that was sold
23 about them and dispute any errors in the report;

24 (c) whether Defendant's standardized waiver of jury trial and class action
25 clause in its employment application forms is unconscionable and unenforceable;
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1 (d) whether Defendant violated the California Business & Professions Code §
2 17200 by engaging in unfair competition as described above; and

3 (e) whether Defendant should be enjoined from committing further violations
4 of California law.

5 46. Plaintiff's claims are typical of the claims of the Class, which all arise from the
6 same operative facts and are based on the same legal theories.

7 47. Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff is
8 committed to vigorously litigating this matter and has no conflict with the Class. Plaintiff has
9 secured counsel experienced in handling civil rights and consumer class actions.

10 48. This action should be maintained as a class action because the prosecution of
11 separate actions by individual members of the Class would create a risk of inconsistent or
12 varying adjudications with respect to individual members which would establish incompatible
13 standards of conduct for the parties opposing the Class, as well as a risk of adjudications with
14 respect to individual members which would as a practical matter be dispositive of the interests of
15 other members not parties to the adjudications or substantially impair or impede their ability to
16 protect their interests.

17 49. This action should be maintained as a class action because the questions of law
18 and fact common to Class members predominate over any questions affecting only individual
19 Class members, and a class action is a superior method for the fair and efficient adjudication of
20 this controversy. The interest of Class members in individually controlling the prosecution of
21 separate claims against Defendant is small. Management of the Class claims will avoid
22 inconsistent judgments and result in a more efficient use of judicial resources than resolving
23 these same issues in many individual cases.

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26 **VI. Causes of Action**

27 **Count One**
28 **Section 1681b(b)(2) of FCRA**

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2 50. Plaintiff incorporates the foregoing paragraphs as though the same were set forth
3 at length herein.

4 51. Defendant is a “person” and “consumer reporting agency” as defined by sections
5 1681a(b) and (f) of the FCRA.

6 52. Plaintiff is a “consumer” as defined by section 1681a(c) of the FCRA.

7 53. The above-mentioned reports are “consumer reports” as defined by section
8 1681a(d).

9 54. Pursuant to section 1681n of the FCRA, Defendant is liable for willfully violating
10 FCRA section 1681b(b)(2) by failing to provide a clear and conspicuous written disclosure in a
11 document that consists solely of the disclosure to applicants and employees that a consumer
12 report may be obtained for employment purposes.
13

14 **Count Two**
15 **Section 1681b(b)(3) of FCRA**

16 55. Plaintiff incorporates the foregoing paragraphs as though the same were set forth
17 at length herein.

18 56. Pursuant to sections 1681n and 1681o of the FCRA, Defendant is liable to the
19 Plaintiff for willfully and negligently violating FCRA section 1681b(b)(3) by failing, prior to
20 taking adverse action based in whole or in part on a consumer report, to provide to the consumer
21 to whom the report relates a copy of the report.
22

23 **Count Three**
24 **Violation of California B&P §17200 et seq.**

25 57. Plaintiff incorporates the foregoing paragraphs as though the same were set forth
26 at length herein.

27 58. Defendant is, and all times herein mentioned was, a person that procured a
28 consumer report for employment purposes.

1 59. California Business and Professions Code §17200 *et seq.* prohibits acts of unfair
2 competition, which mean and include any “unlawful...business act or practice.”

3 60. As more fully described above, the acts and practices alleged herein are unlawful
4 as they violate numerous statutory provisions, as previously alleged.

5 61. The acts and practices engaged in by Defendant and alleged herein harmed
6 Plaintiff and, on information and belief, have harmed other California consumers. On
7 information and belief, Defendant’s conduct is ongoing and continues to this date.
8

9 62. Plaintiff alleges that Defendant’s misconduct, as alleged herein, gave, and
10 continues to give Defendant an unfair competitive advantage.

11 63. As a direct and proximate result of Defendant’s aforementioned acts, Defendant
12 has prospered and benefitted from the improper procurement of background consumer reports,
13 has invaded the privacy of Plaintiff and on other consumers and should be enjoined from
14 continuing such practices under California Business & Professions Code §17200 and related
15 sections.
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17 **Count Four**
18 **Violation of California B&P Code §17200 *et seq.***

19 64. Plaintiff incorporates the foregoing paragraphs as though the same were set forth
20 at length herein.

21 65. California Business and Professions Code §17200, *et seq.* prohibits acts of unfair
22 competition, which mean and include any “unfair...business act or practice.”

23 66. As more fully described above, Defendant’s acts and practices constitute unfair
24 business acts or practices within the meaning of Business and Professions Code §17200, *et seq.*
25 in that the justification for Defendant’s conduct, if any, is outweighed by the harm to the general
26 public. Such conduct is also contrary to public policy, immoral, unethical, oppressive,
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1 unscrupulous and/or substantially injurious to consumers. On information and belief,
2 Defendant's unfair conduct is ongoing and continues to this date.

3 67. The acts and practices engaged in by Defendant and alleged herein invaded the
4 privacy of and harmed Plaintiff and, on information and belief, have similarly harmed other
5 California consumers. On information and belief, Defendant's conduct is ongoing and continues
6 to this date.

7
8 68. Plaintiff alleges that Defendant's misconduct, as alleged herein, gave, and
9 continues to give Defendant an unfair competitive advantage.

10 69. As a direct and proximate result of Defendant's aforementioned acts, Defendant
11 has prospered and benefitted from the improper procurement of background consumer reports,
12 has invaded the privacy of Plaintiff and on other consumers and should be enjoined from
13 continuing such practices under California Business & Professions Code §17200 and related
14 sections.

15
16 **Count Five**
17 **Declaration of Unconscionability**

18 70. Plaintiff incorporates the foregoing paragraphs as though the same were set forth
19 at length herein.

20 71. Pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202, Plaintiff
21 seeks a declaratory judgment that the waiver of jury trial and class actions contained in the
22 standardized form employment application used by Georgia-Pacific be declared unenforceable.

23 **DEMAND FOR JURY TRIAL**

24 72. Plaintiff hereby requests and demands a jury trial on all issues triable by jury.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff seeks judgment in favor of himself and the proposed Class:
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1 A. That an order be entered certifying the proposed Class under Rule 23 of the
2 Federal Rules of Civil Procedure and appointing Plaintiff and his counsel to represent the Class;

3 B. That judgment be entered against Defendant and in favor of Plaintiff and Class
4 members for statutory damages in the amount of not less than \$100 and not more than \$1,000 per
5 violation per Class member, pursuant to 15 U.S.C. § 1681n(a);

6 C. That judgment be entered against Defendant for punitive damages pursuant to 15
7 U.S.C. § 1681n(a)(2);

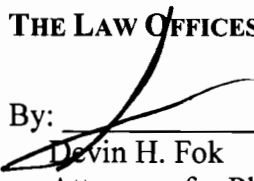
8 D. That the Court grant declaratory and injunctive relief pursuant to California
9 Business & Professions Code § 17200, *et seq.*;

10 E. That the Court award costs and reasonable attorney's fees pursuant to 15 U.S.C. §
11 1681n and § 1681o; and

12 F. That the Court grant such other and further relief as may be just and proper.

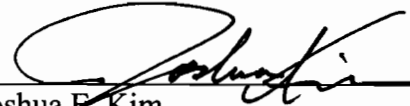
13 DATED: June 27, 2012

THE LAW OFFICES OF DEVIN H. FOK

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15 By: 
Devin H. Fok
16 Attorneys for Plaintiff and the Proposed Class

17 DATED: June 27, 2012

A NEW WAY OF LIFE REENTRY PROJECT

18
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20 Attorneys for Plaintiff and the Proposed Class

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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

ORIGINAL

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) JOHN DOE, individually and on behalf of the putative classes,	DEFENDANTS GEORGIA-PACIFIC, LLC
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) A New Way of Life Reentry Project, 958 E. 108th Street, Los Angeles, CA 90059, 323-563-3575; Francis & Mailman, P.C., Land Title Building, 19th Floor, 100 South Broad Street, Philadelphia, PA 19110, 215-735-8600.	Attorneys (If Known) Joshua E. Kim; Devin H. Fok; James A. Francis; Erin Novak; David A. Searles

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		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
	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. 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 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 U.S.C. 1681 et seq.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <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 type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <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 Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <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 Loan (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 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	TORTS 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 Fed. 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-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS 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 BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 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 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <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	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 checked="" type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: CV12-05607

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): CV 12-5605 PSG (JCGx)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Georgia

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date June 27, 2018

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))