

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DONALD BUCKLEY,

Plaintiff,

vs.

CHECKR, INC., LYFT, INC., and UBER  
TECHNOLOGIES, INC.

Defendants.

Civil Action No.:

**COMPLAINT FOR VIOLATIONS  
OF THE FAIR CREDIT  
REPORTING ACT AND  
DEMAND FOR JURY TRIAL**

Plaintiff, Donald Buckley (“Plaintiff” or “Mr. Buckley”), by and through the undersigned counsel, hereby submits his Complaint and Demand for Jury Trial (“Complaint”) against Defendants Checkr, Inc. (“Checkr”), Uber Technologies, Inc. (“Uber”), and Lyft, Inc. (“Lyft”), (all together, “Defendants”), alleging violations of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 *et seq.*

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and 15 U.S.C. § 1681 *et seq.*
2. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this District.
3. Defendants regularly transact business within the District. Defendants regularly direct business at the District. Defendants voluntarily and purposefully avail themselves of the protections of the District, such that personal jurisdiction is established.

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## PARTIES

4. Plaintiff, Donald Buckley, is a natural person who resides in Suffolk County, New York. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

5. Defendant Checkr is regularly engaged in the business of compiling consumer credit information to include in background checks and employment-purposed consumer reports that it sells to third parties. Therefore, Checkr is both a “consumer reporting agency” and a “reseller” as defined by 15 U.S.C. §§ 1681a(f), (u).

6. Checkr is a for-profit corporation incorporated in Delaware. Checkr maintains a principal place of business located at 1 Montgomery Street, Suite 2000, San Francisco, California 94104.

7. Defendant Uber is an American technology company whose services include ride-hailing, food delivery, package delivery, couriers, freight transportation, and other transportation-related work. Upon information and belief, Uber regularly hires Checkr to provide them with background reports for new and existing employee hires. Therefore, Uber is a “person” as defined by 15 U.S.C. § 1681a(b).

8. Uber is a for-profit corporation incorporated in Delaware. Uber maintains a principal place of business located at 1455 Market St., 4<sup>th</sup> Floor, San Francisco, California 94013. Defendant may be served through its registered agent C T Corporation System, located at 330 N Brand Blvd Suite 700, Glendale, CA 91203.

9. Defendant Lyft is an American company whose services include ride-hailing, food delivery, and offering vehicles, motorized scooters, and bicycle sharing for hire. Upon information and belief, Lyft regularly hires Checkr to provide them with background reports for new and existing employee hires. Therefore, Lyft is a “person” as defined by 15 U.S.C. § 1681a(b).

10. Lyft is a for-profit corporation incorporated in Delaware. Lyft maintains a principal place of business located at 185 Berry St., Suite 5000, San Francisco, California 94107. Defendant may be served through its registered agent C T Corporation System, located at 330 N Brand Blvd Suite 700, Glendale, CA 91203.

11. At all times relevant to this Complaint, Defendants acted through their agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

12. Plaintiff incorporates by reference all the above paragraphs of this Complaint as though they are fully detailed herein.

13. Upon information and belief, both Uber and Lyft completed yearly background checks on Plaintiff using Checkr for the purpose of evaluating Plaintiff's continued employment with the company.

14. Prior to 2021, Plaintiff never had any issue passing his background checks using the Social Security Number ("SSN") uploaded into his Checkr profile.

15. Further, Plaintiff did not have any issues when Checkr ran a background check on him for his Postmates' application in or around February 2021.

### **Facts Specific to Defendants Uber and Checkr**

16. Plaintiff was an Uber driver for approximately three years beginning in 2018 prior to the incidents outlined in this Complaint.

17. When Plaintiff applied for the position at Uber, he authorized Uber to request employment-purposed consumer reports from Checkr.

18. In or around April 2021, a background check was ordered by Uber using Checkr.

19. In or around late April 2021, Plaintiff received notice from Uber that there was an issue with his background check. Plaintiff was unable to continue working for Uber with an incomplete background check; Plaintiff was notified that Checkr was unable to complete his background check due to a problem with his social security number.

20. Plaintiff almost immediately called Uber to find out precisely what the problem was and why his account was suspended; Uber informed him that he would need to contact Checkr directly to resolve the issue.

21. From May to July 2021, Plaintiff tried numerous times to contact Checkr, via phone, mail, and online complaints. All these attempts went unanswered.

22. In fact, despite numerous attempts to call the phone number for Checkr that Plaintiff was provided, Checkr never answered a single phone call and Plaintiff could not leave a message.

23. During this time, Plaintiff also kept Uber informed of his inability to reach Checkr in order to resolve the issue.

24. Around June 2021, Plaintiff ran a background check on himself through non-party Truthfinder and was able to successfully pull his background report with no issues.

25. On or about July 2, 2021, Plaintiff received an email response from Uber saying that because he failed to correct his SSN in his Checkr Candidate Portal, Checkr was unable to process his background check. Therefore, Uber was unable to continue to partner with Plaintiff because his background check was never completed.

26. Plaintiff continued to reach out to Uber and Checkr because his SSN had not changed and was identical to previous years.

27. Plaintiff has access to Checkr and was able to view his portal for Uber, which showed his SSN ending in the correct and same four digits as it always has.

28. On or about July 9, 2021, Plaintiff received an email response from Uber that was almost identical to the one received on or about July 2, 2021. The email again stated that Uber was unable to partner with him due to Checkr's inability to complete a background check.

29. On this same date, Plaintiff submitted another request to Checkr stating that he had been unable to receive information about his background report. The request detailed that he had made multiple attempts to contact Checkr to resolve this problem, previously calling them numerous times, and submitting additional requests through their website.

30. Finally, on or about July 26, 2021, Plaintiff received a response from Checkr (representative: "Aaron") relating to his request that was submitted on or about June 25, 2021.

31. Aaron stated that Checkr was unable to complete his SSN trace based on the information he provided and told him to contact Uber to resolve the issue.

32. Plaintiff responded on or about July 26, 2021 and explained that Uber referred him to Checkr to resolve the issues.

33. On or about July 26, 2021, Aaron responded again, apologizing for any confusion, and stating for the first time that "The SSN [he] provided is associated with a number on the Social Security Administration's ("SSA") Death Master File." The email response also told Plaintiff to contact the SSA.

34. Plaintiff was shocked to discover he was being reported inaccurately as deceased.

35. Upon information and belief, there is no such thing as the Death Master File.

36. Upon information and belief, the SSA does not provide or sell a list of deceased persons to consumer reporting agencies.

37. On or about July 26, 2021, Plaintiff called the SSA to ask whether or not they were inaccurately reporting him as deceased as well.

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