

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:15-cv-06261-CBA-SMG**

Keels v. The GEO Group, Inc. et al
Assigned to: Judge Carol Bagley Amon
Referred to: Chief Mag. Judge Steven M. Gold
Cause: 15:1681 Fair Credit Reporting Act

Date Filed: 10/30/2015
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

Eric Keels
*individually and on behalf of all others
similarly situated*

represented by **Adam Todd Klein**
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Plaintiff

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V.

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Defendant

Accurate Background, Inc.
TERMINATED: 07/20/2016

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Date Filed	#	Docket Text
10/30/2015	<u>1</u>	COMPLAINT against All Defendants filing fee \$ 400, receipt number 0207-8137471 Was the Disclosure Statement on Civil Cover Sheet completed -NO,, filed by Eric Keels. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons) (Miazad, Ossai) (Entered: 10/30/2015)
10/30/2015		Case assigned to Chief Judge Carol Bagley Amon and Chief Mag. Judge Steven M. Gold. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Bowens, Priscilla) (Entered: 11/02/2015)
10/30/2015	<u>2</u>	Summons Issued as to All Defendants. (Attachments: # <u>1</u> Accurate summons) (Bowens, Priscilla) (Entered: 11/02/2015)
11/02/2015	<u>3</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Bowens, Priscilla) (Entered: 11/02/2015)
11/02/2015	<u>4</u>	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (Bowens, Priscilla) (Entered: 11/02/2015)
11/03/2015	<u>5</u>	NOTICE of Appearance by Christopher McNerney on behalf of Eric Keels (aty to be noticed) (McNerney, Christopher) (Entered: 11/03/2015)
11/06/2015	<u>6</u>	SUMMONS Returned Executed by Eric Keels. The GEO Group, Inc. served on 11/4/2015, answer due 11/25/2015. (Miazad, Ossai) (Entered: 11/06/2015)
11/16/2015	<u>7</u>	SUMMONS Returned Executed by Eric Keels. Accurate Background, Inc. served on 11/3/2015, answer due 11/24/2015. (Miazad, Ossai) (Entered: 11/16/2015)
11/23/2015	<u>8</u>	NOTICE of Appearance by Evan K. Farber on behalf of The GEO Group, Inc. (aty to be noticed) (Farber, Evan) (Entered: 11/23/2015)
11/23/2015	<u>9</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, <i>By Stipulation</i> by The GEO Group, Inc.. (Farber, Evan) (Entered: 11/23/2015)
11/24/2015		ORDER granting <u>9</u> Motion for Extension of Time to Answer The GEO Group, Inc. answer due 12/18/2015. So Ordered by Chief Magistrate Judge Steven M. Gold on 11/24/2015. (Vasquez, Lea) (Entered: 11/24/2015)
11/30/2015	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice by <i>Michael O'Neil</i> Filing fee \$ 150, receipt number 0207-8202543. by The GEO Group, Inc.. (O'Neil, Michael) (Entered: 11/30/2015)

11/30/2015	<u>11</u>	Notice of MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0207-8202566. by The GEO Group, Inc.. (Short, Carolyn) (Entered: 11/30/2015)
11/30/2015	<u>12</u>	MOTION for Leave to Appear Pro Hac Vice <i>for The Geo Group with Certificate of Service</i> Filing fee \$ 150, receipt number 0207-8203215. by The GEO Group, Inc.. (McClure, Shannon) (Entered: 11/30/2015)
11/30/2015	<u>13</u>	MOTION for Leave to Appear Pro Hac Vice <i>of Anne E. Rollins for The Geo Group with Certificate of Service</i> Filing fee \$ 150, receipt number 0207-8203527. by The GEO Group, Inc.. (Rollins, Anne) (Entered: 11/30/2015)
12/01/2015		ORDER granting <u>10</u> Motion for Leave for Michael O'Neil; granting <u>11</u> Motion for Leave for Carolyn P. Short; granting <u>12</u> Motion for Leave for Shannon E. McClure; and, granting <u>13</u> Motion for Leave for Anne E. Rollins to Appear Pro Hac Vice for The Geo Group. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/1/2015. (Vasquez, Lea) (Entered: 12/01/2015)
12/04/2015	<u>14</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, <i>to be extended through and including December 18, 2015 by Stipulation</i> by Accurate Background, Inc.. (Szyba, Robert) (Entered: 12/04/2015)
12/07/2015		ORDER granting <u>14</u> Motion for Extension of Time to Answer Accurate Background, Inc. answer due 12/18/2015. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/7/2015. (Vasquez, Lea) (Entered: 12/07/2015)
12/07/2015	<u>15</u>	SCHEDULING ORDER: An in-person initial conference will be held at 11:00 a.m. on January 20, 2016 before the undersigned in Courtroom 13-D South. Counsel are directed to refer to and comply with the attached Order. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/7/2015. (Attachments: # <u>1</u> Chambers Individual Rules) (Vasquez, Lea) Modified on 12/7/2015 to correct date of conference to January 20th.(Vasquez, Lea). (Entered: 12/07/2015)
12/17/2015	<u>16</u>	AMENDED COMPLAINT against Accurate Background, Inc., The GEO Group, Inc., filed by Eric Keels, Sandra Inman. (Miazad, Ossai) (Entered: 12/17/2015)
12/18/2015	<u>17</u>	NOTICE of Appearance by Adam T. Klein on behalf of Sandra Inman, Eric Keels (aty to be noticed) (Klein, Adam) (Entered: 12/18/2015)
12/23/2015	<u>18</u>	Consent MOTION for Extension of Time to File Answer re <u>16</u> Amended Complaint <i>By Stipulation</i> by The GEO Group, Inc.. (Farber, Evan) (Entered: 12/23/2015)
12/27/2015		ORDER granting <u>18</u> Motion for Extension of Time to Answer The GEO Group, Inc. answer due 1/15/2016. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/27/2015. (Vasquez, Lea) (Entered: 12/27/2015)
12/29/2015	<u>19</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, <i>to be extended through and including January 15, 2015 by Stipulation</i> by Accurate Background, Inc.. (Szyba, Robert) (Entered: 12/29/2015)
12/30/2015		ORDER granting <u>19</u> Motion for Extension of Time to Answer Accurate Background, Inc. answer due 1/15/2016. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/30/2015. (Vasquez, Lea) (Entered: 12/30/2015)
01/08/2016	<u>20</u>	NOTICE of Appearance by Lewis M. Steel on behalf of Sandra Inman, Eric Keels (aty to be noticed) (Steel, Lewis) (Entered: 01/08/2016)
01/15/2016	<u>21</u>	MOTION to Adjourn Conference <i>Unopposed Motion for Adjournment of Rule 16 Initial Scheduling Conference</i> by Accurate Background, Inc.. (Attachments: # <u>1</u> Scheduling Order, # <u>2</u> Certificate of Service) (Szyba, Robert) (Entered: 01/15/2016)
01/15/2016	<u>22</u>	Letter MOTION for pre motion conference <i>Request a pre motion conference before filing a motion to dismiss</i> by Accurate Background, Inc.. (Szyba, Robert) (Entered: 01/15/2016)
01/15/2016	<u>23</u>	Letter <i>Setting Forth The Basis For Its Anticipated Motion to Dismiss Plaintiffs' Amended Complaint</i> by The GEO Group, Inc. (Short, Carolyn) (Entered: 01/15/2016)

01/19/2016		ORDER granting <u>21</u> Motion to Adjourn Conference: The conference scheduled for January 20th will instead be held at 2:00 p.m. on March 2, 2016. So Ordered by Chief Magistrate Judge Steven M. Gold on 1/19/2016. (Vasquez, Lea) (Entered: 01/19/2016)
01/22/2016		SCHEDULING ORDER re: <u>22</u> Motion for pre-motion conference. APPLICATION GRANTED. A pre-motion conference on both defendants' anticipated motions to dismiss will be held on February 12, 2016 at 3 p.m. in Courtroom 10D South before Chief Judge Amon. SO ORDERED by Chief Judge Carol Bagley Amon on January 22, 2016. (Sinha, Alex) (Entered: 01/22/2016)
01/22/2016	<u>24</u>	RESPONSE in Opposition re <u>22</u> Letter MOTION for pre motion conference <i>Request a pre motion conference before filing a motion to dismiss</i> filed by Sandra Inman, Eric Keels. (Miazad, Ossai) (Entered: 01/22/2016)
01/22/2016	<u>25</u>	Letter <i>Response in Opposition to the Anticipated Motion to Dismiss Plaintiffs' Amended Complaint by The GEO Group, Inc.</i> by Sandra Inman, Eric Keels (Miazad, Ossai) (Entered: 01/22/2016)
01/26/2016	<u>26</u>	MOTION for Leave to Appear Pro Hac Vice <i>For Pamela Q. Devata</i> Filing fee \$ 150, receipt number 0207-8328321. by Accurate Background, Inc.. (Devata, Pamela) (Entered: 01/26/2016)
01/26/2016		ORDER granting <u>26</u> Motion for Leave for Pamela Devata to Appear Pro Hac Vice for defendant Accurate Background, Inc. So Ordered by Chief Magistrate Judge Steven M. Gold on 1/26/2016. (Vasquez, Lea) (Entered: 01/26/2016)
01/26/2016	<u>27</u>	Letter MOTION to Adjourn Conference <i>respectfully request that the pre-motion conference presently scheduled for Feb. 12, 2016 at 3:00 pm be rescheduled</i> by Accurate Background, Inc.. (Devata, Pamela) (Entered: 01/26/2016)
01/28/2016		ORDER re: <u>27</u> Motion to Adjourn Conference, on consent. APPLICATION GRANTED. The pre-motion conference presently scheduled for February 12, 2016, is hereby rescheduled for 3 p.m. on February 26, 2016, in Courtroom 10D South before Chief Judge Amon. SO ORDERED by Chief Judge Carol Bagley Amon on January 28, 2016. (Sinha, Alex) (Entered: 01/28/2016)
02/26/2016		Minute Entry for pre-motion conference held before Chief Judge Carol Bagley Amon on February 26, 2016: Appearances: for plaintiffs, Christopher McNerney and Ossai Miazad; for defendant GEO Group, Michael O'Neil and Carolyn Short; for defendant Accurate, Pamela Devata and Rob Szyba. As stated on the record, the schedule for both defendants' motions to dismiss is as follows: Defendants' moving papers are due March 28, 2016; plaintiffs' opposition is due April 25, 2016; and defendants' reply is due May 2, 2016. Oral argument is scheduled for 2 p.m. on May 23, 2016, in Courtroom 10D South before Chief Judge Carol Bagley Amon. (Court Reporter Lisa Schmid.) (Sinha, Alex) (Entered: 02/26/2016)
02/29/2016	<u>28</u>	Joint MOTION to Adjourn Conference <i>Rule 16 Initial Scheduling Conference</i> by Accurate Background, Inc., The GEO Group, Inc.. (McClure, Shannon) Modified on 2/29/2016 (Vasquez, Lea). (Entered: 02/29/2016)
02/29/2016		ORDER granting <u>28</u> Motion to Adjourn Conference: The March 2nd conference is adjourned without date. Counsel shall immediately request that the conference be restored to the Court's calendar should the case survive the anticipated motion to dismiss. So Ordered by Magistrate Judge Steven M. Gold on 2/29/2016. (Vasquez, Lea) (Entered: 02/29/2016)
02/29/2016	<u>29</u>	Letter <i>Setting Forth the Basis for Anticipated Motion to Stay</i> by The GEO Group, Inc. (McClure, Shannon) (Entered: 02/29/2016)
03/02/2016	<u>30</u>	First MOTION for Extension of Time to File Response/Reply as to <u>29</u> Letter <i>GEO's Anticipated Motion to Stay</i> by Sandra Inman, Eric Keels. (Miazad, Ossai) (Entered: 03/02/2016)
03/03/2016		ORDER re: <u>30</u> Motion for Extension of Time to File Response/Reply, on consent. APPLICATION GRANTED. Plaintiff's time to respond to defendant GEO Group's pre-motion letter, Docket Number <u>29</u> , is extended until seven days from the date on which the parties notify the Court that progress has stalled on reaching a settlement. SO ORDERED by Chief Judge Carol Bagley Amon on March 3, 2016. (Sinha, Alex)

		(Entered: 03/03/2016)
03/28/2016	<u>31</u>	Letter <i>confirming service of Motion to Dismiss and supporting documents upon Plaintiffs' counsel</i> by Accurate Background, Inc. (Szyba, Robert) (Entered: 03/28/2016)
03/29/2016	<u>32</u>	Letter <i>to Hon. Carol Bagley Amon</i> by The GEO Group, Inc. (Short, Carolyn) (Entered: 03/29/2016)
04/11/2016		ORDER re: <u>32</u> Motion to Adjourn Briefing Schedule, on consent. APPLICATION GRANTED. Defendants' briefing in support of the motion to dismiss will be due seven days from the date on which the parties notify the Court that progress has stalled on reaching a settlement. Upon receiving such notice from the parties, the Court will set further dates in the briefing schedule as necessary. SO ORDERED by Chief Judge Carol Bagley Amon on April 11, 2016. (Sinha, Alex) (Entered: 04/11/2016)
04/20/2016	<u>33</u>	Letter MOTION for Extension of Time to File Response/Reply as to <u>31</u> Letter <i>Defendant Accurate's Motion to Dismiss</i> by Sandra Inman, Eric Keels. (Miazad, Ossai) (Entered: 04/20/2016)
04/21/2016		ORDER re: <u>33</u> Motion for Extension of Time to File Response/Reply, on consent. APPLICATION GRANTED. Plaintiffs' opposition to defendant Accurate's motion to dismiss is due May 12, 2016, and defendant Accurate's reply is due May 19, 2016. As a result of impending mediation, the briefing schedule for Defendant GEO Group's motion to dismiss remains suspended per earlier Orders of this Court. Oral argument on both defendants' motions to dismiss is hereby rescheduled for 3 p.m. on July 19, 2016, in Courtroom 10D South before Chief Judge Amon. SO ORDERED by Chief Judge Carol Bagley Amon on April 21, 2016. (Sinha, Alex) (Entered: 04/21/2016)
05/12/2016	<u>34</u>	Letter <i>confirming service of Plaintiffs' Memorandum of Law in Opposition to Defendant Accurate Background, Inc.'s Motion to Dismiss the First Amended Complaint upon Defendant Accurate Background, Inc.'s counsel</i> by Sandra Inman, Eric Keels (Miazad, Ossai) (Entered: 05/12/2016)
05/19/2016	<u>35</u>	Motion to Dismiss for Failure to State a Claim <i>Motion to Dismiss First Amended Complaint</i> by Accurate Background, Inc.. (Attachments: # <u>1</u> Memorandum in Support Defendant Accurate Background, LLC's Memorandum of Law in Support of Its Motion to Dismiss the First Amended Complaint, # <u>2</u> Declaration Of Robert T. Szyba in Support of Motion to Dismiss, # <u>3</u> Exhibit A to Szyba Declaration, # <u>4</u> Exhibit B to Szyba Declaration, # <u>5</u> Exhibit C to Szyba Declaration) (Szyba, Robert) (Entered: 05/19/2016)
05/19/2016	<u>36</u>	REPLY in Support re <u>35</u> Motion to Dismiss for Failure to State a Claim <i>Motion to Dismiss First Amended Complaint Reply Memorandum of Law in Further Support of its Motion to Dismiss the First Amended Complaint</i> filed by Accurate Background, Inc.. (Szyba, Robert) (Entered: 05/19/2016)
05/19/2016	<u>37</u>	MEMORANDUM in Opposition re <u>35</u> Motion to Dismiss for Failure to State a Claim <i>Motion to Dismiss First Amended Complaint</i> filed by Sandra Inman, Eric Keels. (Miazad, Ossai) (Entered: 05/19/2016)
05/23/2016	<u>38</u>	Letter <i>as per Judge Amon's Individual Rule 3D(2) this is to confirm that courtesy copy of the fully briefed Motion to Dismiss papers have been sent to your Honor's attention</i> by Accurate Background, Inc. (Szyba, Robert) (Entered: 05/23/2016)
07/14/2016	<u>39</u>	STIPULATION of Dismissal <i>of Plaintiffs' Claims Against Accurate Background, Inc.</i> by Sandra Inman, Eric Keels (Miazad, Ossai) (Entered: 07/14/2016)
07/14/2016		SCHEDULING ORDER: In light of <u>39</u> Stipulation of Dismissal, the oral argument scheduled for July 19, 2016 at 3:00pm is adjourned. (Entered: 07/14/2016)
07/15/2016	<u>40</u>	Joint MOTION to Adjourn Conference / <i>Oral Argument</i> by The GEO Group, Inc.. (Farber, Evan) (Entered: 07/15/2016)
07/20/2016	<u>41</u>	Endorsed Order Dismissing Defendant Accurate Background, Inc. re <u>39</u> Stipulation of Dismissal. Ordered by Judge Carol Bagley Amon on 7/19/2016. (Barrett, C) (Entered: 07/20/2016)

08/15/2016	<u>42</u>	Letter <i>regarding status of parties' settlement negotiations</i> by Sandra Inman, Eric Keels (Miazad, Ossai) (Entered: 08/15/2016)
08/30/2016	<u>43</u>	NOTICE of Change of Address by Adam Todd Klein (Klein, Adam) (Entered: 08/30/2016)
08/30/2016	<u>44</u>	NOTICE of Change of Address by Christopher McNerney (McNerney, Christopher) (Entered: 08/30/2016)
08/30/2016	<u>45</u>	NOTICE of Change of Address by Lewis M. Steel (Steel, Lewis) (Entered: 08/30/2016)
08/30/2016	<u>46</u>	NOTICE of Change of Address by Ossai Miazad (Miazad, Ossai) (Entered: 08/30/2016)
09/15/2016	<u>47</u>	Letter MOTION for pre motion conference <i>regarding Plaintiffs' motion for preliminary approval of the class action settlement</i> by Sandra Inman, Eric Keels. (Miazad, Ossai) (Entered: 09/15/2016)
09/30/2016		ORDER denying <u>47</u> Motion for Pre Motion Conference. No pre-motion conference will be held. The parties are directed to file a motion for preliminary approval of the class action settlement by October 5, 2016. Ordered by Judge Carol Bagley Amon on 9/30/2016. (Hart, Grace) (Entered: 09/30/2016)
10/05/2016	<u>48</u>	MOTION for Settlement <i>for Preliminary Approval of Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settlement</i> by Sandra Inman, Eric Keels. (Miazad, Ossai) (Entered: 10/05/2016)
10/05/2016	<u>49</u>	MEMORANDUM in Support re <u>48</u> MOTION for Settlement <i>for Preliminary Approval of Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settlement</i> < filed by Sandra Inman, Eric Keels. (Miazad, Ossai) (Entered: 10/05/2016)
10/05/2016	<u>50</u>	AFFIDAVIT/DECLARATION in Support re <u>48</u> MOTION for Settlement <i>for Preliminary Approval of Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settlement</i> < filed by Sandra Inman, Eric Keels. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Miazad, Ossai) (Entered: 10/05/2016)
10/06/2016	<u>51</u>	Letter <i>regarding courtesy copies of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settlement</i> by Sandra Inman, Eric Keels (Miazad, Ossai) (Entered: 10/06/2016)
04/26/2017	<u>52</u>	MEMORANDUM in Support re <u>48</u> MOTION for Settlement <i>for Preliminary Approval of Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settlement</i> < <i>Notice of Supplemental Authority</i> filed by Sandra Inman, Eric Keels. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Miazad, Ossai) (Entered: 04/26/2017)
09/30/2017	<u>53</u>	ORDER re <u>48</u> <u>52</u> Motion for Settlement: The Court having reviewed and considered the parties' joint motion for conditional class certification, appointment of class counsel, and appointment of class representatives, and the memorandum of law in support thereof, and having reviewed and considered the terms and conditions of the Settlement Agreement, and on the basis of such submissions and all prior proceedings had in this action: 1. The Court finds that all the requirements of Rule 23 of the Federal Rules of Civil Procedure are satisfied for settlement purposes. 2. The Court conditionally certifies the class described in the Order under Federal Rule of Civil Procedure 23(e) for settlement purposes only. 3. Appoints named plaintiffs as class representatives. (See attachment for full Order details). Ordered by Judge Carol Bagley Amon on 09/30/2017. (Fernandez, Erica) (Entered: 10/02/2017)