

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

**ROBERT ALBERT**, individually and on  
behalf of all others similarly situated,

*Plaintiff,*

v.

**SIMPLE HOUSE SOLUTIONS LLC**, a  
Texas registered limited liability company,

*Defendant.*

Case No.

**CLASS ACTION COMPLAINT**

**DEMAND FOR JURY TRIAL**

**CLASS ACTION COMPLAINT**

Plaintiff Robert Albert (“Albert” or “Plaintiff”) brings this Class Action Complaint and Demand for Jury Trial against Defendant Simple House Solutions LLC (“SHS” or “Defendant”) to stop Defendant from violating the Telephone Consumer Protection Act by making unsolicited, prerecorded calls to consumers, including calls to consumers that have their phone number’s registered on the National Do Not Call registry (“DNC”), and to otherwise obtain injunctive and monetary relief for all persons injured by SHS’s conduct. Plaintiff, for his Complaint, 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.

**INTRODUCTION**

1. SHS is a real estate company that makes cash offers on homes and assists consumers in buying/purchasing properties.<sup>1</sup>
2. Telemarketing is a main component in SHS’s marketing plan, involving cold calls to consumers that have never solicited the services of SHS.

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<sup>1</sup> <https://www.linkedin.com/company/simple-house-solutions/about/>

3. SHS also places prerecorded calls to consumers in order to solicit property sales and purchases.

4. SHS made at least 4 unsolicited, prerecorded sales calls to Plaintiff, despite the fact that Plaintiff has his cell phone number registered on the DNC.

5. In response to these calls, Plaintiff files this lawsuit seeking injunctive relief, requiring Defendant to stop making prerecorded voice sales calls to consumers without their consent, including solicitation calls to consumers that have their phone numbers registered on the DNC, as well as an award of statutory damages to the members of the Class and costs.

### **PARTIES**

6. Plaintiff Albert is an Irving, Texas resident.

7. Defendant SHS is a Texas company headquartered in Dallas, Texas. SHS conducts business throughout this District and the United States.

### **JURISDICTION AND VENUE**

8. This Court has federal question subject matter jurisdiction over this action under 28 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”).

9. This Court has personal jurisdiction over Defendant and venue is proper in this District under 28 U.S.C. § 1391(b) because both Plaintiff and Defendant reside in this District and because the wrongful conduct giving rise to this case was originated from and directed to this District.

### **COMMON ALLEGATIONS**

#### **SHS Engages in Cold Calling**

10. A fundamental part of SHS’s marketing plan involves cold calling to consumers that have never contacted SHS before.

11. Directly on its website, in a job posting, SHS states the importance of placing cold calls:

### **Work-Related Qualifications/Requirements:**

- ✓ Must have at least 2 years of licensed real estate experience
- ✓ Top performers only needed. Closers!
- ✓ Must be willing to drive anywhere at any time.
- ✓ Must be willing to make cold calls and network with people you DO NOT KNOW
- ✓ Able to create relationships with clients along with an experience that leaves an outstanding impression
- ✓ Able to create instant credibility with potential clients by utilizing knowledge and showcasing your enthusiasm and passion for Customer Service & Real Estate!
- ✓ Must enjoy reaching out to new people on a constant basis, in person and on the phone
- ✓ Must have a minimum of 2 years of phone sales experience

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12. Employees have complained online about the necessity to make calls as part of the SHS team. For example, a former employee wrote on Indeed:

### **Long Hours- Pay checks are decent**

Disposition Sales Associate (Former Employee) – Dallas, TX – November 3, 2018

Really long hours- 6 day work weeks, most days you sit behind a desk and make phone calls, some days you are out showing houses- just depends on the day.

#### **✓ Pros**

Paychecks are good

#### **✗ Cons**

Long days, no medical benefits, micro managed, no reimbursement for travel

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### **SHS Places Prerecorded Calls to Consumers Without Consent Regardless of Whether SHS is Calling Phone Numbers Registered on the DNC**

13. SHS makes prerecorded calls to consumers without obtaining their prior written express consent.

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<sup>2</sup> <https://www.simplehousedfw.com/hiring-listing-agent-team-lead-dallas-texas/>

<sup>3</sup> <https://www.indeed.com/cmp/Simple-House-Solutions/reviews>

14. As explained by the Federal Communications Commission (“FCC”) in its 2012 order, the TCPA requires “*prior express written consent* for all ... prerecorded [solicitation] calls to wireless numbers and residential lines.” *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG No. 02-278, FCC 12-21, 27 FCC Rcd. 1830 ¶ 2 (Feb. 15, 2012).

15. SHS’s prerecorded voice calls therefore violate the TCPA.

16. There are numerous complaints posted online about prerecorded calls from Defendant to consumers. In many of these complaints, Defendant has directly responded to the person issuing the complaint.

17. For example, on August 17, 2019, a consumer wrote the following review on Google about SHS:



**JB**

1 review

★★★★★ 3 days ago

They have been spamming both of my phones for about a week. Today I recieved 15 calls and 15 automated voicemails from them, on my work phone. This phone has an Illinois number and the other is Dallas. Somehow they have both. They called so much it filled my voicemail up. I would never use them, simply because of their business tactics. The reviews stating the same do not seem to get any resolution. I will notify the BBB, as I am on the DNC list.

 Like

**Response from the owner** 3 days ago

Thank you for taking the time to write a review. We apologize about you receiving voicemails, please give us a call so we can ensure you won't receive anymore. We're just here to help in any way possible. Again thank you for your feedback and please give us a call so we can fix this. (:

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18. Another consumer posted on SHS’s Facebook page about unsolicited prerecorded voicemail calls:

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<sup>4</sup> Google Reviews – Simple House Solutions – (screenshot generated on August 20, 2019)



Stop making unwanted calls and ringless VM to my phone!! This is a n invasion of my privacy to bypass my phone's call filtering. If I was i nterested in your service I would contact YOU. I have filed a complai nt with the FCC today about these unwanted calls and voice mails.

March 1

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19. SHS did not respond to the above complaint, though a representative of SHS does normally respond to reviews and complaints on SHS's Facebook page.

20. Ironically, on April 20, 2019, a representative from SHS posted a response to a consumer complaint on SHS's Better Business Bureau ("BBB") page, stating that SHS would end its robocalling efforts:

**Simple House Solutions LLC Response**

04/20/2019

Contact Name and Title: \*\*\*\*\* Manager  
Contact Phone: XXX-XXX-XXXX  
Contact Email: \*\*\*\*\*@simplehousesolutions.com

Whether positive or negative, we appreciate all feedback. So thank you for taking the time to share your experience, as it gives us valuable insight into areas we can improve upon.

We focus on reaching out to individuals in the hope of finding those that we can help, as they may be stuck in burdensome situations with their home and feel like there is no way out. Each individual is in different situations, and so we hope to find those that may often be overlooked but are in need.

We understand that you would no longer like to receive any contact from us and apologize about any distress any contact may have caused. We want to ensure your concerns are resolved! Would you please give us a call so we can ensure no variations of your information is in our system and so we can help ensure you are no longer contacted on any front?

Given your feedback we have decided as a company to end our robocalling efforts, thank you for your feedback and apologize for irritating you in the first place.

Again, thank you for your feedback and the time you've taken to help us improve as a company!

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<sup>5</sup> <https://www.facebook.com/SimpleHouseSolutions/>

<sup>6</sup> <https://www.bbb.org/us/tx/dallas/profile/real-estate-investing/simple-house-solutions-llc-0875-90847441/complaints>

21. Despite the above statement that the “robocalling efforts” would be stopped, they have continued.

22. There is a plethora of complaints posted online regarding prerecorded calls that consumers received without consent, and to phone numbers registered on the DNC. This is just a small sampling of those complaints:

- “Somehow these folks got my cell phone number. My cell is on the Do Not Call list. They keep calling me, but never use my name... They leave the same message every time. I don’t know anyone at this company, nor have I ever done business with them. I just keep reporting them to the FTC.”<sup>7</sup>
- “Despite asking to be removed from their spam call list, I still get their messages”<sup>8</sup>
- “They have called using an automated dialer multiple times. They leave an automated voicemail. I have received multiple calls from a restricted number. They leave an automated voicemail Stating, Hi My name is Steven with Simple House Solutions and we are looking to buy houses in the neighborhood. Goes on to give the phone number XXX-XXX-XXXX. It is well known that these robocalls are illegal for advertising purposes and need to be stopped.”<sup>9</sup>
- “This is simple house solutions. They are trying to buy your property. They have left me multiple voicemails. I am drafting a letter a certified letter to the sting they need to stop calling. This is an Illegal robocall and they can’t deny it since they are leaving automated Voicemails.”<sup>10</sup>
- “Robocall wanting to buy my house. I wish I knew what company sold my information to these vultures. I am NOT amused!!”<sup>11</sup>
- “I have tried to block their weekly calls to my phone even calling them to take my name off their call list as I am on the FED DO NOT CALL LIST”<sup>12</sup>
- “Repeated calling with offer to sell my house.”<sup>13</sup>
- “Robocalls soliciting for real estate sales.”<sup>14</sup>
- “wants to buy house that’s not for sale. Multiple calls”<sup>15</sup>
- “Real estate robo call. Spam. Do not call me.”<sup>16</sup>

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<sup>7</sup> <https://www.bbb.org/us/tx/dallas/profile/real-estate-investing/simple-house-solutions-llc-0875-90847441/customer-reviews>

<sup>8</sup> <https://www.bbb.org/us/oh/cleveland/profile/health-savings-administrators/human-arc-inc-0312-23659/complaints>

<sup>9</sup> *Id.*

<sup>10</sup> <https://800notes.com/Phone.aspx/1-972-441-2318>

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> [https://www.whitepages.com/phone/1-972-441-2318?from\\_pop\\_search=true](https://www.whitepages.com/phone/1-972-441-2318?from_pop_search=true)

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

23. SHS either makes the calls itself or knows about the prerecorded calls that are being made on its behalf, does nothing to stop them, and instead seeks to benefit financially from the leads the unsolicited prerecorded calls generate.

24. Many, if not all of the prerecorded calls are being generated by Steven Page, the Inside Sales Manager for SHS:

### OTHER TEAM MEMBERS



**Larry Hayes**  
Outside Sales Associate



**Steven Page**  
Inside Sales Manager



**McKenzie Keese**  
Staffing and Development  
Recruiter

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25. For example, all of the prerecorded voicemails that Plaintiff received were from Steven.

26. When calling 972-441-2318, the phone number Defendant used to call Plaintiff Albert, as well as numerous other consumers, an automated message answers identifying the number as belonging to Steven Page. The message from Page then asks the caller to leave a message indicating the caller's name, phone number and address.

27. In this specific complaint, SHS acknowledges the calls and identifies which employee is responsible:

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<sup>17</sup> <https://www.simplehousedfw.com/about-us/meet-the-team/>



**Darren Davis**

4 reviews

★★★★★ a month ago

Reporting them Again, The calls stopped for a while and have gotten three in the past week.

ILLEGAL ROBOCALLS, after reading the business response. I verified that my number is in the do not call list. Unsolicited sales calls to cell phones are illegal. Does not matter if the caller actually works there. They called many times from a restricted number and left an automated voicemail. I am in the process of reporting them to the FCC as well as the Texas attorney general. If they are willing to risk fines for robocalls imagine what they will do in general business practices. the message starts with this is Steven from Simple House Solutions. In response the call comes from a restricted number and is a recorded message which is a robo call and against ftc and state regulation.

They Don't Stop. Filing another complaint. They responded to the BBB saying they were ending the campaign and received another voicemail from Steven today. This number has been on the do not call list for 7 years.

**Response from the owner** 4 months ago

Darren ,

We appreciate any and all feedback. We're very sorry if the calls have sounded or came across as robocalls, Steven Page is one of many in our company that reach out to home owners that we could help or might just be looking to see what their house is worth. Please give us a call so we can get you off our call list so you don't receive anymore calls. Again thank you for giving this feedback we're always striving to do better as a company.

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28. In conclusion, SHS is aware and responsible for the unlawful prerecorded solicitation calls that are being made on its behalf.

29. SHS has shown negligence in acknowledging the unlawful prerecorded solicitation calls without taking steps to stop them, or ensure they are being made only in instances where SHS has express prior written consent from the consumers it is calling.

## **PLAINTIFF'S ALLEGATIONS**

### **SHS Placed Prerecorded Calls to Plaintiff Without His Consent Despite the Fact That Plaintiff Registered His Cell Phone Number on the DNC**

30. On September 1, 2003, Plaintiff registered his cell phone number on the DNC in order to avoid receiving solicitation and unwanted calls from telemarketers.

31. Plaintiff uses his cell phone for personal use only.

32. Plaintiff has received numerous unsolicited prerecorded voicemail messages on his cell phone from Defendant using phone number 972-441-2318.

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<sup>18</sup> Google Reviews – Simple House Solutions – (screenshot generated on August 20, 2019)



33. For example, on July 11, 2019, Plaintiff received a prerecorded voicemail message from Defendant using phone number 972-441-2318.

34. The prerecorded message was on behalf of Steven from Simple House Solutions. The purpose of the call was to determine if Plaintiff Albert was looking to sell his home.

35. Plaintiff Albert has lived in the same home for over 20 years and has no desire to sell his home. Albert has not been in contact with any realtors in order to inquire about selling his home.

36. Plaintiff does not have a relationship with SHS, or any of its affiliated companies, nor has he ever consented to any contact from Defendant.

37. Simply put, SHS did not obtain Plaintiff's prior express written consent to place any solicitation telephone calls to him using prerecorded voice messages.

38. In total, Plaintiff received at least 4 identical prerecorded solicitation voicemails from Defendant using phone number 972-441-2318.

39. Defendant's unauthorized telephone calls harmed Plaintiff in the form of annoyance, nuisance, and invasion of privacy, and disturbed Albert's use and enjoyment of his phone, in addition to the wear and tear on the phone's hardware (including the phone's battery) and the consumption of memory on the phone.

40. Seeking redress for these injuries, Albert, on behalf of himself and Classes of similarly situated individuals, brings suit under the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, which prohibits unsolicited prerecorded voice calls to landline and cellular phone and numbers, including unsolicited calls to phone numbers that are registered on the DNC.

## CLASS ALLEGATIONS

### **Class Treatment Is Appropriate for Plaintiff's TCPA Claims Arising From Calls Made by SHS**

41. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23(b)(2) and Rule 23(b)(3) on behalf of himself and all others similarly situated and seeks certification of the following Classes:

**Prerecorded No Consent Class:** All persons in the United States who from four years prior to the filing of this action (1) Defendant (or agents acting on behalf of Defendant) called (2) using a prerecorded voice message (3) for the same purpose that Defendant called Plaintiff.

**Do Not Call Registry Class:** All persons in the United States who from four years prior to the filing of this action (1) Defendant (or an agent acting on behalf of Defendant) called more than one time (2) within any 12-month period (3) where their telephone number had been listed on the National Do Not Call Registry for at least thirty days (4) for the same purpose that Defendant called Plaintiff..

42. The following individuals are excluded from the Classes: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendant, their subsidiaries, parents, successors, predecessors, and any entity in which Defendant or its parents have a controlling interest and their current or former employees, officers and directors; (3) Plaintiff's attorneys; (4) persons who properly execute and file a timely request for exclusion from the Classes; (5) the legal representatives, successors or assigns of any such excluded persons; and (6) persons whose claims against Defendant have been fully and finally adjudicated and/or released. Plaintiff anticipates the need to amend the Class definitions following appropriate discovery.

43. **Numerosity:** On information and belief, there are hundreds, if not thousands of members of the Classes such that joinder of all members is impracticable.

44. **Commonality and Predominance:** There are many questions of law and fact common to the claims of Plaintiff and the Classes, and those questions predominate over any

questions that may affect individual members of the Classes. Common questions for the Classes include, but are not necessarily limited to the following:

- (a) whether Defendant used a prerecorded voice when placing calls to Plaintiff and the members of the Prerecorded No Consent Class;
- (b) whether Defendant placed prerecorded voice message calls to Plaintiff and members of the Classes without first obtaining consent to make the calls;
- (c) whether Defendant placed more than one call to Plaintiff and members of the Do Not Call Registry Class despite calling phone numbers that are registered on the National Do Not Call registry;
- (d) whether Defendant's conduct constitutes a violation of the TCPA; and
- (e) whether members of the Classes are entitled to treble damages based on the willfulness of Defendant's conduct.

45. **Adequate Representation:** Plaintiff will fairly and adequately represent and protect the interests of the Classes, and has retained counsel competent and experienced in class actions. Plaintiff has no interests antagonistic to those of the Classes, and Defendant has no defenses unique to Plaintiff. Plaintiff and his counsel are committed to vigorously prosecuting this action on behalf of the members of the Classes, and have the financial resources to do so. Neither Plaintiff nor his counsel have any interest adverse to the Classes.

46. **Appropriateness:** This class action is also appropriate for certification because Defendant has acted or refused to act on grounds generally applicable to the Classes and as a whole, thereby requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the members of the Classes and making final class-wide injunctive relief appropriate. Defendant's business practices apply to and affect the members of the Classes uniformly, and Plaintiff's challenge of those practices hinges on Defendant's conduct with respect to the Classes as wholes, not on facts or law applicable only to Plaintiff. Additionally, the damages suffered by individual members of the Classes will likely be small relative to the burden and expense of individual prosecution of the complex litigation necessitated by

Defendant's actions. Thus, it would be virtually impossible for the members of the Classes to obtain effective relief from Defendant's misconduct on an individual basis. A class action provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court.

**FIRST CAUSE OF ACTION**  
**Telephone Consumer Protection Act**  
**(Violations of 47 U.S.C. § 227)**  
**(On Behalf of Plaintiff Albert and the Prerecorded No Consent Class)**

47. Plaintiff repeats and realleges paragraphs 1 through 46 of this Complaint and incorporates them by reference herein.

48. Defendant and/or its agents made unwanted solicitation telephone calls to Plaintiff and the other members of the Prerecorded No Consent Class using a prerecorded voice message.

49. These prerecorded voice message calls were made *en masse* without the consent of the Plaintiff and the other members of the Prerecorded No Consent Class.

50. Defendant has, therefore, violated 47 U.S.C. § 227(b)(1). As a result of Defendant's conduct, Plaintiff and the other members of the Prerecorded No Consent Class are each entitled to a minimum of \$500 in damages for each violation, and up to \$1,500 in damages for each violation in the event that the Court determines that Defendant's conduct was willful and knowing.

**SECOND CAUSE OF ACTION**  
**Telephone Consumer Protection Act**  
**(Violation of 47 U.S.C. § 227)**  
**(On Behalf of Plaintiff and the Do Not Call Registry Class)**

51. Plaintiff repeats and realleges the paragraphs 1 through 46 of this Complaint and incorporates them by reference herein.

52. The TCPA's implementing regulation, 47 C.F.R. § 64.1200(c), provides that "[n]o person or entity shall initiate any telephone solicitation" to "[a] residential telephone subscriber

who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the federal government.”

53. 47 C.F.R. § 64.1200(e), provides that § 64.1200(c) is “applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers.”<sup>19</sup>

54. Any “person who has received more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the regulations prescribed under this subsection may” may bring a private action based on a violation of said regulations, which were promulgated to protect telephone subscribers’ privacy rights to avoid receiving telephone solicitations to which they object. 47 U.S.C. § 227(c).

55. Defendant violated 47 C.F.R. § 64.1200(c) by initiating, or causing to be initiated, telephone solicitations to telephone subscribers such as Plaintiff and the Do Not Call Registry Class members who registered their respective telephone numbers on the National Do Not Call Registry, a listing of persons who do not wish to receive telephone solicitations that is maintained by the federal government.

56. Defendant violated 47 U.S.C. § 227(c)(5) because Plaintiff and the Do Not Call Registry Class received more than one telephone call in a 12-month period made by or on behalf of Defendant in violation of 47 C.F.R. § 64.1200, as described above. As a result of Defendant’s conduct as alleged herein, Plaintiff and the Do Not Call Registry Class suffered actual damages and, under section 47 U.S.C. § 227(c), are entitled, *inter alia*, to receive up to \$500 in damages for such violations of 47 C.F.R. § 64.1200.

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<sup>19</sup> *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014 (2003) Available at [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-03-153A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-03-153A1.pdf)

57. To the extent Defendant's misconduct is determined to be willful and knowing, the Court should, pursuant to 47 U.S.C. § 227(c)(5), treble the amount of statutory damages recoverable by the members of the Do Not Call Registry Class.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, individually and on behalf of the Classes, prays for the following relief:

- a) An order certifying the Classes as defined above; appointing Plaintiff as the representative of the Classes; and appointing his attorneys as Class Counsel;
- b) An award of actual and/or statutory damages for the benefit of Plaintiff and the Classes;
- c) An order declaring that Defendant's actions, as set out above, violate the TCPA;
- d) An injunction requiring Defendant to cease all unsolicited calling activity, and to otherwise protect the interests of the Classes; and
- e) Such further and other relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff requests a jury trial.

Respectfully Submitted,

**ROBERT ALBERT**, individually and on behalf of  
those similarly situated individuals

Dated: September 9, 2020

By: /s/ Stefan Coleman

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*Attorneys for Plaintiff and the putative Class*

*\*Pro Hac Vice motion forthcoming*



Civil Action No.

*Signature of Clerk or Deputy Clerk*



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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**

ROBERT ALBERT, individually and on behalf of all others similarly situated,

(b) County of Residence of First Listed Plaintiff Dallas County, TX  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Frank Harber, 321 Cortland Circle, Roanoke, TX 76262  
frank@harberlawgroup.com (817) 966-3340

**DEFENDANTS'**

SIMPLE HOUSE SOLUTIONS LLC, a Texas registered limited liability company,

County of Residence of First Listed Defendant" Dallas County, TX  
(IN U.S. PLAINTIFF CASES ONLY)"

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

Attorneys (If Known)"

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

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 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)

- |  | PTF                        | DEF                        |  | PTF                        | DEF                         |
|--|----------------------------|----------------------------|--|----------------------------|-----------------------------|
| Citizen of This State                    | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State"     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4" |
| Citizen of Another State                 | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State" | <input type="checkbox"/> 5 | <input type="checkbox"/> 5" |
| Citizen or Subject of a Foreign Country" | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6" |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions."](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES"
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions"	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act" <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))" <input type="checkbox"/> 400 State Reapportionment" <input type="checkbox"/> 410 Antitrust" <input type="checkbox"/> 430 Banks and Banking" <input type="checkbox"/> 450 Commerce" <input type="checkbox"/> 460 Deportation" <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations" <input type="checkbox"/> 480 Consumer Credit" <input type="checkbox"/> 490 Cable/Sat TV" <input type="checkbox"/> 850 Securities/Commodities/" Exchange" <input checked="" type="checkbox"/> 890 Other Statutory Actions" <input type="checkbox"/> 891 Agricultural Acts" <input type="checkbox"/> 893 Environmental Matters" <input type="checkbox"/> 895 Freedom of Information Act" <input type="checkbox"/> 896 Arbitration" <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of" Agency Decision" <input type="checkbox"/> 950 Constitutionality of" State Statutes"
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition" <input type="checkbox"/> 560 Civil Detainee - " Conditions of Confinement"			

**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" (specify)" ☐ 6 Multidistrict Litigation - "Transfer" ☐ 8 Multidistrict Litigation - Direct File"

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):"

47 USC 227

Brief description of cause:"

Violation of the Telephone Consumer Protection Act

**VII. REQUESTED IN COMPLAINT:"**

☒ CHECK IF THIS IS A CLASS ACTION" DEMAND \$  
UNDER RULE 23, F.R.Cv.P."

CHECK YES only if demanded in complaint:"

JURY DEMAND: ☒ Yes ☐ No"**VIII. RELATED CASE(S) IF ANY**

(See instructions):"

JUDGE

DOCKET NUMBER"

DATE

09/08/2020

SIGNATURE OF ATTORNEY OF RECORD"

/s/ Stefan Coleman

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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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 a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

**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: [Real Estate Co. Simple House Solutions Hit with Class Action Over Alleged Robocalls](#)

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