

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

JENEEN SCOTT,)	
)	
Plaintiff,)	
)	Case No. 1:17-cv-1877
)	
v.)	
)	
STERLING INFOSYSTEMS, INC., and)	
DOCUMENT TECHNOLOGIES, LLC,)	
)	(Jury Trial Demanded)
Defendants.)	

COMPLAINT

Plaintiff Jeneen Scott (“Scott”) complains against Sterling Infosystems, Inc. and Document Technologies, LLC, as follows:

Introduction

1. Jeneen Scott brings this lawsuit against Sterling Infosystems, Inc. (“Sterling”) and Document Technologies, LLC (“Document Technologies”) 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 a company obtains for employment purposes is a consumer report. 15 U.S.C. § 1681a(d).

2. Sterling reported sealed criminal information about Scott to a prospective employer, Document Technologies. When Document Technologies received Sterling’s background check report about Scott, Document Technologies took adverse action against Scott by informing her that it would not hire her for a job.

3. Before Document Technologies took adverse action against Scott, it did not provide her a copy of her background check report and a reasonable opportunity to dispute the

accuracy of the report. Nor did it provide her a copy of the Federal Trade Commission's FCRA Summary of Rights.

4. As a result, Document Technologies willfully violated 15 U.S.C. § 1681b(b)(3) and Sterling willfully violated 15 U.S.C. §§ 1681e(b) and 1681k.

Parties

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

6. Defendant Sterling is headquartered in the State of New York and is a "consumer reporting agency" as that term is defined by the FCRA. 15 U.S.C. § 1681a(f).

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

8. Defendant Document Technologies is a Georgia corporation headquartered in Georgia.

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. Sterling issued a consumer report about Scott to an employer located in this judicial district and caused Scott to lose out on a job opportunity in this judicial district. Additionally, Document Technologies denied Scott a job in this judicial district.

Factual Allegations

11. Approximately ten years ago, Scott was convicted of a crime in Cook County, Illinois.

12. In May 2014, Scott petitioned a Cook County judge to seal the criminal conviction, pursuant to 20 ILCS 2630/5.2(c).

13. In August 2014, a Cook County judge granted Scott's petition and ordered the Clerk of the Circuit Court of Cook County to seal from public view any record of Scott's conviction.

14. In 2014, the Clerk of the Circuit Court of Cook County complied with the judge's order and sealed Scott's record.

15. In approximately November 2016, Scott applied to work for Document Technologies.

16. In November 2016, Sterling delivered a consumer report about Scott to Document Technologies for employment purposes. That consumer report disclosed Scott's sealed criminal conviction.

17. In December 2016, Document Technologies decided not to offer Scott employment due to the results of her background check report.

18. Before it rejected Scott for a job, Document Technologies never provided Scott a complete copy of her background check report, a copy of the FTC's summary of rights, and a reasonable opportunity to dispute the accuracy of the report.

19. Sterling did not maintain reasonable procedures designed to ensure the maximum possible accuracy of information included in Scott's consumer report.

20. More specifically, Sterling 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.

21. Additionally, Sterling 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.

22. Sterling did not send a copy of Scott's consumer report to her at the same time it sent a copy of the report to Document Technologies.

23. Sterling did not implement strict procedures to ensure that the criminal record information being reported about Scott to Document Technologies was complete and up to date.

24. Sterling willfully violated the FCRA by disseminating an incomplete and inaccurate report to Document Technologies.

Count One – 15 U.S.C. § 1681e(b)

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

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

27. Sterling's willful violation of 15 U.S.C. § 1681e(b) has caused damages to Scott for which damages Sterling is liable under 15 U.S.C. § 1681n.

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

29. Sterling's negligent violation of 15 U.S.C. § 1681e(b) has caused actual damages to Scott for which damages Sterling 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 Sterling as provided in 15 U.S.C. § 1681o & n;
- B. Award Plaintiff statutory and punitive damages against Sterling as provided in 15 U.S.C. § 1681n;
- C. Award Plaintiff her attorneys' fees pursuant to 15 U.S.C. § 1681n & o;
- D. Award Plaintiff her 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. § 1681k

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

32. Sterling did not send a copy of Scott's consumer report to Scott at the same time it sent a copy of the report to Document Technologies.

33. Sterling willfully failed to maintain strict procedures to ensure that the criminal record information being reported to Document Technologies was complete and up to date, in violation of 15 U.S.C. § 1681k.

34. Sterling's willful violation of 15 U.S.C. § 1681k has caused damages to Scott for which damages Sterling is liable under 15 U.S.C. § 1681n.

35. In the alternative, Sterling negligently failed to maintain strict procedures to ensure that the criminal record information being reported to Document Technologies was complete and up to date, in violation of 15 U.S.C. § 1681k.

36. Sterling's negligent violation of 15 U.S.C. § 1681k has caused actual damages to Scott for which damages Sterling is liable under 15 U.S.C. § 1681o.

Prayer for Relief

WHEREFORE, Plaintiff respectfully requests that this Court:

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

Count Three – 15 U.S.C. § 1681b(b)(3)

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

38. Document Technologies willfully failed to provide Scott a copy of his background check report and the Federal Trade Commission's Summary of FCRA Rights before it rejected her for a job.

39. Document Technologies' willful violation of 15 U.S.C. § 1681b(b)(3) has caused damages to Scott for which damages Document Technologies is liable under 15 U.S.C. § 1681n.

40. In the alternative, Document Technologies negligently failed to provide Scott a copy of his background check report and the Federal Trade Commission's Summary of FCRA Rights before it rejected her for a job.

41. Document Technologies' negligent violation of 15 U.S.C. § 1681b(b)(3) has caused damages to Scott for which damages Document Technologies 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 Document Technologies as provided in 15 U.S.C. § 1681o & n.
- B. Award Plaintiff statutory and punitive damages against Document Technologies, as provided in 15 U.S.C. § 1681n;
- B. Award Plaintiff her attorneys' fees pursuant to 15 U.S.C. § 1681n & o;
- C. Award Plaintiff her 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

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