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 1137 MLW**

Christine. Varad,
Plaintiff,

v.

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

COMPLAINT

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.** ***Lexis Nexis Corporation, Lexis Nexis Accurint,*** 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 Lexis Nexis, Lexis Nexis Accurint, 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, Lexis Nexis Accurint, 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 complete copy of her file as held by Lexis Nexis Accurint, and as, upon information and belief, disseminated to Steven Gall, Gall and Gall Company, 8555 North Dixie Drive, Dayton, Ohio, the Massachusetts Board of Bar Examiners, 77 Franklin Street, Boston, Massachusetts, the Maine Board of Bar Examiners, P.O. Box 140, Augusta, Maine, the National Conference of Bar Examiners, 402 W. Wilson Street, Madison, Wisconsin and others;

3. After reviewing the contents of the Gall and Gall background check report and finding that the report contained patently false information Plaintiff requested an opportunity to contact the source database, Lexis Nexis Accurint in order to dispute and correct any and all improper, injurious and incorrect information. Lexis Nexis Accurint refused to provide for inspection of the file and refused allow for correction of false and incorrect file data;

4. Plaintiff notified Lexis Nexis Accurint in writing that Gall and Gall Co. had pointed to Lexis Nexis Accurint as the sole source of false and injurious information that was being disseminated to Plaintiff's employer and to others;

5. Plaintiff requested an opportunity to completely investigate all of the data contained in the Lexis Nexis Accurint file and of each and every database utilized to compile that file information including all data as publicly advertised by Lexis Nexis Accurint 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 Lexis Nexis Accurint provider her with a complete copy of her file;

6. Plaintiff requested (1) a record of each and every inquiry relating to a credit transaction of any kind, her name and the Lexis Nexis Accurint 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 Lexis Nexis Accurint and (3) the names and addresses of the recipients of each and every inquiry request;

7. Lexis Nexis Accurint 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 Lexis Nexis Accurint is not a consumer reporting agency subject to the jurisdiction of 15 U.S. C. §1681 et seq.;

8. Lexis Nexis Accurint negligently, unfairly and deceptively claimed as explanation for the failure to provide access to the data, (2) that "Lexis Nexis Accurint data is not permitted to be utilized to make employment decisions" to thereby invoke the regulations of the Fair Credit Reporting Act;

9. Upon information and belief, the unfair and deceptive actions of Lexis Nexis Accurint were performed negligently, willfully and knowingly. The written characterizations of the actions and responsibilities of Lexis Nexis Accurint 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.

10. 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 Lexis Nexis Accurint 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 Lexis Nexis Accurint data has already caused her.

11. Where Lexis Nexis 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 Lexis Nexis Accurint to provide background check reports to client/employers for decision-making purposes as to prospective employees, (3) where Lexis Nexis Accurint openly, knowingly and routinely permits Gall and Gall Company to use Lexis Nexis Accurint data for employment decision making purposes; (4) where Lexis Nexis Accurint is the sole source and holder of the injurious data; that Lexis Nexis Accurint'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 Plaintff her rights under the law thereby causing severe injury and damage.

12. As a result of the negligent conduct and unfair and deceptive acts and practices of Lexis Nexis Accurint, Plainiff has suffered injury, including defamation, loss of employment and professional licensing opportunities and severe financial loss.

13. 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.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment as follows:

1. For injunctive relief ordering defendants to:
   - (1.) Immediately stop disseminating data, information or related services, to any and all individuals or entities, for any purpose, in connection with the plaintiff's name or identity until this court finds that they have fully complied with the Fair Credit Reporting Act, 15 U.S.C. 1681 et seq ("FCRA") and M.G.L. c. 93,
   - (2.) Provide forthwith all of the lawfully requested data and information,
   - (3.) Allow full and open access to my representative to Lexis Nexis Accurint premises and electronic databases to verify and insure that all data has been (a) properly provided as demanded and (b) corrected to prevent any additional fraud or injury;

2. For an award of compensatory damages to the Plaintiff equal to the injury she has suffered due to defendant's acts of negligence, defamation and unfair and deceptive business practices, in an amount to be determined at trial,

3. For an award compensating Plaintiff for lost employment and lost professional licensing opportunities as resultant from the Defendant's pattern of defamatory conduct, negligence, fraudulent data dissemination and unfair and deceptive business practices;

4. For an order awarding Plaintiff her costs of suit, including litigation expenses, out-of-pocket expenses and if appropriate, reasonable attorney's fees in accordance with all provisions of law;

5. Grant Plaintiff such further and additional relief, as this court deems just and appropriate.

DEMAND FOR JURY TRIAL

Plaintiff hereby Demands a Jury Trial in this Action.

Respectfully Submitted,

Date: 8/8/06

Christine M. Varad
88 Greenfield Lane
Scituate, MA 02066
(781) 545-5506

CERTIFICATE OF SERVICE

This certifies that the enclosed complaint was sent by certified mail to the attorney of record for the defendant:

John M. Byne
Director and Corporate Counsel
Lexis Nexis Corporation, Lexis Nexis Accurint
6601 Park of Commerce Boulevard
Boca Raton, Florida 33487
561 999 4436

Date: 8/8/06

Christine M. Varad
88 Greenfield Lane
Scituate, MA 02066
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