

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

Ashley Ott <i>individually and on</i>)	Case No.
<i>Behalf of all others similarly situated,</i>)	
)	Judge:
Plaintiff,)	
)	
-vs-)	
)	
Bumble, Inc.)	
)	
Defendant.)	

CLASS ACTION COMPLAINT

Now comes Plaintiff, Ashley Ott (“Plaintiff”), on behalf of herself and all other similarly situated, through Counsel, and pursuant to Fed. R. Civ. P. 23, against Defendant, Bumble, Inc. (“Bumble” or “Defendant”), its subsidiaries and affiliates, to redress and curtail Defendant’s unlawful collections, obtainments, use, storage, and disclosure of Plaintiff’s sensitive and proprietary biometric identifiers and/or biometric information (collectively referred to herein as “biometric data” and/or “biometrics”). Plaintiff alleges as follows upon personal knowledge as to herself, her own acts and experiences and, as to all other matters, upon information and belief including investigation conducted by her attorneys.

NATURE OF THE ACTION

1. Defendant, Bumble is a corporation which operates as an online, “app-based” platform wherein individuals can match with others and form social connections with other individuals in their area.
2. Plaintiff opened a Bumble account on or around October, 2021.

3. As part of signing up, and/or gaining access to her Bumble account, Plaintiff was required to upload a picture of a real time portrait of Plaintiff's face, i.e. a "selfie." in order to take part in Bumble's photo verification process.

4. Bumble scans the "selfie" photograph, creates a biometric template of the user's face, and compares the user's facial biometrics to the photographs on the user's profile to confirm whether they match.

Profile Verification Information (Including Biometric Information)

For safety and security and to ensure you have the best possible user experience, we require Users to verify their accounts and might ask for your phone number and, in some instances, we might also ask that you carry out [photo verification](#). We want to make sure you are not a robot! And we also want to avoid fake Bumble accounts being created which can be used for malicious activities and cybercrime – they threaten the Bumble network and spoil things for everyone. This verification might be required by us for the prevention of fraud. You can also verify your photo on a voluntary basis (to add the blue 'verified' badge to your profile).

If you choose to verify your profile photo, we will scan each photo that you submit. The scan may include the use of facial recognition technology so that we can compare the photo you submit to your profile photo, to help ensure that you are who you say you are. We do not add the verification photos to your profile. We retain the scans so that we can verify you in the future and for our record-keeping purposes until we no longer need them for such purposes or for three years after your last interaction with us, whichever occurs first. After the applicable retention period expires, we take commercially reasonable steps to permanently and securely delete the scans from our systems.

5. Bumble collects, stores, possesses, otherwise obtains, uses, and disseminates its users' biometric data to, amongst other things, further enhance Bumble and its online "app-based" platform.

6. Bumble wrongfully profits from the facial scans it has collected or otherwise obtained from its users.

7. Facial geometry scans are unique, permanent biometric identifiers associated with each user that cannot be changed or replaced if stolen or compromised. Bumble's unlawful

collection, obtainment, storage, and use of its users' biometric data exposes them to serious and irreversible privacy risks. For example, if Bumble's database containing facial geometry scans or other sensitive, proprietary biometric data is hacked, breached, or otherwise exposed, Bumble users have no means by which to prevent identity theft, unauthorized tracking or other unlawful or improper use of this highly personal and private information.

8. The Illinois legislature enacted BIPA to protect residents' privacy interests in their biometric data. *See Heard v. Becton, Dickinson & Co.*, 440 F. Supp. 3d 960, 963 (N.D. Ill. 2020), citing *Rosenbach v. Six Flags Entm't Corp.*, 2019 IL 123186, 432 Ill. Dec. 654, 129 N.E.3d 1197, 1199 (2019).

9. Courts analogize an individual's privacy interest in her unique biometric data to her interest in protecting her private domain from invasion, such as from trespass. *See Bryant v. Compass Group USA, Inc.*, 958 F.3d 617, 624 (7th Cir. 2020), as amended on denial of reh'g and reh'g en banc, (June 30, 2020) and opinion amended on denial of reh'g en banc, 2020 U.S. App. LEXIS 20468, 2020 WL 6534581 (7th Cir. 2020).

10. In recognition of these concerns over the security of individuals' biometrics – particularly in the City of Chicago, which has been selected by major national corporations as a “pilot testing site[] for new applications of biometric-facilitated financial transactions, including finger-scan technologies at grocery stores, gas stations, and school cafeterias” (740 ILCS 14/5(b)) – the Illinois Legislature enacted the BIPA, which provides, inter alia, that a private entity like Bumble may not obtain and/or possess an individual's biometrics unless it: (1) informs that person in writing that biometric identifiers or information will be collected or stored; (2) informs that person in writing of the specific purpose and length of term for which such biometric identifiers or biometric information is being collected, stored and used; (3) receives a written release from

the person for the collection of his or her biometric identifiers or information; and (4) publishes publicly-available written retention schedules and guidelines for permanently destroying biometric identifiers and biometric information. 740 ILCS 14/15(a)-(b).

11. The Illinois Legislature has found that “[b]iometrics are unlike other unique identifiers that are used to access finances or other sensitive information.” 740 ILCS 14/5(c). “For example, social security numbers, when compromised, can be changed. Biometrics, however, are biologically unique to the individual; therefore, once compromised, the individual has no recourse, is at heightened risk for identity theft, and is likely to withdraw from biometric-facilitated transactions.” *Id.*

12. Specifically, upon information and belief, Bumble has created, collected, and stored millions of “face templates” – highly detailed geometric maps of the face – from countless Illinois residents whose selfies and photos were collected by Bumble. Each face template that Bumble extracts is unique to a particular individual in the same way that a fingerprint or voiceprint uniquely identifies one, and only one specific person.

13. Bumble is a “private entity” as that term is broadly defined by BIPA and Bumble is subject to all requirements of BIPA. *See* 740 ILCS § 14/10.

JURISDICTION AND VENUE

14. This is a Class Action Complaint for violations of the Illinois Biometric Information Privacy Act (740 ILCS 14/1 et seq.) brought pursuant to Fed. R. Civ. P. 23 seeking statutory and actual damages.

15. Venue is proper in this Court because a substantial amount of the acts and omissions giving rise to this Action occurred within this judicial district.

16. This Court has jurisdiction over this dispute pursuant to 28 U.S.C. § 1332 because Plaintiff and the proposed class members are all residents of Illinois, Bumble is a foreign resident, and the amount in controversy exceeds \$75,000.

17. This Court has jurisdiction over this dispute pursuant to the Class Action Fairness Act (“CAFA”) because the prospective class includes over 100 people and the amount in controversy exceeds \$5,000,000.

18. At all relevant times, Plaintiff is a resident of the state of Illinois and the violations of BIPA as detailed herein occurred while Plaintiff was located in Illinois.

19. At all relevant times, Bumble is incorporated under the laws and jurisdiction of Delaware, and Bumble’s principal place of business is located at 1105 West 42st St, Austin, Texas, United States, 78756. *See Heinen v. Northrop Grumman*, 671 F.3d 669, 670 (7th Cir. 2012); *Fellowes, Inc. v. Changzhou Xinrui Fellowes Office Equip. Co.*, 759 F.3d 787, 788 (7th Cir. 2014).

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

20. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

21. Plaintiff opened a Bumble account on or around October 1st, 2021.

22. As part of signing up, and/or gaining access to her Bumble account, Plaintiff was required to upload a picture of a real time portrait of Plaintiff’s face, i.e. a “selfie.”

23. Bumble then scanned Plaintiff’s “selfie” photograph, creating a biometric template of the Plaintiff’s face and biometric identifiers, and compared the Plaintiff’s biometric identifiers to the photographs on her dating profile to confirm whether they match.

Profile Verification Information (Including Biometric Information)

For safety and security and to ensure you have the best possible user experience, we require Users to verify their accounts and might ask for your phone number and, in some instances, we might also ask that you carry out [photo verification](#). We want to make sure you are not a robot! And we also want to avoid fake Bumble accounts being created which can be used for malicious activities and cybercrime – they threaten the Bumble network and spoil things for everyone. This verification might be required by us for the prevention of fraud. You can also verify your photo on a voluntary basis (to add the blue ‘verified’ badge to your profile).

If you choose to verify your profile photo, we will scan each photo that you submit. The scan may include the use of facial recognition technology so that we can compare the photo you submit to your profile photo, to help ensure that you are who you say you are. We do not add the verification photos to your profile. We retain the scans so that we can verify you in the future and for our record-keeping purposes until we no longer need them for such purposes or for three years after your last interaction with us, whichever occurs first. After the applicable retention period expires, we take commercially reasonable steps to permanently and securely delete the scans from our systems.

24. In other words, Bumble collected and retained biometric information for the purpose of verifying Plaintiff’s identity prior to opening a Bumble account in Plaintiff’s name.

25. At the time of collecting and retaining Plaintiff’s biometric information, Bumble had no written policy made available to the public definitively and specifically establishing a retention schedule and guidelines for permanently destroying biometric information when the initial purpose for collecting or obtaining such biometric information has been satisfied or within 3 years of the individual's last interaction with Bumble, whichever occurs first.

26. Ostensibly, the purpose of Bumble’s collection of Plaintiff’s biometric information was to verify Plaintiff’s identity prior to opening a Bumble account in Plaintiff’s name.

27. As such, Plaintiff’s biometric information should have been permanently destroyed by Bumble following the opening of Plaintiff’s Bumble account.

28. However, Bumble failed to permanently destroy Plaintiff’s biometric information following the opening of Plaintiff’s Bumble account and instead retained Plaintiff’s biometric information.

29. Instead, Bumble simply instructed Plaintiff to upload her “selfie” and partake in the photo verification portion as part of the overall account opening process.

30. As such, Bumble's retention of Plaintiff's biometric information was unlawful and in violation of 740 ILCS § 14/15(a).

31. During the photo verification process, Bumble did not inform Plaintiff in writing of the specific purpose and length of term for which his biometric information as being collected, stored, and used.

32. Bumble collected, stored, and used Plaintiff's biometric information without ever receiving a written release executed by Plaintiff which would consent to or authorize Bumble to do the same.

33. Additionally, Bumble disclosed, redisclosed, or otherwise disseminated a Plaintiff's information (1) without Plaintiff's consent; (2) without Plaintiff's authorization to complete a financial transaction requested or authorized by; (3) without being required by State or federal law or municipal ordinance; or (4) without being required pursuant to a valid warrant or subpoena issued by a court of competent jurisdiction.

34. Bumble lists "biometric information" as part of the definition of the Personal Information as defined by the California Consumer Privacy Act (CCPA) they collect and store from their users:

For Users who are California residents, the data we may collect falls within the following categories of "personal information", as defined by the California Consumer Privacy Act (CCPA):

- A. Identifiers, such as name and location;
- B. Personal information, as defined in the California customer records law, such as contact (including email and telephone number) and financial information;
- C. Characteristics of protected classifications under California or federal law (if you choose to provide them), such as age, gender identity, marital status, sexual orientation, race, ancestry, national origin, religion, and medical conditions;
- D. Commercial information, such as transaction information and purchase history;
- E. Biometric information;
- F. Internet or network activity information, such as browsing history and interactions with our Sites and App;
- G. Geolocation data, such as mobile device location;

- H. Audio, electronic, visual and similar information, such as photos and videos;
- I. Professional or employment-related information, such as work history and prior employer;
- J. Non-public education information; and
- K. Inferences drawn from any of the personal information listed above to create a profile or summary about, for example, an individual’s preferences and characteristics.

35. Bumble’s Privacy Policy goes on to list other ways in which it uses its users’

Personal Information including dissemination to multiple broad categories of third parties to which it discloses users’ personal information, including biometric information:

Purpose for which data is used	Data	Source	Legal basis
To provide you with the Bumble social networking service	Name, email address, date of birth, location (CCPA Categories A and B)	You provide your name, email address and date of birth to us. We obtain location data from the device that you use to access the service	Contractual necessity
To facilitate networking opportunities on the Bumble App	Optional information that you choose to provide in your profile, including through profile verification, or adding Bumble badges, which may include information about your sexual preferences, non-binary gender, religion, ethnic background, photos, interests, etc. (CCPA Categories B, C, H, I, J)	You provide this information to us	Contractual necessity and our legitimate interests – it is in our legitimate interests to facilitate networking opportunities in the Bumble app. For special category/sensitive personal data, we rely on your explicit consent.
To verify your identity and	Phone number and if requested or permitted,	You provide this	Legitimate interests – it is in

prevent fraud and to ensure the safety and security of Users	photo provided as part of profile verification and for users based in countries where age verification is required by law: photo of Government ID + geolocation and device information (CCPA Categories A, B, C, E, F, G and H)	information to us, except for the geolocation and device information, which we obtain from the device that you use to access the service	our legitimate interests to ensure that accounts are not set up fraudulently and to safeguard Users of the site
To take payment for premium services (not applicable for Users making payments via the Apple App Store)	Payment card details (CCPA Categories B and D)	You provide this information to us	Contractual necessity
To send you marketing information about our events, offers and services	Name, email address, postal address, Instagram handle and mobile phone number (CCPA Categories A and B)	You provide this information to us	Consent or legitimate interests and in accordance with the laws applying to our marketing activities. We have a legitimate interest in promoting our business and products

36. Bumble’s collection and retention of biometric information as described herein is not unique to Plaintiff and is instead part Bumble policy and procedures which Bumble applies to all of its users, including the Class Members.

RULE 23 CLASS DEFINITIONS AND ALLEGATIONS

37. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

38. Plaintiff brings Claims for Relief in violation of BIPA as a class action under Rule 23(a), (b)(2) and (b)(3). Plaintiff brings these claims on behalf of herself and all members of the following Rule 23 Class:

All Illinois residents who had their biometric information collected by Bumble at any point in the five (5) years preceding the filing of this Complaint.

39. In the alternative, and for the convenience of this Court and the parties, Plaintiff may seek to certify other subclasses at the time the motion for class certification is filed.

40. **Numerosity (Rule 23(a)(1)).** The Class Members are so numerous that joinder of all members is impracticable. Plaintiff is informed and believes that there are more than 100 people who satisfy the definition of the Class.

41. **Existence of Common Questions of Law and Fact (Rule 23(a)(2)).** Common questions of law and fact exist as to Plaintiff and the Class Members including, but not limited to, the following:

a. Whether Bumble possessed Plaintiff's and the Class Members' biometric identifiers or biometric information without first developing a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual's last interaction with Bumble, whichever occurs first.

b. Whether Bumble collected, captured, purchased, received through trade, or otherwise obtained Plaintiff's and the Class Members' biometric identifier or biometric information, without first: (1) informing Plaintiff and the Class Members in writing that a biometric identifier or biometric information is being collected or stored; (2) informing Plaintiff and the Class Members in writing of the specific purpose and length of term for which their

biometric identifier or biometric information was being collected, stored, and used; and (3) receiving a written release executed by Plaintiff and the Class Members

c. Whether Bumble sold, leased, traded, or otherwise profited from Plaintiff's and the Class Members' biometric identifier or biometric information.

d. Whether Bumble disclosed, redisclosed, or otherwise disseminated Plaintiff's and the Class Members' biometric identifiers or biometric information (1) without Plaintiff's and the Class Members' consent; (2) without Plaintiff's and the Class Members' authorization to complete a financial transaction requested or authorized by Plaintiff and the Class Members; (3) without being required by State or federal law or municipal ordinance; or (4) without being required pursuant to a valid warrant or subpoena issued by a court of competent jurisdiction.

e. The damages sustained and the proper monetary amounts recoverable by Plaintiff and the Class Members.

42. **Typicality (Rule 23(a)(3)).** Plaintiff's claims are typical of the Class Members' claims. Plaintiff, like the Class Members, had her biometric identifiers and biometric information collected, retained or otherwise possessed by Bumble without Bumble adherence to the requirements of BIPA as detailed herein.

43. **Adequacy (Rule 23(a)(4)).** Plaintiff will fairly and adequately represent and protect the interests of the Class Members. Plaintiff has retained counsel competent and experienced in complex class actions.

44. **Injunctive and Declaratory Relief (Rule 23(b)(2)).** Class certification of the Rule 23 claims is appropriate under Rule 23(b)(2) because Bumble acted or refused to act on grounds generally applicable to the Class Members, making appropriate declaratory relief with respect to the Class Members as a whole.

45. **Predominance and Superiority of Class Action (Rule 23(b)(3)).** Class certification of the Rule 23 claims is also appropriate under Rule 23(b)(3) because questions of law and fact common to the Class Members predominate over questions affecting only individual members of the classes, and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation. Bumble common and uniform policies and practices illegally deprived Plaintiff and the Class Members of the privacy protections which BIPA seeks to ensure; thus, making the question of liability and damages much more manageable and efficient to resolve in a class action, compared to hundreds of individual trials. The damages suffered by individual Class Members are small compared to the expense and burden of individual prosecution. In addition, class certification is superior because it will obviate the need for unduly duplicative litigation that might result in inconsistent judgments about Bumble practices.

46. Plaintiff intends to send notice to all Class Members to the extent required by Fed. R. Civ. P. 23.

COUNT ONE: VIOLATION OF 740 ILCS § 14/15(a)

47. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

48. A private entity in possession of biometric identifiers or biometric information must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual's last interaction with the private entity, whichever occurs first. Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in

possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines. 740 ILCS § 14/15(a).

49. Bumble scanned Plaintiff's and the Class Members' "selfie" photographs, creating a biometric template of the Plaintiff's and the Class Members' faces which qualifies as biometric information as defined by BIPA.

50. At the time of collecting and retaining Plaintiff's and the Class Members' biometric information, Bumble had no written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric information when the initial purpose for collecting or obtaining such biometric information has been satisfied or within 3 years of the individual's last interaction with Bumble, whichever occurs first.

51. Ostensibly, the purpose Bumble collection of Plaintiff's and the Class Members' biometric information was to verify Plaintiff's identity prior to opening a Bumble account in Plaintiff's name.

52. As such, Plaintiff's and the Class Members' biometric information should have been permanently destroyed by Bumble following the opening of Plaintiff's Bumble account.

53. However, Bumble failed to permanently destroy Plaintiff's and the Class Members' biometric identifiers and biometric information following the opening of Plaintiff's and the Class Members' Bumble accounts and instead retained Plaintiff's and the Class Members' biometric information.

54. As such, Bumble's retention of Plaintiff's and the Class Members' biometric information was unlawful and in violation of 740 ILCS § 14/15(a).

COUNT TWO: VIOLATION OF 740 ILCS § 14/15(b)

55. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

56. No private entity may collect, capture, purchase, receive through trade, or otherwise obtain a person's or a customer's biometric identifier or biometric information, unless it first:

(1) informs the subject or the subject's legally authorized representative in writing that a biometric identifier or biometric information is being collected or stored;

(2) informs the subject or the subject's legally authorized representative in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being collected, stored, and used; and

(3) receives a written release executed by the subject of the biometric identifier or biometric information or the subject's legally authorized representative. 740 ILCS § 14/15(b).

57. Bumble did not inform Plaintiff and the Class Members in writing that Bumble was collecting or storing her biometric information.

58. Instead, Bumble simply instructed Plaintiff and the Class Members to upload their “selfies” as part of the overall account opening process.

59. In fact, Bumble made no mention of biometric information, collection of biometric information, or storage of biometric information.

60. Moreover, Bumble did not inform Plaintiff and the Class Members in writing of the specific purpose and length of term for which her biometric information as being collected, stored, and used.

61. Bumble collected, stored, and used Plaintiff’s biometric information without ever receiving a written release executed by Plaintiff which would consent to or authorize Bumble to do the same.

62. As such, Bumble’s collection of Plaintiff’s and the Class Members’ biometric information was unlawful and in violation of 740 ILCS § 14/15(c).

COUNT THREE: VIOLATION OF 740 ILCS § 14/15(d)

63. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

64. No private entity in possession of a biometric identifier or biometric information may disclose, redisclose, or otherwise disseminate a person's or a customer's biometric identifier or biometric information unless:

- (1) the subject of the biometric identifier or biometric information or the subject's legally authorized representative consents to the disclosure or redisclosure;
- (2) the disclosure or redisclosure completes a financial transaction requested or authorized by the subject of the biometric identifier or the biometric information or the subject's legally authorized representative;
- (3) the disclosure or redisclosure is required by State or federal law or municipal ordinance; or
- (4) the disclosure is required pursuant to a valid warrant or subpoena issued by a court of competent jurisdiction. 740 ILCS § 14/15(d).

65. While discovery will ascertain all of the ways in which Bumble disclosed, redisclosed, or otherwise disseminated Plaintiff’s and the Class Members’ biometric information, Bumble’s Privacy Policy goes on to list multiple broad categories of third parties to which it discloses users’ personal information, including biometric information, and the basis for which they collect said information:

Purpose for which data is used	Data	Source	Legal basis
To provide you with the Bumble social networking service	Name, email address, date of birth, location (CCPA Categories A and B)	You provide your name, email address and date of birth to us. We	Contractual necessity

		obtain location data from the device that you use to access the service	
To facilitate networking opportunities on the Bumble App	Optional information that you choose to provide in your profile, including through profile verification, or adding Bumble badges, which may include information about your sexual preferences, non-binary gender, religion, ethnic background, photos, interests, etc. (CCPA Categories B, C, H, I, J)	You provide this information to us	Contractual necessity and our legitimate interests – it is in our legitimate interests to facilitate networking opportunities in the Bumble app. For special category/sensitive personal data, we rely on your explicit consent.
To verify your identity and prevent fraud and to ensure the safety and security of Users	Phone number and if requested or permitted, photo provided as part of profile verification and for users based in countries where age verification is required by law: photo of Government ID + geolocation and device information (CCPA Categories A, B, C, E, F, G and H)	You provide this information to us, except for the geolocation and device information, which we obtain from the device that you use to access the service	Legitimate interests – it is in our legitimate interests to ensure that accounts are not set up fraudulently and to safeguard Users of the site
To take payment for premium services (not applicable for Users making payments via the Apple App Store)	Payment card details (CCPA Categories B and D)	You provide this information to us	Contractual necessity
To send you marketing information about our events, offers and services	Name, email address, postal address, Instagram handle and mobile phone number (CCPA Categories A and B)	You provide this information to us	Consent or legitimate interests and in accordance with the laws applying

to our marketing activities. We have a legitimate interest in promoting our business and products

66. Bumble's disclosures, redisclosures, or otherwise disseminating of Plaintiff's and the Class Members' biometric information was unlawful and in violation of 740 ILCS § 14/15(d).

WHEREFORE, individually, and on behalf of the Class Members, the Plaintiff prays for: (1) certification of this case as a class action pursuant to Fed. R. Civ. P. 23 appointing the undersigned counsel as class counsel; (2) a declaration that Bumble has violated BIPA, 740 ILCS 14/1 *et seq.*; (3) statutory damages of \$5,000.00 for each intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Bumble's violations of BIPA were negligent; (4) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); (5) actual damages; and (6) for any other relief deemed appropriate in the premises.

DEMAND FOR JURY TRIAL

Plaintiff and the Class members hereby demand a jury trial on all causes of action and claims with respect to which they each have a state and/or federal constitutional right to a jury trial.

Dated: October 20th, 2023

Respectfully submitted,

s/ Michael L. Fradin
Michael L. Fradin, Esq.
8 N. Court St. Suite 403
Athens, Ohio 45701

Telephone: 847-986-5889
Facsimile: 847-673-1228
Email: mike@fradinlaw.com

By: /s/ James L. Simon
James L. Simon (*pro hac vice* forthcoming)
Simon Law Co.
11 ½ N. Franklin St.
Chagrin Falls, Ohio 44022
Telephone: (216) 816-8696
Email: james@simonsayspay.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.