

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

AHMAD KHALID,	)	
	)	
Plaintiff,	)	
	)	Case No. 1:17-cv-1874
	)	
v.	)	
	)	
BACKGROUNDCHECKS.COM, INC., and	)	
BG STAFFING, INC.,	)	
	)	(Jury Trial Demanded)
Defendant.	)	

**COMPLAINT**

Plaintiff Ahmad Khalid (“Khalid”) complains against Backgroundchecks.com and BG Staffing, Inc., as follows:

**Introduction**

1. Ahmad Khalid brings this lawsuit against Backgroundchecks.com (“Backgroundchecks.com”) and BG Staffing, Inc. (“BG Staffing”) for monetary damages under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, *et seq.* Pursuant to the FCRA, a criminal background check report that is obtained for employment purposes is a consumer report. 15 U.S.C. § 1681a(d).

2. Backgroundchecks.com reported sealed criminal information about Khalid to a prospective employer, causing him to lose out on a job opportunity. Additionally, Backgroundchecks.com’s report about Khalid contained duplicative information, making it appear as though Khalid has a longer criminal history than he actually had.

3. When BG Staffing received Backgroundchecks.com’s report about Khalid, BG Staffing immediately took adverse action against him by informing him that the company would

not hire him for a job. Before it took adverse action against Khalid, BG Staffing did not provide him a copy of his background check report and a reasonable opportunity to dispute the accuracy of the report. Nor did it provide him a copy of the Federal Trade Commission's FCRA Summary of Rights.

4. As a result, Backgroundchecks.com willfully violated 15 U.S.C. § 1681e(b), and BG Staffing willfully violated 15 U.S.C. § 1681b(b)(3).

### **Parties**

5. Plaintiff Khalid is a resident of the Northern District of Illinois and Cook County. He is a consumer as that term is defined by the FCRA. 15 U.S.C. § 1681a(c).

6. Defendant Backgroundchecks.com is headquartered in Texas and is a "consumer reporting agency" as that term is defined by the FCRA. 15 U.S.C. § 1681a(f).

7. Backgroundchecks.com regularly assembles or evaluates consumer credit information or other information on consumers for purpose of furnishing consumer reports to third parties.

8. Defendant BG Staffing is a Delaware corporation headquartered in Texas.

### **Jurisdiction and Venue**

9. The Court has jurisdiction of this matter under 28 U.S.C. § 1331 and 15 U.S.C. § 1681p.

10. Venue is proper in the Northern District of Illinois under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this judicial district. Backgroundchecks.com issued a consumer report about Khalid to an employer located in this judicial district and caused Khalid to lose out on a job opportunity in this judicial district. Additionally, BG Staffing denied Khalid a job in this judicial district.

**Factual Allegations**

11. Between ten and thirty years ago, Khalid was convicted of multiple crimes in Cook County, Illinois.

12. In 2013, Khalid petitioned a Cook County judge to seal certain of his criminal convictions, pursuant to 20 ILCS 2630/5.2(c).

13. In August 2013, a Cook County judge granted Khalid's petition and ordered the Clerk of the Circuit Court of Cook County to seal from public view records of Khalid's convictions.

14. In 2013, the Clerk of the Circuit Court of Cook County complied with the judge's order and sealed Khalid's record.

15. In approximately December 2016, Khalid applied for work through a temporary staffing agency, BG Staffing. He was hoping to be placed at a job performing maintenance work at an apartment complex.

16. On January 4, 2017, Backgroundchecks.com delivered a consumer report about Khalid to BG Staffing. That consumer report disclosed many of Khalid's sealed criminal convictions. Additionally, it repeated convictions multiple times, making it appear as though his criminal record was longer than it really was.

17. Backgroundchecks.com reported Khalid's convictions multiple times, even though another individual, George Boskie, sued the company in September 2016 for the same thing – reporting criminal convictions multiple times in the same report.

18. On January 4, 2017, BG Staffing was scheduled to interview Khalid for a job. Instead of interviewing Khalid, BG Staffing handed him a letter, informing him that it had decided not to offer him employment due to the results of his background check report.

19. Before it rejected him for a job, BG Staffing never provided Khalid a copy of the report, a copy of the FTC's summary of rights, and a reasonable opportunity to dispute the accuracy of the report.

20. Backgroundchecks.com did not maintain reasonable procedures designed to ensure the maximum possible accuracy of information included in its consumer reports.

21. More specifically, Backgroundchecks.com did not regularly check to determine whether criminal record information contained in its criminal record database had been sealed or expunged before reporting it to employers.

22. Additionally, Backgroundchecks.com did not purchase available electronic updates from the Clerk of the Circuit Court of Cook County informing background check companies when criminal records have been sealed or expunged.

23. Backgroundchecks.com willfully violated the FCRA by disseminating an incomplete and inaccurate report to BG Staffing.

**Count One – 15 U.S.C. § 1681e(b)**

24. Plaintiff realleges and incorporates by reference the prior paragraphs of this Complaint as if fully set forth herein.

25. Backgroundchecks.com willfully failed to maintain reasonable procedures designed to assure maximum possible accuracy of the information reported about Khalid in violation of 15 U.S.C. § 1681e(b).

26. Backgroundchecks.com's willful violation of 15 U.S.C. § 1681e(b) has caused damages to Khalid for which damages Backgroundchecks.com is liable under 15 U.S.C. § 1681n.

27. In the alternative, Backgroundchecks.com negligently failed to maintain reasonable procedures designed to assure maximum possible accuracy of the information reported about Khalid, in violation of 15 U.S.C. § 1681e(b).

28. Backgroundchecks.com's negligent violation of 15 U.S.C. § 1681e(b) has caused actual damages to Khalid for which damages Backgroundchecks.com is liable under 15 U.S.C. § 1681o.

**Prayer for Relief**

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Award Plaintiff actual damages, including lost wages and emotional distress damages against Backgroundchecks.com as provided in 15 U.S.C. § 1681o & n;
- B. Award Plaintiff statutory and punitive damages against Backgroundchecks.com as provided in 15 U.S.C. § 1681n;
- C. Award Plaintiff his attorneys' fees pursuant to 15 U.S.C. § 1681n & o;
- D. Award Plaintiff his costs pursuant to 28 U.S.C. § 1920; and
- E. Grant all such additional relief as the Court deems appropriate.

**Count Two – 15 U.S.C. § 1681b(b)(3)**

29. Plaintiff realleges and incorporates by reference the prior paragraphs of this Complaint as if fully set forth herein.

30. BG Staffing willfully failed to provide Khalid a copy of his background check report and the Federal Trade Commission's Summary of FCRA Rights before it rejected him for a job.

31. BG Staffing's willful violation of 15 U.S.C. § 1681e(b) has caused damages to Khalid for which damages Backgroundchecks.com is liable under 15 U.S.C. § 1681n.

32. In the alternative, BG Staffing negligently failed to maintain reasonable procedures designed to assure maximum possible accuracy of the information reported about Khalid, in violation of 15 U.S.C. § 1681e(b).

33. BG Staffing's negligent violation of 15 U.S.C. § 1681e(b) has caused actual damages to Khalid for which damages BG Staffing is liable under 15 U.S.C. § 1681o.

**Prayer for Relief**

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Award Plaintiff actual damages, including lost wages and emotional distress damages against BG Staffing as provided in 15 U.S.C. § 1681o & n.
- B. Award Plaintiff statutory and punitive damages against BG Staffing, as provided in 15 U.S.C. § 1681n;
- B. Award Plaintiff his attorneys' fees pursuant to 15 U.S.C. § 1681n & o;
- C. Award Plaintiff his costs pursuant to 28 U.S.C. § 1920; and
- D. Grant all such additional relief as the Court deems appropriate.

**Jury Demand**

Plaintiff demands trial by jury on all issues as to which a jury trial is available.

Respectfully submitted,

s/ Christopher J. Wilmes  
\_\_\_\_\_  
One of the Attorneys for Plaintiffs

Matthew J. Piers (IL Bar # 2206161)  
Christopher J. Wilmes (IL Bar # 6287688)  
HUGHES SOCOL PIERS RESNICK & DYM, LTD.  
70 West Madison Street, Suite 4000  
Chicago, Illinois 60602  
(312) 580-0100