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Attorneys for Plaintiff,
Adrian Chavez

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ADRIAN CHAVEZ, Individually
and On Behalf of All Others
Similarly Situated,

Plaintiff,

v.

BORROWERSFIRST, INC., a
Delaware Corporation,

Defendant.

LAW OFFICE OF DANIEL G. SHAY
Daniel G. Shay, Esq. (250548)
danielshay@tcpafdcpa.com
409 Camino Del Rio South, Ste 101B
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Case No.:

CLASS ACTION '18CV0270 BEN WVG

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF PURSUANT
TO THE TELEPHONE CONSUMER
PROTECTION ACT, 47 U.S.C. § 227,
ET SEQ.**

[JURY TRIAL DEMANDED]

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INTRODUCTION

1. Plaintiff ADRIAN CHAVEZ (“Plaintiff”) brings this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of BORROWERSFIRST, INC. (hereinafter “Defendant”) in negligently contacting Plaintiff on Plaintiff’s cellular telephone, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq., (“TCPA”), thereby invading Plaintiff’s privacy. Plaintiff alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his attorneys.
2. The TCPA was designed to prevent calls and text messages like the ones described within this complaint, and to protect the privacy of citizens like Plaintiff. “Voluminous consumer complaints about abuses of telephone technology – for example, computerized calls dispatched to private homes – prompted Congress to pass the TCPA.”
3. In enacting the TCPA, Congress intended to give consumers a choice as to how creditors and telemarketers may call them, and made specific findings that “[t]echnologies that might allow consumers to avoid receiving such calls are not universally available, are costly, are unlikely to be enforced, or place an inordinate burden on the consumer.” TCPA, Pub.L. No. 102–243, § 11. Toward this end, Congress found that:

[b]anning such automated or prerecorded telephone calls to the home, except when the receiving party consents to receiving the call or when such calls are necessary in an emergency situation affecting the health and safety of the consumer, is the only effective means of protecting telephone consumers from this nuisance and privacy invasion.

Id. at § 12;

///

1 4. Congress also specifically found that “the evidence presented to the
2 Congress indicates that automated or prerecorded calls are a nuisance and an
3 invasion of privacy, regardless of the type of call....” *Id.* at §§ 12-13.

4 5. Further, the FCC has issued rulings and clarified that consumers are entitled
5 to the same consent-based protections for text messages as they are for calls
6 to wireless numbers. *See Satterfield v. Simon & Schuster, Inc.*, 569 F.3d 946,
7 952 (9th Cir. 2009) (The FCC has determined that a text message falls
8 within the meaning of “to make any call” in 47 U.S.C. § 227(b)(1)(A));
9 *Toney v. Quality Res., Inc.*, 75 F. Supp. 3d 727, 734 (N.D. Ill. 2014)
10 (Defendant bears the burden of showing that it obtained Plaintiff's prior
11 express consent before sending her the text message).

12 13 **JURISDICTION AND VENUE**

14 6. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331
15 because this case arises out of violation of federal law 47 U.S.C. §227(b).

16 7. Venue is proper in the United States District Court for the Southern District
17 of California pursuant to 28 U.S.C. § 1391 for the following reasons: (i)
18 Plaintiff resides in the City of San Diego, County of San Diego, State of
19 California which is within this judicial district; (ii) the conduct complained
20 of herein occurred within this judicial district; and, (iii) many of the acts and
21 transactions giving rise to this action occurred in this district because
22 Defendant:

23 (a) is authorized to conduct business in this district and has
24 intentionally availed itself of the laws and markets within this
25 district;

26 (b) does substantial business within this district;

27 (c) is subject to personal jurisdiction in this district because it has
28 availed itself of the laws and markets within this district; and,

1 (d) the harm to Plaintiff occurred within this district.

2 **PARTIES**

3 8. Plaintiff is, and at all times mentioned herein was, a citizen and resident of
4 the City of San Diego, County of San Diego, State of California. Plaintiff is,
5 and at all times mentioned herein was, a “person” as defined by 47 U.S.C. §
6 153(39).

7 9. Defendant is, and at all times mentioned herein was, a Delaware corporation
8 with a principal place of business in Texas, and is a “person,” as defined by
9 47 U.S.C. § 153(39). Plaintiff alleges that at all times relevant herein
10 Defendant conducted business in the State of California and in the County of
11 San Diego, and within this judicial district, placing unlawful calls to debtors
12 via an automatic dialing system.

13 **FACTUAL ALLEGATIONS**

14 10. Plaintiff incorporates by reference all of the above paragraphs of this
15 Complaint as though fully stated herein.

16 11. Plaintiff allegedly incurred financial obligations to Defendant and fell
17 behind on payments. Defendant subsequently began contacting Plaintiff to
18 collect on the alleged debt owed by Plaintiff.

19 12. Thereafter, Defendant began placing autodialed calls to Plaintiff’s cellular
20 telephone number ending in “2208” via an automatic dialing system as
21 defined in 47 U.S.C. § 227(a)(1) and leaving messages with a pre-recorded
22 voice as prohibited by 47 U.S.C. § 227(b)(1)(A).

23 13. Defendant’s autodialed calls with pre-recorded messages were placed from
24 various numbers, including but not limited (773) 943-8560, (615)-301-5499,
25 (719)-551-7201, (310) 460-0428, (773) 943-8553.

26 14. Further, Defendant began sending informal and impersonal text messages
27 that stated “This is a message from BorrowersFirst. Please call us at 877-
28 236-3005 today. Thank you.”

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1 15. The text messages were sent from 719-551-7201 number, and appeared to be
2 autodialed based on lack of any personal information, debtor's name,
3 account number, or other pertinent information.

4 16. Plaintiff subsequently retained the legal services of Law Office of Daniel G.
5 Shay ("Attorney") because he wished to stop receiving repeated autodialed
6 calls and messages.

7 17. On September 12, 2017, Attorney sent Defendant a Cease and Desist Letter
8 ("First Cease and Desist Letter") on behalf of Plaintiff, containing TCPA
9 Revocation of Consent language and requesting Defendant cease all further
10 communication with Plaintiff. Attorney sent the First Cease and Desist
11 Letter by US mail and facsimile.

12 18. From September 13, 2017 to September 30, 2017, Defendant placed
13 autodialed calls with a pre-recorded message or sent texts via its autodialing
14 system to Plaintiff's cellular telephone ending in 2208 at least thirty-five
15 (35) times.

16 19. On September 14, 2017, Defendant left a pre-recorded voicemail message
17 on Plaintiff's cellular telephone.

18 20. On September 26, 2017, Attorney sent another Cease and Desist Letter
19 ("Second Cease and Desist Letter") to Defendant by facsimile, this time
20 including Plaintiff's full Social Security Number. Attorney also confirmed
21 with Defendant that the fax number ending in 6410, to which both Cease and
22 Desist Letters were sent, belonged to Defendant.

23 21. On September 19, 2017 at 8:20 a.m., Defendant sent a text message to
24 Plaintiff that read: "This is a message from BorrowersFirst. Please call us at
25 877-236-3005 today. Thank you."

26 22. From, September 19, 2017 to September 28, 2017, Defendant repeatedly
27 sent this identical text message to Plaintiff between 8:15 a.m. and 8:30 a.m.
28

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1 23. On September 30, 2017, Defendant left another pre-recorded voice message
2 on Plaintiff's cellular telephone.

3 24. Defendant initiated multiple telephonic communications to Plaintiff's
4 cellular telephone ending in "2208". Plaintiff found these communications
5 excessive, inconvenient, harassing, placed in complete disregard of
6 Plaintiff's privacy and request to cease all of the autodialed communications
7 with Plaintiff.

8 25. These telephonic communications constituted telephone solicitations, as
9 defined by 47 U.S.C. § 227(a)(4).

10 26. Defendant's calls and text messages constituted "calls" that was not for
11 emergency purposes, as defined by 47 U.S.C. § 227(b)(1)(A)(i).

12 27. Defendant's calls and text messages were placed to a telephone number
13 assigned to a cellular telephone service for which Plaintiff incurs a charge
14 for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

15 28. Defendant did not have prior express consent to call or send text messages to
16 Plaintiff, as defined by 47 U.S.C. § 227(a)(4).

17 29. Plaintiff believes that Defendant used an "automatic telephone dialing
18 system" (or "ATDS"), as defined by 47 U.S.C. § 227(a)(1) to repeatedly
19 send automated text messages and phone calls to Plaintiff's cellular
20 telephone number.

21 30. This ATDS has the capacity to store or produce telephone numbers to be
22 called, using a random or sequential number generator.

23 31. These telephone communications by Defendant, or its agent, violated 47
24 U.S.C. § 227(b)(1).

25 32. Through this action, Plaintiff suffered an invasion of a legally protected
26 interest in privacy, which is specifically addressed and protected by the
27 TCPA.
28

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1 33.Plaintiff was personally affected because Plaintiff was frustrated and
2 distressed that Defendant harassed Plaintiff with text messages and calls
3 using an ATDS.

4 34.Defendant's autodialed telephone calls with pre-recorded messages and
5 autodialed text messages forced Plaintiff and class members to live without
6 the utility of their cellular phones by forcing Plaintiff and class members to
7 silence their cellular phones and/or block incoming numbers.

8 35.Through the aforementioned conduct, Defendant has violated 47 U.S.C.
9 § 227 et seq.

10
11 **CLASS ACTION ALLEGATIONS**

12 36.Plaintiff brings this action on behalf of himself and on behalf of all others
13 similarly situated (“the Class”).

14 37.Plaintiff represents, and is a member of the Class, consisting of:

15 All persons within the United States who received any
16 text messages or calls from Defendant or their agent(s)
17 and/or employee(s), not sent for emergency purposes, to
18 said person’s cellular telephone made through the use of
19 any automatic telephone dialing system and/or with an
artificial or prerecorded message within the four years
prior to the filing of this Complaint.

20 38.Defendant and its employees or agents are excluded from the Class.
21 Plaintiff does not know the number of members in the Class, but believes the
22 Class members number in the hundreds of thousands, if not more. Thus, this
23 matter should be certified as a Class action to assist in the expeditious
24 litigation of this matter.

25 39.Plaintiff and members of the Class were harmed by the acts of Defendant in
26 at least the following ways: Defendant, either directly or through its agents,
27 illegally contacted Plaintiff and the Class members via their cellular
28 telephones by using an ATDS, thereby causing Plaintiff and the Class

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1 members to incur certain cellular telephone charges or reduce cellular
2 telephone time for which Plaintiff and the Class members previously paid,
3 and invading the privacy of said Plaintiff and the Class members. Plaintiff
4 and the Class members were damaged thereby.

5 40. This suit seeks only damages and injunctive relief for recovery of economic
6 injury on behalf of the Class, and it expressly is not intended to request any
7 recovery for personal injury and claims related thereto. Plaintiff reserves the
8 right to expand the Class definition to seek recovery on behalf of additional
9 persons as warranted as facts are learned in further investigation and
10 discovery.

11 41. The joinder of the Class members is impractical and the disposition of their
12 claims in the Class action will provide substantial benefits both to the parties
13 and to the court. The Class can be identified through Defendant's records or
14 Defendant's agents' records.

15 42. There is a well-defined community of interest in the questions of law and
16 fact involved affecting the parties to be represented. The questions of law
17 and fact to the Class predominate over questions which may affect
18 individual Class members, including the following:

- 19 a) Whether, within the four years prior to the filing of this Complaint,
20 Defendant or its agents initiated any telephonic communications to the
21 Class (other than a message made for emergency purposes or made
22 with the prior express consent of the called party) to a Class member
23 using any automatic dialing to any telephone number assigned to a
24 cellular phone service;
- 25 b) Whether Defendant can meet its burden of showing it obtained prior
26 express consent (i.e., consent that is clearly and unmistakably stated);
- 27 c) Whether Defendant's conduct was knowing and/or willful;
- 28

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1 d) Whether Plaintiff and the Class members were damaged thereby, and
2 the extent of damages for such violation; and

3 e) Whether Defendant and its agents should be enjoined from engaging
4 in such conduct in the future.

5 43. As a person that received at least one telephonic communication from
6 Defendant's ATDS without prior written express consent, Plaintiff is
7 asserting claims that are typical of the Class. Plaintiff will fairly and
8 adequately represent and protect the interests of the Class in that Plaintiff
9 has no interests antagonistic to any member of the Class.

10 44. Plaintiff and the members of the Class have all suffered irreparable harm as
11 a result of Defendant's unlawful and wrongful conduct. Absent a class
12 action, the Class will continue to face the potential for irreparable harm. In
13 addition, these violations of law will be allowed to proceed without remedy
14 and Defendant will likely continue such illegal conduct. Because of the size
15 of the individual Class member's claims, few, if any, Class members could
16 afford to seek legal redress for the wrongs complained of herein.

17 45. Plaintiff has retained counsel experienced in handling class action claims
18 and claims involving violations of the Telephone Consumer Protection Act.

19 46. A class action is a superior method for the fair and efficient adjudication of
20 this controversy. Class-wide damages are essential to induce Defendant to
21 comply with federal and California law. The interest of Class members in
22 individually controlling the prosecution of separate claims against Defendant
23 is small because the maximum statutory damages in an individual action for
24 violation of privacy are minimal. Management of these claims is likely to
25 present significantly fewer difficulties than those presented in many class
26 claims.

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1 47. Defendant has acted on grounds generally applicable to the Class, thereby
2 making appropriate final injunctive relief and corresponding declaratory
3 relief with respect to the Class as a whole.

4 **FIRST CAUSE OF ACTION**
5 **NEGLIGENT VIOLATIONS OF THE**
6 **TELEPHONE CONSUMER PROTECTION ACT**
7 **47 U.S.C. § 227 ET SEQ.**

8 48. Plaintiff incorporates by reference all of the above paragraphs of this
9 Complaint as though fully stated herein.

10 49. The foregoing acts and omissions of Defendant constitutes numerous and
11 multiple negligent violations of the TCPA, including but not limited to each
12 and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.

13 50. As a result of Defendant’s negligent violations of 47 U.S.C. § 227 et seq,
14 Plaintiff and the Class are entitled to an award of \$500.00 in statutory
15 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

16 51. Plaintiff and the Class are also entitled to and seek injunctive relief
17 prohibiting such conduct in the future.

18 **SECOND CAUSE OF ACTION**
19 **KNOWING AND/OR WILLFUL VIOLATIONS OF THE**
20 **TELEPHONE CONSUMER PROTECTION ACT**
21 **47 U.S.C. § 227 ET SEQ.**

22 52. Plaintiff incorporates by reference all of the above paragraphs of this
23 Complaint as though fully stated herein.

24 53. The foregoing acts and omissions of Defendant constitutes numerous and
25 multiple knowing and/or willful violations of the TCPA, including but not
26 limited to each and every one of the above-cited provisions of 47 U.S.C.
27 § 227 et seq.
28

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1 54. As a result of Defendant’s knowing and/or willful violations of 47 U.S.C.
2 § 227 et seq, Plaintiff and the Class are entitled to an award of \$1,500.00 in
3 statutory damages, for each and every violation, pursuant to 47 U.S.C.
4 § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

5 55. Plaintiff and the Class are also entitled to and seek injunctive relief
6 prohibiting such conduct in the future.

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiff and the Class Members pray for judgment as
9 follows:

- 10 • Certifying The Class as requested herein;
- 11 • Appointing Plaintiff’s Counsel as Class Counsel in this matter;
- 12 • Providing such further relief as may be just and proper.

13 In addition, Plaintiff and The Class Members pray for further judgment as
14 follows:

15 **FIRST CAUSE OF ACTION FOR NEGLIGENT VIOLATION OF**
16 **THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- 17 • As a result of Defendant’s negligent violations of 47 U.S.C. § 227(b)(1),
18 Plaintiff seeks, for himself and each Class member \$500.00 in statutory
19 damages, for each and every violation, pursuant to 47 U.S.C.
20 § 227(b)(3)(B).
- 21 • Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such
22 conduct in the future.
- 23 • Any other relief the Court may deem just and proper.

24 **SECOND CAUSE OF ACTION FOR KNOWING/WILLFUL VIOLATION OF**
25 **THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- 26 • As a result of Defendant’s knowing and/or willful violations of 47 U.S.C.
27 § 227(b)(1), Plaintiff seeks for himself and each Class member \$1,500.00
28

1 in statutory damages, for each and every violation, pursuant to 47 U.S.C.
2 § 227(b)(3)(B).

- 3 • Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such
- 4 conduct in the future.
- 5 • Any other relief the Court may deem just and proper.

7 **TRIAL BY JURY**

8 56.Pursuant to the seventh amendment to the Constitution of the United States
9 of America, Plaintiff is entitled to, and demands, a trial by jury.

10
11 Dated: February 4, 2018

Respectfully submitted,

12 **KAZEROUNI LAW GROUP, APC**

13
14 By: s/ Abbas Kazerounian

15 ABBAS KAZEROUNIAN, ESQ.
16 AK@KAZLG.COM
17 ATTORNEYS FOR PLAINTIFF

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Adrian Chavez, Individually and On Behalf of All Others Similarly Situated

(b) County of Residence of First Listed Plaintiff San Diego (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Abbas Kazerounian, Esq., Kazerouni Law Group, APC 800-400-6808 245 Fischer Avenue, Unit D1, Costa Mesa, CA 92626

DEFENDANTS

Borrowersfirst, Inc., a Delaware Corporation

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'18CV0270 BEN WVG

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 47 U.S.C. §§ 227 et seq. ("TCPA") Brief description of cause: Defendant violated the Telephone Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 75,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 02/06/2018 SIGNATURE OF ATTORNEY OF RECORD s/ Abbas Kazerounian

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [First Things First: Lawsuit Claims Borrowers First Failed to Identify Itself in Debt Collection Messages](#)
