

3. Karen McPeters is an individual who was charged filing and service charges by LexisNexis from January 2009 - present. The “Class Period” is from 1997 – present. Plaintiff Karen McPeters incorporates by reference her Second Amended Complaint.

JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. §§1331, and 1332.
5. On information and belief, the matter in controversy exceeds the sum or value of \$5,000,000.00, exclusive of interest and costs.
6. Venue is proper in this District pursuant to 28 U.S.C. §1391 (b).

PARTIES, FACTS AND CAUSES OF ACTION

7. Karen McPeters incorporates her Second Amended Complaint herein concerning parties, facts and causes of action.

CLASS ALLEGATIONS

8. Karen McPeters brings this action as a Class Action pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(1), (b)(2) individually and as a class action on behalf of all persons and entities to whom Reed Elsevier, Inc. charged fees and service charges as a *fileandserve* subscriber in Texas, and in any other jurisdiction in which “the Class Members,” are litigants who,
 - (a) were required to E-file with LexisNexis *fileandserve*,
 - (b) were required to pay LexisNexis charges, and
 - (c) were refused traditional paper filing of documents by the respective court clerks, although each clerk was obligated to accept documents tendered on paper.

9. **Numerosity.** The Members of the Class are so numerous that joinder of all Members is impracticable. As an example, litigants in the 9th District Court in Montgomery County using LexisNexis *fileandserve* number approximately 13,200 from 2000-present.
10. **Commonality.** Karen McPeters believes that there are thousands of individuals and entities whose claims are similar to Plaintiff's claims. They paid LexisNexis in order to file litigation documents on-line without the ability to "opt-out" of paying its fees and charges.
11. **Typicality.** And, furthermore, that Plaintiff's claims are typical of the claims of absent Class Members. Members of the Class have sustained damages arising out of the wrongful conduct of Reed Elsevier, Inc. in the same manner that Plaintiff has sustained damages from Defendant's unlawful conduct. They paid LexisNexis in order to file litigation documents on-line without the ability to "opt-out" of paying the fees and charges.
12. **Adequacy.** Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff has retained competent litigation counsel. Plaintiff has no interests that are antagonistic to, or in conflict with, the Members of the Class. Plaintiff's interests are, for purposes of this litigation, identical to the interests of the other Class Members – recovery of unlawful mandatory filing and service charges.
13. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy. Because the Class is so numerous that joinder of all Members is impracticable, and because the damages suffered by most of the individual Members of the Class are too small to render prosecution of the claims asserted herein economically feasible on an individual basis, the expense and burden of individual

litigation makes it impractical for Members of the Class to adequately address the wrongs complained of herein. Plaintiff knows of no impediments to the effective management of this action as a class action.

14. Common questions of law and fact predominate over questions which affect only individual Class Members. Among the questions of law and fact common to the Class are:

- (a) whether LexisNexis' charges violated the Constitution or statutes of the respective jurisdictions;
- (b) whether the court clerks violated the Constitution or statutes of their respective jurisdictions;
- (c) whether judges issued any order(s) that violated the Constitution or statutes of their respective jurisdictions;
- (d) whether the LexisNexis filing fees and service charges are authorized under the law;
- (e) whether LexisNexis willfully and knowingly violated the law;
- (f) whether the Members of the Class are entitled to damages, and, if so, how much; and
- (g) whether the Members of the Class are entitled to injunctive relief against the judges, and/or court clerks, such as is more specifically set forth in Plaintiff's Second Amended Complaint.

15. Plaintiff has alleged the foregoing based upon the investigation of her counsel and believes that substantial evidentiary support will exist for the allegations set forth herein