

1 RAY KIM LAW, APC  
Raymond Y. Kim (SBN 251210)  
2 355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071  
3 Telephone: 833-729-5529  
Facsimile: 833-972-9546  
4 E-mail: ray@raykimlaw.com

5 Attorneys for Plaintiff  
Miguel Lerma, Jr.  
6  
7

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **SOUTHERN DIVISION**

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

12 MIGUEL LERMA, JR., individually  
and on behalf of all others similarly  
13 situated,

14 Plaintiff,

15 vs.

16 AMAZON.COM SERVICES, LLC.,  
17 AMAZON LOGISTICS, INC.,  
ACCURATE BACKGROUND, and  
18 DOES 1-5.

19 Defendants.  
20  
21  
22  
23  
24  
25  
26  
27  
28

) Case No.: \_\_\_\_\_

) **CLASS ACTION COMPLAINT**  
) **AND DEMAND FOR JURY**  
) **TRIAL**

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1 Plaintiff Miguel Lerma, Jr. (“Plaintiff”), individually and on behalf of all  
2 others similarly situated, brings this Class Action Complaint against defendant  
3 Amazon.com Services, LLC and Amazon Logistics, Inc. (together “Amazon”) and  
4 Accurate Background, Inc. (“Accurate Background”)<sup>1</sup>, and alleges as follows:

5 **SUMMARY OF ACTION**

6 1. Plaintiff, individually and on behalf of all others similarly situated,  
7 brings this action for damages and other legal and equitable remedies, based on: (i)  
8 Amazon’s and Accurate Background’s unlawful and unfair conduct in using  
9 information disclosed in the California Department of Justice Megan’s Law Website  
10 (“Megan’s Law Website”) for employment purposes; (ii) Accurate Background’s  
11 unlawful and unfair conduct in furnishing to Amazon investigative background  
12 reports containing records of arrest, indictment, misdemeanor complaint, or  
13 conviction of a crime that antedate the report by more than seven years; and (iii)  
14 Accurate Background’s unlawful and unfair conduct in furnishing consumer  
15 background reports to Amazon while knowing that Amazon (and Accurate  
16 Background itself as an agent and/or fiduciary representative of Amazon) unfairly  
17 and unlawfully uses information contained in the consumer reports.

18 2. In so doing, Amazon has violated the: (i) California Megan’s Law, Penal  
19 Code § 290.46 (“Megan’s Law”) and (ii) California Unfair Competition Law  
20 (“UCL”), Business and Professions Code § 17200. Accurate Background has  
21 violated: (i) California Megan’s Law, Penal Code § 290.46; (ii) California’s  
22 Investigative Consumer Reporting Agencies Act (“ICRAA”), Civil Code § 1786.18;  
23 (iii) federal Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681b(b)(2); (iv) the  
24 UCL, Business and Professions Code § 17200.

25 3. With respect to Amazon and Accurate Background’s unlawful and  
26 unfair use of information on the Megan’s Law Website, pursuant to the applicable  
27 statutes, Plaintiff seeks an injunction ordering that, moving forward, Amazon and  
28

---

<sup>1</sup> Amazon and Accurate Background are collectively referred to in the Complaint as “Defendants.”

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1 Accurate Background cease from using information on the Megan’s Law Website for  
2 employment purposes and institute a robust program to provide for the individualized  
3 assessment of each prospective employee or employee. With respect to Accurate  
4 Background’s furnishing of investigative background reports containing records of  
5 arrest, indictment, misdemeanor complaint, or conviction of a crime that antedate the  
6 report by more than seven years, pursuant to the applicable statutes, Plaintiff seeks an  
7 injunction ordering that, moving forward, Accurate Background cease such conduct.  
8 With respect to Accurate Background’s unlawful and unfair conduct in furnishing  
9 consumer background reports to Amazon while knowing that Amazon unfairly and  
10 unlawfully uses information from the Megan’s Law Website for employment  
11 purposes, pursuant to the applicable statutes, Plaintiff seeks an injunction ordering  
12 that, moving forward, Accurate Background cease such conduct.

13 **THE PARTIES**

14 4. Plaintiff is an individual consumer residing in the State of California,  
15 Orange County.

16 5. Defendant Amazon.com Services, LLC is a Delaware corporation  
17 headquartered in Seattle, Washington.

18 6. Defendant Amazon Logistics, Inc. is a Delaware corporation  
19 headquartered in Seattle, Washington. Amazon.com Services, LLC and Amazon  
20 Logistics, Inc. are collectively referred to as “Amazon” in this Complaint.

21 7. Defendant Accurate Background, Inc. (“Accurate Background”) is a  
22 consumer reporting agency that assembles and provides consumer reports to third  
23 parties for employment purposes and facilitates third party background checks by  
24 issuing pre-adverse action notices and adverse action notices. Accurate Background  
25 is based in Irvine, California.

26 8. Doe Defendants 1-5 are the background check companies and  
27 individuals who provided background information about Plaintiff, obtained a  
28

1 background report on Plaintiff without authorization, and/or used information on the  
2 Megan’s Law Website for employment purposes.

3 **JURISDICTION AND VENUE**

4 9. This is an action brought under 15 U.S.C. § 1681b, 1681n and § 1681o  
5 of the FCRA. The Court has jurisdiction over this action pursuant to 28 U.S.C. §  
6 1331 because it arises under the laws of the United States. This Court also has  
7 jurisdiction over this action pursuant to the Class Action Fairness Act, 28 U.S.C. §  
8 1332(d)(1). Plaintiff brings a class action under Federal Rule of Civil Procedure 23.  
9 Plaintiff and Amazon are citizens of different states, and on information and belief,  
10 the amount in controversy exceeds the sum of \$5,000,000.00.

11 10. Venue in this district is proper under 28 U.S.C. § 1391(b)(2) because  
12 Plaintiff is a resident of Orange County and a substantial part of the events or  
13 omissions giving rise to the claim occurred in this District.

14 **STATEMENT OF FACTS**

15 **A. Following His Conviction And Release, Plaintiff Worked Diligently To**  
16 **Rehabilitate And Become A Productive Member Of His Community**

17 11. Plaintiff is an Airforce Veteran and former Federal Officer for the United  
18 States Department of Homeland Security (“DHS”).

19 12. After high school, Plaintiff enlisted in the United States Airforce and  
20 served our Nation’s armed forces for six years. Plaintiff was honorably discharged as  
21 a Staff Sergeant of the 49th Security Forces Squadron in 2005. Following his military  
22 career, Plaintiff was a Customs and Border Protection Officer for approximately six  
23 years. In 2011, Plaintiff was arrested and charged with committing sexual offenses,  
24 and was convicted in January 2013. Plaintiff was incarcerated for a total of  
25 approximately five years for his offenses and was paroled in May 2016. As a result,  
26 Plaintiff appears as a registered sex offender on the Megan’s Law Website, along with  
27 information about the basis for his convictions.

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1           13. Since his release, Plaintiff has worked extremely diligently to gain the  
2 skills and knowledge to start a professional career and successfully reintegrate into his  
3 community. Among other things, Plaintiff attended school full time and obtained his  
4 Associate in Arts degree from Coastline College in Business Administration, and then  
5 obtained his Bachelor of Arts degree in Finance from the College of Business &  
6 Economics at California State University, Fullerton (“Cal State Fullerton”) in June  
7 2021.

8           14. While attending school, for three years Plaintiff worked as a Veteran  
9 Services Specialist at the Veterans Resource Center at Coastline College and as a Peer  
10 Intake Specialist at the Veterans Resource Center at Cal State Fullerton. There, among  
11 other things, he planned career readiness training, assisted student veterans with  
12 Veterans Affairs benefits and resources, built and maintained professional  
13 relationships with community partners on behalf of the schools, and coached veteran  
14 students on financial planning and communication skills. Plaintiff also served as the  
15 President of the Student Veterans of America (SVA) Chapter at Coastline College. In  
16 addition, while a student at Cal State Fullerton Plaintiff worked as an investment  
17 analyst at Titan Capital Management, overseeing a \$1.5 million investment portfolio  
18 of Cal State Fullerton’s Philanthropic Foundation, conducting research and analysis on  
19 securities and capital markets, and writing comprehensive reports for the Foundation’s  
20 Board of Directors.

21           15. However, following his graduation from Cal State Fullerton Plaintiff has  
22 faced extreme difficulty finding a steady, full-time job. To make ends meet, Plaintiff  
23 has held a number of part-time positions. And to make himself more marketable, he  
24 recently completed and received Microsoft SQL certification and hopes to start a career  
25 as a data analyst or financial advisor.

26           16. Plaintiff deeply regrets the actions that led to his conviction, and since  
27 his release he has made every effort to rebuild and redefine himself by educating  
28 himself and working diligently to become a productive member of his community.

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1 However, the “powers that be,” including Amazon and Accurate Background,  
2 continue to place roadblocks that have made it very difficult for Plaintiff to transition  
3 back to a “regular” life and be a contributing member of society.

4 **B. Based On Information Obtained By Accurate Background, Amazon And**  
5 **Accurate Background Used Information From The Megan’s Law Website**  
6 **For Employment Purposes And Refused To Hire Plaintiff**

7 17. In late 2021, Plaintiff applied for a seasonal associate position with  
8 Amazon at its fulfillment center in Mission Viejo, California. On or about November  
9 5, 2021, Amazon offered Plaintiff the job, “contingent upon passing a drug test,  
10 background check, and completing other employment requirements[.]”

11 18. Plaintiff passed the drug test, completed the other employment  
12 requirements, and cleared the background check. On November 15, Plaintiff began  
13 work with Amazon. Plaintiff performed very well and was interested in working  
14 further at Amazon.

15 19. The seasonal position with Amazon was to end in March 2022. On  
16 February 26, 2022, Amazon emailed Plaintiff stating:

17 The last day of employment will be the date that was communicated to  
18 you on the notification you received. *You are marked as re-hire*  
19 *eligible and can reapply at any time after your assignment has*  
20 *officially ended* and your separation has been processed. Job postings  
21 can be found at <http://amazondelivers.jobs>. Thank you again for your  
22 great work during your temporary assignment with us. Your  
contribution to Amazon, the team, and our customers is truly  
appreciated. (emphasis added)

23 20. On February 28, Amazon emailed Plaintiff stating, “Thank you for  
24 contacting the Employee Resource Center (ERC) today! We are glad to hear that you  
25 want to continue working for us as a Permanent associate!” In the email, Amazon  
26 provided instructions for applying for a permanent position with Amazon.

27 21. On March 4, 2022, Plaintiff’s seasonal employment ended with Amazon  
28 ended.

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1           22. Plaintiff applied to be a store associate with Amazon at its Amazon  
2 Fresh store in Mission Viejo. Amazon Fresh is an online and brick and mortar  
3 grocery store. His primary responsibilities as a store associate were to fulfill online  
4 Amazon Fresh orders, receive stock and replenish products.

5           23. On or about March 18, Amazon offered Plaintiff the job contingent upon  
6 Plaintiff passing a background check.

7           24. On March 23, Accurate Background, as an agent and at the direction of  
8 Amazon, emailed Plaintiff a pre-adverse action notice. Among other things, it stated  
9 that it was notifying Plaintiff “of possible adverse action based upon consumer  
10 report,” and:

11           The item(s) under review include, in whole or in part, the following  
12 information:

13           RAPE DURESS MENACE FELONY GUILTY - 04/04/2011

14           RAPE BY USE OF DRUGS FELONY GUILTY - 04/04/2011

15           (emphasis in original).

16  
17           25. On April 6, Accurate Background, as an agent and at the direction of  
18 Amazon, emailed Plaintiff a post-adverse action notice, stating:

19           We now write to advise you of an adverse action that Amazon has  
20 taken against you. Specifically, Amazon has decided not to enter into,  
21 or to discontinue, an employment or independent contractor  
relationship with you.

22           The following provided information was used as the basis for the  
23 decision:

24           RAPE DURESS MENACE FELONY GUILTY - 04/04/2011

25           RAPE BY USE OF DRUGS FELONY GUILTY - 04/04/2011

26           (emphasis in original).

27  
28





Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1 directors, assigns, and successors; and (2) the Judge to whom this case is assigned  
2 and the Judge's staff. Plaintiff reserves the right to amend or expand the Classes'  
3 definitions to seek recovery on behalf of additional persons as warranted as facts are  
4 learned in further investigation and discovery.

5 **Megan's Law Class**

6 29. Plaintiff and members of the Megan's Law Class were harmed by the acts  
7 of Amazon and Accurate Background in at least the following ways: Defendants used  
8 conviction information in the Megan's Law Website for purposes relating to  
9 employment, Defendants denied Plaintiff and other members of the Megan's Law  
10 Class employment based on information from the Megan's Law Website, and this  
11 violation caused Plaintiff and Megan's Law Class members to lose an opportunity to  
12 earn income, have a lawful paying job, contribute to the workforce, be productive  
13 members of their community, and severe emotional distress, anxiety, deep frustration  
14 and loss of sleep.

15 30. Common questions of fact and law exist as to all members of the Megan's  
16 Law Class, which predominate over any questions affecting only Plaintiff or individual  
17 members of the Megan's Law Class. These common legal and factual questions, which  
18 do not vary between the Megan's Law class members, and which may be determined  
19 without reference to the individual circumstances of any Megan's Law Class members,  
20 include, but are not limited to, the following:

- 21 A. Whether, within four years prior to the filing of this Complaint,  
22 Defendants used information in the Megan's Law Website for  
23 purposes relating to employment;
- 24 B. Whether, within four years prior to the filing of this Complaint,  
25 Defendants denied Plaintiff and other members of the Megan's  
26 Law Class employment based on information from the Megan's  
27 Law Website;
- 28

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

- 1 C. Whether Plaintiff and the Megan’s Law Class members were
- 2 damaged thereby, and the extent of damages for such violation;
- 3 D. Whether such conduct is unlawful; and
- 4 E. Whether Defendants should be enjoined from engaging in such
- 5 conduct in the future.

6 31. As a person that who was denied employment as a result of information  
7 in the Megan’s Law Website, Plaintiff is asserting claims that are typical of the  
8 Megan’s Law Class.

9 **ICRAA Class**

10 32. Plaintiff and members of the ICRAA Class were harmed by the acts of  
11 Accurate Background in at least the following ways: Accurate Background furnished  
12 information to Amazon in an investigative consumer report containing records of  
13 arrest, indictment, misdemeanor complaint, or conviction of a crime that, from the date  
14 of disposition, release, or parole, antedate the report by more than seven years. This  
15 violation caused Plaintiff and ICRAA Class members to lose an opportunity to earn  
16 income, have a lawful paying job, contribute to the workforce, be productive members  
17 of their community, and severe emotional distress, anxiety, deep frustration and loss  
18 of sleep.

19 33. Common questions of fact and law exist as to all members of the ICRAA  
20 Class which predominate over any questions affecting only individual members of the  
21 ICRAA Class. These common legal and factual questions, which do not vary between  
22 the ICRAA Class members, and which may be determined without reference to the  
23 individual circumstances of any ICRAA Class members, include, but are not limited  
24 to, the following:

- 25 A. Whether within two years prior to the filing of this Complaint
- 26 Accurate Background furnished information to third parties
- 27 (including Amazon) in an investigative consumer report
- 28 containing records of arrest, indictment, misdemeanor complaint,

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1 or conviction of a crime that, from the date of disposition, release,  
2 or parole, antedate the report by more than seven years;

3 B. Whether Accurate Background’s conduct was unlawful; and

4 C. Whether Accurate Background should be enjoined from engaging  
5 in such conduct in the future.

6 34. As a person that who applied for employment and on whom Accurate  
7 Background furnished an investigative consumer report containing records of arrest,  
8 indictment, misdemeanor complaint, or conviction of a crime that, from the date of  
9 disposition, release, or parole, antedate the report by more than seven years, Plaintiff  
10 is asserting claims that are typical of the ICRAA Class.

11 **FCRA Class**

12 35. Plaintiff and members of the FCRA Class were harmed by the acts of  
13 Accurate Background in at least the following ways: Accurate Background conducted  
14 background search and furnished a consumer report containing sex offender registry  
15 information from the Megan’s Law Website that Accurate Background *knew* would be  
16 unlawfully used by Amazon and/or Accurate Background for employment decisions.  
17 This violation caused Plaintiff and FCRA Class members to lose an opportunity to earn  
18 income, have a lawful paying job, contribute to the workforce, be productive members  
19 of their community, and severe emotional distress, anxiety, deep frustration and loss  
20 of sleep.

21 36. Common questions of fact and law exist as to all members of the FCRA  
22 Class which predominate over any questions affecting only individual members of the  
23 FCRA Class. These common legal and factual questions, which do not vary between  
24 the FCRA Class members, and which may be determined without reference to the  
25 individual circumstances of any FCRA Class members, include, but are not limited to,  
26 the following:

27 A. Whether Accurate Background conducted a background search  
28 and furnished a consumer report containing sex offender registry

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1 information from the Megan’s Law Website knowing that the  
2 information would be unlawfully used by Amazon and/or  
3 Accurate Background for employment decisions;

4 B. Whether Accurate Background’s conduct was unlawful; and

5 C. Whether Accurate Background should be enjoined from engaging  
6 in such conduct in the future.

7 37. As a person that who applied for employment with Amazon and on whom  
8 Accurate Background furnished a background consumer report containing sex offender  
9 registry information from the Megan’s Law Website that was used by Amazon and/or  
10 Accurate Background for employment decisions, Plaintiff is asserting claims that are  
11 typical of the FCRA Class.

12 **The Classes**

13 38. The members of the Classes are so numerous that joinder of all members  
14 would be unfeasible and impractical. The membership of the Classes is currently  
15 unknown to Plaintiff at this time; however, given that, on information and belief,  
16 Amazon has over a million employees and receives thousands of employment  
17 applications in California each year, and Accurate Background furnishes background  
18 reports for tens of thousands of prospective employees in California per year, the  
19 members of each of the Classes are so numerous that joinder of all members is  
20 impracticable. The disposition of their claims in a class action is a superior method to  
21 individual actions and will provide substantial benefits to the parties and the Court.

22 39. Plaintiff will fairly and adequately protect the interest of the members of  
23 the Classes because Plaintiff has no interests which are adverse to the interest of absent  
24 class members and because Plaintiff has retained counsel who possess significant class  
25 action litigation experience regarding alleged violations of consumer statutes.

26 40. A class action is superior to other available methods of fair and efficient  
27 adjudication of this controversy because individual litigation of each of the claims of  
28 the members of the Classes is impracticable. Even if every Class member could afford

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1 individual litigation, the court system could not. It would be unduly burdensome to  
2 the courts in which individual litigation of numerous issues would proceed.  
3 Individualized litigation would also present the potential for varying, inconsistent, or  
4 contradictory judgments and would magnify the delay and expense to all parties and to  
5 the court system resulting from multiple trials of the same complex factual issues. By  
6 contrast, the conduct of this action as a class action presents fewer management  
7 difficulties, conserves the resources of the parties and of the court system, and protects  
8 the rights of each member of the Classes.

9 41. The prosecution of separate actions by individual members of the Classes  
10 would create a risk of adjudications with respect to them that would, as a practical  
11 matter, be dispositive of the interests of the other Class members not parties to such  
12 adjudications or that would substantially impair or impede the ability of such non-party  
13 Class members to protect their interests.

14 42. Amazon and Accurate Background have acted or refused to act in respects  
15 generally applicable to the Classes, thereby making appropriate final and injunctive  
16 relief with regard to the members of the Classes as a whole.

17 **FIRST CAUSE OF ACTION**  
18 **CALIFORNIA MEGAN’S LAW**  
19 **Cal. Pen. Code § 290.46 *et seq.***  
20 **(Against Defendants)**

21 43. Plaintiff repeats, re-alleges, and incorporates by reference all other  
22 paragraphs, as if fully set forth herein.

23 44. California Megan’s Law, Penal Code § 290.46 (“Megan’s Law”),  
24 requires that the Department of Justice maintain a public website identifying persons  
25 who are registered sex offenders on the website.

26 45. To ensure that registered offenders are not discriminated against based  
27 on information in the website, the Megan’s Law also prohibits the use of any  
28

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1 information disclosed in the Megan’s Law Website from being used for employment  
2 purposes. Cal. Penal Code § 290.46(j)(2)(E).

3 46. Amazon and Accurate Background (as an agent and/or fiduciary  
4 representative of Amazon) used the information in the Megan’s Law Website for  
5 employment purposes and denied Plaintiff employment with Amazon. Despite  
6 Amazon’s employment of Plaintiff just a month before, Amazon and Accurate  
7 Background used information contained in the Megan’s Law Website to conclude  
8 that Plaintiff was not fit to work at Amazon.

9 47. As a result of Amazon and Accurate Background’s violations, Plaintiff  
10 and members of the Class are entitled to recover actual damages, including lost  
11 wages, damages for emotional distress, loss of sleep, anxiety, treble damages,  
12 statutory damages, a civil penalty of \$25,000.00, exemplary damages, and attorney  
13 fees and costs. Plaintiff and members of the Megan’s Law Class are also entitled to  
14 injunctive/preventative relief ordering that, moving forward, Amazon and Accurate  
15 Background cease from using information on the Megan’s Law Website for  
16 employment purposes.

17 **SECOND CAUSE OF ACTION**

18 **INVESTIGATIVE CONSUMER REPORTING AGENCIES ACT**

19 **Cal. Civ. Code § 1786.18**

20 **(Against Accurate Background)**

21 48. Plaintiff repeats, re-alleges, and incorporates by reference all other  
22 paragraphs, as if fully set forth herein.

23 49. California Investigative Consumer Reporting Agencies Act (“ICRAA”),  
24 Civil Code § 1786.18, prohibits an investigative consumer reporting agency from  
25 making or furnishing any investigative consumer report containing, among other  
26 things, “[r]ecords of arrest, indictment, information, misdemeanor complaint, or  
27 conviction of a crime that, from the date of disposition, release, or parole, antedate  
28 the report by more than seven years.” Cal. Civ. Code § 1786.18(a)(7).

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1           50. Accurate Background is an “investigative consumer reporting agency”  
2 because it, “for monetary fees or dues, engages in whole or in part in the practice of  
3 collecting, assembling, evaluating, compiling, reporting, transmitting, transferring, or  
4 communicating information concerning consumers for the purposes of furnishing  
5 investigative consumer reports to third parties.” Cal. Civ. Code § 1786.2(d).

6           51. An “investigative consumer report” means a consumer report in which  
7 information on a consumer’s character, general reputation, personal characteristics, or  
8 mode of living is obtained through any means.” Cal. Civ. Code § 1786.2(c).

9           52. Plaintiff is a “consumer” under the ICRAA because he is “a natural  
10 individual who has made application to a person for employment purposes.” Cal.  
11 Civ. Code § 1786.2(b).

12           53. Accurate Background violated the ICRAA by furnishing an investigative  
13 consumer report on Plaintiff containing records of arrest, indictment, and/or  
14 conviction that antedates the report by more than seven years. Accurate  
15 Background’s violation was grossly negligent or willful because it was aware of the  
16 ICRAA yet elected to ignore and violate the statute.

17           54. As a result of Accurate Background’s violations, Plaintiff and members  
18 of the ICRAA Class are entitled to recover actual damages, including lost wages,  
19 damages for emotional distress, loss of sleep, anxiety, treble damages, statutory  
20 damages, punitive damages, and attorney fees and costs. Plaintiff and members of  
21 the ICRAA Class are also entitled to injunctive/preventative relief ordering that,  
22 moving forward, Accurate Background ceases from including records of arrest,  
23 indictment, information, misdemeanor complaint, or conviction in investigative  
24 consumer reports that antedate the report by more than seven years.

25                           **THIRD CAUSE OF ACTION**

26                           **FAIR CREDIT REPORTING ACT**

27                           **15 U.S.C. § 1681b(b)(1)**

28                           **(Against Accurate Background)**

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1 55. Plaintiff repeats, re-alleges, and incorporates by reference all other  
2 paragraphs, as if fully set forth herein.

3 56. Accurate Background is a “consumer reporting agency” as defined by the  
4 FCRA.

5 57. Plaintiff is a “consumer” as defined by the FCRA, on who a “consumer  
6 report” was generated and furnished, as defined by the FCRA.

7 58. Accurate Background furnished a consumer report to Amazon with  
8 knowledge that the information from the consumer report will be used in violation of  
9 the law, including California’s Megan’s Law. Indeed, on information and belief,  
10 Accurate Background, as an agent or fiduciary representative for Amazon, used the  
11 consumer report in violation of California’s Megan’s Law by making employment  
12 decisions on behalf of Amazon based on information from the Megan’s Law Website  
13 contained in the consumer report. Thus, Accurate Background is in violation of the  
14 FCRA, 15 U.S.C. § 1681b(b)(1).

15 59. As a result of Accurate Background’s negligent violation of the FCRA,  
16 Plaintiff and FCRA Class members are entitled to actual damages, and reasonable  
17 attorneys’ fees and costs. 15 U.S.C. § 1681n.

18 60. Accurate Background also acted with knowledge, willfulness, and  
19 reckless disregard of the law, thereby entitling Plaintiff and FCRA Class members to  
20 statutory damages of \$1,000.00 and punitive damages in an amount to be determined  
21 at trial. 15 U.S.C. § 1681n.

22 **FOURTH CAUSE OF ACTION**

23 **UNFAIR COMPETITION LAW**

24 **California Business & Professions Code §17200**

25 **(Against All Defendants)**

26 61. Plaintiff repeats, re-alleges, and incorporates by reference all other  
27 paragraphs, as if fully set forth herein.

28



Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1           62. The UCL defines unfair competition to include any unlawful, unfair, or  
2 fraudulent business act or practice. The UCL provides that a court may order  
3 injunctive relief as a remedy for any violations of the UCL.

4           63. Beginning on an exact date unknown to Plaintiff, but at all times  
5 relevant herein, Amazon and Accurate Background have committed acts of unfair  
6 and unlawful competition proscribed by the UCL, including the practices alleged  
7 herein. The acts of unfair competition include the following:

- 8           a. Amazon used information contained in the Megan’s Law  
9 Website for employment purposes.
- 10           b. Accurate Background, as an agent of Amazon, used information  
11 contained in the Megan’s Law Website for employment  
12 purposes.
- 13           c. Accurate Background included prohibited information in the  
14 investigative consumer report on Plaintiff and members of the  
15 ICRAA Class.
- 16           d. Accurate Background furnished consumer reports to Amazon  
17 with knowledge that the information from the consumer report  
18 will be used in violation of the law, including California’s  
19 Megan’s Law.

20           64. Defendants’ unlawful conduct has caused and continues to cause  
21 substantial injury to Plaintiff and the members of the Classes. As a result of  
22 Defendants’ unfair and unlawful conduct, Plaintiff lost money and/or property.

23           65. The business acts and practices of Defendants, as hereinabove alleged,  
24 constitute unfair business practices in that said acts and practices offend public policy  
25 and are substantially injurious to consumers and prospective employees. These acts  
26 and practices have no utility that outweighs their substantial harm to consumers and  
27 prospective employees.

28

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

1           66. The unlawful and unfair business acts and practices of Defendants  
2 described herein present a continuing threat to Plaintiff and members of the general  
3 public in that Amazon and Accurate Background are currently engaging in such acts  
4 and practices, and will persist and continue to do so unless and until an injunction is  
5 issued by this Court.

6           67. Pursuant to Business and Professions Code § 17203, Plaintiff seeks a  
7 injunction ordering that, moving forward:

8           a. Amazon and Accurate Background cease from using  
9 information on the Megan’s Law Website for employment purposes.

10           b. Accurate Background cease from including records of arrest,  
11 indictment, information, misdemeanor complaint, or conviction of a  
12 crime that antedate the report by more than seven years.

13           c. Accurate Background cease from furnishing consumer reports  
14 that include information from the Megan’s Law Website knowing that  
15 such information will be used in violation of the law.

16           68. Pursuant to Code of Civil Procedure § 1021.5, Plaintiff seeks recovery  
17 of his attorney’s fees, costs and expenses incurred in the filing and prosecution of this  
18 action

**PRAYER FOR RELIEF**

19  
20           WHEREFORE, Plaintiff prays that judgment be entered against Amazon, and  
21 Plaintiff be awarded the following legal and equitable relief:

22           1. Certifying the Classes and pursuant to Federal Rule of Civil Procedure  
23 23, certifying Plaintiffs as the representatives of the Classes, and designating their  
24 counsel as counsel for the Classes

25           2. Actual and compensatory damages for injuries suffered by Plaintiffs and  
26 the Classes;

27           3. Statutory damages and treble damages;

28           4. Punitive/exemplary damages;

Ray Kim Law, APC  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071

- 1           5.     Civil penalty of \$25,000.00;
- 2           6.     Injunctive/preventative relief ordering Amazon and Accurate
- 3 Background ordering that, moving forward, Amazon and Accurate Background cease
- 4 from using information on the Megan’s Law Website for employment purposes;
- 5           7.     Injunctive relief ordering that, moving forward, Accurate Background
- 6 cease from including records of arrest, indictment, information, misdemeanor
- 7 complaint, or conviction of a crime that antedate the report by more than seven years;
- 8           8.     Injunctive relief ordering that moving forward Accurate Background
- 9 cease from furnishing consumer reports that include information from the Megan’s
- 10 Law Website knowing that such information will be used in violation of the law;
- 11           9.     Reasonable attorney’s fees and costs to bring and maintain the instant
- 12 action;
- 13           10.    For such other and further relief as the Court may deem just and proper.

**TRIAL BY JURY**

Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: September 21, 2022

RAY KIM LAW, APC

*/s/ Raymond Y. Kim*  
 \_\_\_\_\_  
 Raymond Y. Kim  
 Attorneys for Plaintiff  
 Miguel Lerma, Jr.

28