UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Docket No.: **06 CA 11370 MLW**

Christine. Varad,
Plaintiff,

v.

Reed Elsevier Incorporated,
d.b.a. *Lexis Nexis Corporation,*
Lexis Nexis Accurint,
Defendant.

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Docket No.: **06 CA 11370 MLW**

Christine. Varad,
Plaintiff,
v.

AMENDED COMPLAINT

Reed Elsevier Incorporated,
d.b.a. *LexisNexis,*
LexisNexis Risk and Information Analytics Group,
Defendant.

PARTIES

1. Christine Varad is a citizen of the United States residing in the District of Massachusetts in the town of Scituate in Plymouth County;

2. Defendant **Reed Elsevier Incorporated, d.b.a.** ***LexisNexis; LexisNexis Risk and Information Analytics Group,*** is a corporation conducting business at 275 Washington Street in the city of Newton, Middlesex County, Massachusetts, incorporated under the laws of the State of Ohio and engaged in the business of providing data and data related services and products.

JURISDICTION

3. Plaintiff is alleging a violation of her rights under the Fair Credit Reporting Act, 15 U.S.C. 1681 et seq ("FCRA");

4. This court has jurisdiction over the present case under 28 U.S.C.A. sec. 1331, which grants the federal district courts original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States;

5. This court has jurisdiction under 28 U.S.C.A. sec. 1343(a)(4) which grants the district courts original jurisdiction over any civil action authorized by law to be commenced by any person to recover damages or secure equitable relief or other relief under any Act of Congress providing for the protection of civil rights;

6. This court has jurisdiction under 28 U.S.C.A. sec. 1367(a) which grants the district courts supplemental jurisdiction over all other claims that are so related to claims in the action that they form part of the same case or controversy under Article III of the United States Constitution;

7. Venue is proper under 28 U.S.C.A. sec. 1391(b)(2), as a substantial part of the events giving rise to this claim occurred within the District of Massachusetts.

CAUSE OF ACTION

1. On June 3, 2006, Plaintiff served a demand for relief letter as to unfair and deceptive business practices of *LexisNexis; LexisNexis Risk and Information Analytics Group*, pursuant to the provisions of Massachusetts General Laws, chapter 93A, § 9, and federal standards as set forth in FTC v. Sperry & Hutchinson Co., 405 U.S. 233, 244 n.5 (1972) by certified mail on James Swift, Operations Manager, *LexisNexis; LexisNexis Risk and Information Analytics Group,* 6601 Park of Commerce Boulevard, Boca Raton, Florida;

2. On April 17, 2006, Plaintiff had requested in writing pursuant to the Fair Credit Reporting Act, FCRA 15 U.S.C. 1681 et seq. and M.G.L. c. 93 § 50-62 inclusive, a nding that the report contained patently false information Plaintiff requested an opportunity to contact the source database, *LexisNexis; LexisNexis Risk and Information Analytics Group* in order to dispute and correct any and all improper, injurious and incorrect information. *LexisNexis; LexisNexis Risk and Information Analytics Group* refused to provide for inspection of the file and refused allow for correction of false and incorrect file data;

3. Plaintiff notified *LexisNexis; LexisNexis Risk and Information Analytics Group* in writing that Gall and Gall Co. had pointed to *LexisNexis; LexisNexis Risk and Information Analytics Group* as the sole source of false and injurious information that was being disseminated to Plaintiff's employer and to others;

4. Plaintiff requested an opportunity to completely investigate all of the data contained in the *LexisNexis; LexisNexis Risk and Information Analytics Group* file and of each and every database utilized to compile that file information including all data as publicly advertised by *LexisNexis; LexisNexis Risk and Information Analytics Group* to be routinely contained in such files or "sub second access" information detailing historical addresses, associates, relatives, business affiliates and assets of the target individual. In total, Plaintiff requested that *LexisNexis; LexisNexis Risk and Information Analytics Group* provider her with a complete copy of her file;

5. Plaintiff requested (1) a record of each and every inquiry relating to a credit transaction of any kind, her name and the *LexisNexis; LexisNexis Risk and Information Analytics Group* databases and files for the last two years to include (2) the name and address of each and every source of data on me as provided to and utilized by *LexisNexis; LexisNexis Risk and Information Analytics Group* and (3) the names and addresses of the recipients of each and every inquiry request;

6. *LexisNexis; LexisNexis Risk and Information Analytics Group* unfairly and deceptively failed to provide access to the file and responded in writing on April 20, 2006 by unfairly and deceptively (1) claiming as explanation for its failure to provide any requested date that *LexisNexis; LexisNexis Risk and Information Analytics Group* is not a consumer reporting agency subject to the jurisdiction of 15 U.S. C. §1681 et seq.;

7. *LexisNexis; LexisNexis Risk and Information Analytics Group* negligently, unfairly and deceptively claimed as explanation for the failure to provide access to the data, (2) that "*LexisNexis; LexisNexis Risk and Information Analytics Group* data is not permitted to be utilized to make employment decisions" to thereby invoke the regulations of the Fair Credit Reporting Act;

8. Upon information and belief, the unfair and deceptive actions of *LexisNexis; LexisNexis Risk and Information Analytics Group* were performed negligently, willfully and knowingly. The written characterizations of the actions and responsibilities of *LexisNexis; LexisNexis Risk and Information Analytics Group* and the subsequent treatment of Plaintiff's requests for data were unfair and deceptive, violated the above cited state and federal statutes as well as general principles of fair dealing and public policy.

9. Plaintiff had received no file data or information in response to her multiple requests for information and as a result is wholly unable to relieve the injury and harm created and perpetuated by *LexisNexis; LexisNexis Risk and Information Analytics Group* data dissemination, protect herself from additional injury and harm by stopping future dissemination of false and injurious data or correct and mitigate all previous injury that the *LexisNexis; LexisNexis Risk and Information Analytics Group* data has already caused her.

10. Where *LexisNexis; LexisNexis Risk and Information Analytics Group* knew, or should have known, that (1) Gall and Gall Company is engaged in the business of providing employment background checks and (2) that Gall and Gall Company routinely uses data supplied to it by *LexisNexis; LexisNexis Risk and Information Analytics Group* to provide background check reports to client/employers for decision-making purposes as to prospective employees, (3) where *LexisNexis; LexisNexis Risk and Information Analytics Group* openly, knowingly and routinely permits Gall and Gall Company to use *LexisNexis; LexisNexis Risk and Information Analytics Group* data for employment decision making purposes; (4) where *LexisNexis; LexisNexis Risk and Information Analytics Group* is the sole source and holder of the injurious data; that *LexisNexis; LexisNexis Risk and Information Analytics Group*'s own actions subjected itself to the jurisdiction and authority of the Fair Credit Reporting Act, M.G.L. c. 93 and every single other related state and federal common law, statute and regulation governing such data compilation, retention and dissemination and that such failures resulted in a negligent, knowing and unfair deception and failure to afford Plaintiff her rights under the law thereby causing severe injury and damage.

11. As a result of the negligent conduct and unfair and deceptive acts and practices of *LexisNexis; LexisNexis Risk and Information Analytics Group*, Plaintiff has suffered injury, including defamation, loss of employment and professional licensing opportunities and severe financial loss.

12. Defendant's actions were negligent, willful and wanton and in reckless disregard for Plaintiff's federally protected rights and culminated in defamation, disadvantage, injury and severe financial loss and warrants the imposition of punitive damages.