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CAUSE NO. 09-01899

*[Signature]*

ENTRE NAX KARAGE,

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IN THE DISTRICT COURT

Plaintiff,

v.

DALLAS COUNTY, TEXAS

FIRST ADVANTAGE CORPORATION  
d/b/a SAFE ADVANTAGE SERVICES  
d/b/a CRIMINALBACKGROUND.COM,

Defendant.

**C-19370** JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff Entre Nax Karage and files this his Original Petition complaining of First Advantage Corporation d/b/a Safe Advantage Services d/b/a CriminalBackground.com (hereinafter referred to as "Defendant"), and would respectfully show unto the Court as follows:

**1.00 DISCOVERY CONTROL PLAN**

Pursuant to Rule 190 *et seq* of the Texas Rules of Civil Procedure, Plaintiff requests a Level III discovery control plan.

**2.00 REQUEST FOR DISCLOSURE**

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiff requests Defendant to disclose, within fifty (50) days of service of this request, the information and material described in Rule 194.2 of the Texas Rules of Civil Procedure. Plaintiff specifically requests Defendant to produce responsive documents at the undersigned law offices within fifty (50) days of service of this request.

### 3.00 PARTIES

3.01 Plaintiff Entre Nax Karage resides in Richardson, Dallas County, Texas.

3.02 Defendant First American Financial Corporation d/b/a Safe Advantage Services d/b/a CriminalBackground.com is a foreign corporation doing business in the State of Texas. Defendant does not maintain a registered agent in the State of Texas. Said Defendant may be served with process by serving the Secretary of State. The Secretary of State shall then deliver citation to Defendant's registered agent, Corporation Service Company, 1201 Hays Street, Tallahassee, Florida 32301-2525.

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### 4.00 VENUE AND JURISDICTION

4.01 Venue in this case is proper in Dallas County, Texas, because the incident that forms the basis of this lawsuit occurred in Dallas County, Texas.

4.02 This Court has subject matter jurisdiction over the case, because the amount in controversy for the Plaintiff, exclusive of costs and interest, is within the jurisdictional limits of this Court.

### 5.00 FACTS

5.01 On or about June 9, 2008, Entre Nax Karage was terminated from his employment as a security guard at Comerica Bank because of his criminal record which was provided to his employer, Wackenhut Corp., by Safe Advantage Services d/b/a CriminalBackground.com. Mr. Karage began his employment with Wackenhut Corp., on or about April 21, 2008, and was assigned to work at Comerica Bank as a security guard during the night shift when he was terminated from his position. Mr. Karage was scheduled to attend to a computer program training paid by his former employer prior to this incident.

5.02 Prior to the incident in question, Plaintiff was arrested on multiple occasions during the years of 1995 and 1997, those charges were later dismissed by the Criminal Courts. On March 1997, Plaintiff was arrested for murder, convicted and sentenced for life on November 25, 1997. However, evidence presented to the Courts found Plaintiff's innocence of such conviction. Accordingly, Plaintiff obtained a Proclamation dated December 2005, from Governor Ricky Perry granting a full pardon for innocence on Plaintiff's offense. Finally, on January 2006, the Criminal Courts provided Plaintiff with an Order Granting Expunction of all criminal records and files pertaining to his arrest and conviction. As of January 2006, Plaintiff has no standing criminal record.

5.03 Although, Plaintiff's criminal record was expunged, Plaintiff continues experiencing difficulty finding and keeping employment because of the faulty criminal record published by the Defendant.

5.04 This is an action for defamation, libel, or slander, for tortuous interference with an ability to seek employment, and for intentional infliction of mental anguish. Defendant knowingly published faulty information in regards to Plaintiff's criminal record, on which such record was expunged. Their intention and negligent act caused Plaintiff pecuniary loss.

**6.00 CAUSES OF ACTION AGAINST FIRST ADVANTAGE CORPORATION D/B/A SAFE ADVANTAGE SERVICES D/B/A CRIMINALBACKGROUND.COM**

6.01 Plaintiff would show the Court that the negligent acts and omissions of the Defendant, as set out herein, separately and collectively, were a direct and proximate cause of the incident in question and the resulting injuries and damages sustained by Plaintiff. The violations, negligent acts and omissions are, among others, as follows:

- a. Defendant failed to keep accurate and current records of individuals for whom reports are being shared with potential employers;

- b. Defendant failed to comply with the Order of the Courts with regards to Plaintiff's expunction of criminal records and criminal history;
- c. Defendant denied Plaintiff an opportunity to obtain equal employment opportunity by falsely reporting Plaintiff's prior criminal history rather than expunging it, as ordered by the Courts;
- d. Defendant erroneous information caused Plaintiff numerous incidents of humiliation and embarrassment by slandering his name through its false reporting of Plaintiff's prior criminal history rather than expunging it, as ordered by the Courts;
- e. Defendant by acting as they did, negligently inflicted emotional distress upon Plaintiff;
- f. Defendant are liable to Plaintiff for compensatory and punitive damages.

6.02 Additionally, Plaintiff seeks defamatory damages for misleading information provided

Defendant as follows:

- a. Defendant published statement of facts that referred to Plaintiff;
- b. The statements were defamatory and false;
- c. The false and defamatory statements were negligently published to the general public;
- d. Plaintiff suffered pecuniary injuries.

6.03 Such acts and omissions were, singularly and severally a proximate cause of the incident in question and Plaintiff's damages.

#### **7.00 DAMAGES TO PLAINTIFF ENTRE NAX KARAGE**

7.01 As a result of the above actions by Defendant, Plaintiff has suffered and will continue to suffer substantial damages to his reputation and good name.

7.02 Plaintiff has suffered lost wages and/or lost earning capacity in the past as a result of this incident, and in all reasonable probability, such of lost wages and lost earning capacity will continue in the future.

7.03 Defendant by acting as they did, negligently inflicted emotional distress upon Plaintiff.

7.04 Plaintiff has suffered financial and other damages as a proximate consequence of Defendant's intentional infliction of emotional distress.

7.05 Defendant is liable to Plaintiff for compensatory and punitive damages.

7.06 Defendant is liable to Plaintiff for defamatory damages to his character.

7.07 As a result of the above, Plaintiff seeks damages in excess of the maximum jurisdictional limits of this Court.

#### **8.00 CLAIM FOR PRE-JUDGMENT AND POST-JUDGMENT INTEREST**

Plaintiff herein claims lawful interest in accordance with Article 5069-1.05 of the V.A.T.S. and any other applicable law.

#### **9.00 EXEMPLARY DAMAGES**

For additional causes of action, Plaintiff allege that all the acts and omissions on Defendant's part, taken singularly or in combination, constitute gross negligence and were the proximate cause of the damages and injuries to Plaintiff as alleged herein. This gross negligence entitles the Plaintiff to exemplary damages. Specifically, Plaintiff allege that the Defendant's acts was more than momentary thoughtlessness, inadvertence, or error of judgment. The Defendant acted with such an entire want of care to establish that the acts and/or omissions was the result of actual conscious indifference to the rights, safety or welfare of Plaintiff. Plaintiff seeks exemplary damages against

the Defendant in the amount of four times Plaintiff's actual damages or to punish Defendant for their wrongdoing and to deter other individuals and companies that might be tempted to engage in the same or similar conduct.

**10.00 JURY DEMAND**

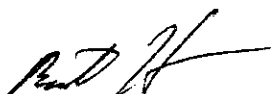
Plaintiff requests that a jury be convened to try the factual issues in this cause.

**11.00 PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein and upon final hearing of this cause, Plaintiff has judgment against the Defendant for damages described herein, for cost of suit, interest from the date of the incident and for such other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

SOMMERMAN & QUESADA, LLP.

  
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