

1 Douglas J. Campion (SBN – 75381)
2 doug@djcampion.com
3 LAW OFFICES OF DOUGLAS J. CAMPION, APC
4 17150 Via Del Campo, Suite 100
5 San Diego, California 92127
6 Tel: 619.299.2091
7 Fax: 619.858.0034

8 *Counsel for Plaintiff and the Putative Class*

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

11 KARLA ARBALLO, individually and
12 on behalf of all others similarly
13 situated,

14 *Plaintiff,*

15 v.

16 OPORTUN FINANCIAL
17 CORPORATION, a Delaware
18 corporation,

19 *Defendant.*

Case No.: '17CV2439 H BLM

CLASS ACTION

**CLASS ACTION COMPLAINT FOR:
DAMAGES AND INJUNCTIVE
RELIEF PURSUANT TO 47 U.S.C. §
227 ET SEQ. (TELEPHONE
CONSUMER PROTECTION ACT)**

DEMAND FOR JURY TRIAL

21
22 Plaintiff Karla Arballo (“Arballo” or “Plaintiff”) brings this Class Action
23 Complaint and Demand for Jury Trial against Defendant Oportun Financial
24 Corporation (“Oportun” or “Defendant”) to stop its practice of making unsolicited
25 calls to cellular phones of consumers. Plaintiff seeks to obtain redress for all
26 persons injured by its conduct, by seeking statutory damages and injunctive relief
27 relating to such conduct. Plaintiff alleges as follows upon personal knowledge as to
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1 herself and her own acts and experiences, and, as to all other matters, upon
2 information and belief, including investigation by her attorneys.

3 **NATURE OF THE ACTION**

4 1. Oportun provides loans and other financial services to persons with
5 limited or no credit history, providing loans ranging from \$300.00 to \$8,000.00,
6 primarily to low-to-moderate income persons. It has disbursed more than \$4 billion
7 in loans as of August 15, 2017.

8 2. Apparently in attempting to solicit business, Oportun made (or directed
9 to be made on its behalf) unsolicited calls to the cellular telephone numbers of
10 consumers located across the country. Such calls were made with an automatic
11 telephone dialing system and / or an artificial or prerecorded voice. Oportun did not
12 obtain prior express consent from such consumers to make the calls and, therefore,
13 violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”).

14 3. The TCPA was enacted to protect consumers from unsolicited and
15 unwanted calls, exactly like those alleged in this case. Oportun made these calls
16 despite the fact that neither Plaintiff nor the other members of a putative Class of
17 consumers (defined below) provided Oportun their prior express consent to receive
18 such calls.

19 4. By making the calls at issue, Oportun has violated the privacy and
20 statutory rights of Plaintiff and the Class and caused them to suffer actual harm, not
21 only by subjecting them to the aggravation, nuisance, and invasion of privacy that
22 necessarily accompanies the receipt of unsolicited calls to their cellphones, but also
23 because consumers frequently have to pay their wireless providers for the minutes
24 used on their cellular plans for such unauthorized calls.

25 5. In response to Oportun’s unlawful conduct, Plaintiff brings the instant
26 lawsuit and seeks an injunction requiring Oportun to cease all calls to cellular
27 phones without prior express consent, as well as an award of actual and statutory
28 damages to the members of the Class, together with costs and reasonable attorneys’

1 fees.

2 **PARTIES**

3 6. Plaintiff Karla Arballo is a natural person and citizen of the State of
4 California, and resides in this District.

5 7. Defendant Oportun is a corporation existing under the laws of the State
6 of Delaware, with its headquarters located at 1600 Seaport Blvd., Suite 250,
7 Redwood City, California 94063. Oportun has retail offices in this District, and
8 conducts business throughout this District, the State of California, and the United
9 States.

10 **JURISDICTION AND VENUE**

11 8. This Court has subject matter jurisdiction over this action pursuant to
12 28 U.S.C. § 1331, as this case arises under the TCPA, which is a federal statute.
13 This matter in controversy exceeds \$5,000,000, as each member of the proposed
14 Class of tens of thousands is entitled to up to \$1,500.00 in statutory damages for
15 each call that has violated the TCPA. Accordingly, this Court has jurisdiction
16 pursuant to 28 U.S.C. § 1332(d)(2). Further, Plaintiff alleges a national class, which
17 will result in at least one Class member belonging to a different state. Therefore,
18 both elements of diversity jurisdiction under the Class Action Fairness Act of 2005
19 (“CAFA”) are present, and this Court has jurisdiction. This Court also has federal
20 question jurisdiction pursuant to 28 U.S.C. § 1331.

21 9. This Court has personal jurisdiction over Defendant because it has
22 offices in this District, conducts significant business transactions within this District,
23 and because Defendant made and continues to make unsolicited cellular phone calls
24 to consumers located and residing in this District.

25 10. Venue is proper in this District under 28 U.S.C. § 1391(b) because
26 Defendant conducts significant business transactions in this District, solicits
27 consumers in this District, and because Defendant makes unsolicited cellular phone
28 calls to consumers located and residing in this District. Venue is additionally proper

1 because Plaintiff Arballo resides in this District.

2 **THE TELEPHONE CONSUMER PROTECTION ACT OF 1991**
3 **(TCPA), 47 U.S.C. § 227**

4 11. In 1991, Congress enacted the TCPA,¹ in response to a growing
5 number of consumer complaints regarding certain telemarketing practices.

6 12. The TCPA regulates, among other things, the use of automated
7 telephone equipment, or “autodialers.” Specifically, the plain language of section
8 227(b)(1)(A)(iii) prohibits the use of autodialers to make any call to a wireless
9 number in the absence of an emergency or the prior express consent of the called
10 party.²

11 13. According to findings by the FCC, the agency Congress vested with
12 authority to issue regulations implementing the TCPA, such calls are prohibited
13 because, as Congress found, automated or prerecorded telephone calls are a greater
14 nuisance and invasion of privacy than live solicitation calls, and such calls can be
15 costly and inconvenient. The FCC also recognized that wireless customers are
16 charged for incoming calls whether they pay in advance or after the minutes are
17 used.³

18 14. On January 4, 2008, the FCC released a Declaratory Ruling wherein it
19 confirmed that autodialed and prerecorded message calls to a wireless number by a
20 creditor (or on behalf of a creditor) are permitted only if the calls are made with the
21 “prior express consent” of the called party.⁴ In addition, if the calls are
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23 ¹ Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat.
24 2394 (1991), codified at 47 U.S.C. § 227 (TCPA). The TCPA amended Title II of
25 the Communications Act of 1934, 47 U.S.C. § 201 *et seq.*

26 ² 47 U.S.C. § 227(b)(1)(A)(iii).

27 ³ *Rules and Regulations Implementing the Telephone Consumer Protection Act of*
28 *1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014 (2003).

⁴ *In the Matter of Rules and Regulations Implementing the Telephone Consumer*
Protection Act of 1991, 23 F.C.C.R. 559, 23 FCC Rcd. 559, 43 Communications

1 telemarketing calls, those callers must have the prior express consent in writing of
2 persons they are calling.⁵

3 **COMMON FACTUAL ALLEGATIONS**

4 15. At all times relevant, Plaintiff was a citizen of the State of California.
5 Plaintiff is, and at all times mentioned herein was, a “person” as defined by 47
6 U.S.C. § 153 (39).

7 16. Defendant is, and at all times mentioned herein was, a corporation and
8 a “person,” as defined by 47 U.S.C. § 153.

9 17. At all times relevant Defendant conducted business in the State of
10 California and in the County of San Diego, within this judicial district.

11 18. The telephone number that the Defendant, or its agents, called was
12 assigned to a cellular telephone service for which Plaintiff incurred a charge for
13 incoming calls or text messages pursuant to 47 U.S.C. § 227 (b)(1).

14 19. Defendant’s violations caused Plaintiff and a Class of consumers
15 (defined below) actual harm, including the aggravation, nuisance and emotional
16 distress that necessarily accompanies the receipt of unsolicited calls to Plaintiff’s
17 cellphones and the Class’ cellphones, invasion of privacy, as well as the violation of
18 Plaintiff’s and the Class’ statutory rights, and the loss of use, enjoyment, value and
19 utility of their cellular telephone plans.
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21 20. Defendant’s violations of the TCPA caused substantial injury to
22 consumers, including Plaintiff and the Class, by knowingly causing their cellular
23 telephone equipment to be accessed without consent, resulting in:
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25 Reg. (P&F) 877, 2008 WL 65485 (F.C.C.) (2008); *see also* 47 C.F.R. §
26 64.1200(a)(1).

27 ⁵ *Rules and Regulations Implementing the Telephone Consumer Protection Act of*
28 *1991*, CG Docket No. 02-278, Report and Order, ¶ 18, 18 FCC Rcd 14014 (2003);
47 C.F.R. § 64.1200(a)(2).

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- The diminished value and utility of their telephone equipment and telephone subscription services (*i.e.*, the value of such equipment and services is higher when unencumbered by unwanted text messages, so Defendant’s conduct caused Plaintiff and the Class members to overpay and/or to receive less value than what they paid for);
- Additional wear and tear to their telephone equipment, above and beyond what would have occurred absent Defendant’s conduct;
- The loss of battery charge (as each battery, when reacting to Defendant’s unwanted calls, must expend and discharge energy in excess of what would otherwise be discharged);
- The reduction in battery longevity (because each charge and discharge cycle causes chemical changes in the active battery material, diminishing each battery’s storage capacity, requiring every more frequent recharging, and reducing the ultimate duration of each battery’s useful life); and
- The per-kilowatt electricity costs required to recharge the additional battery energy spent as a result of Defendant’s unwanted calls and voicemails.

21. Each of these harms was felt by Plaintiff and the Class members.

22. On information and belief, the decisions complained of herein, relating to the use of an “automatic telephone dialing system” and/or using “an artificial or prerecorded voice” to call consumers’ cellular telephones without their prior express consent, and the procedures used in obtaining the cellular phone numbers to be called, and to do so without “scrubbing” them or otherwise determining the call recipients’ prior express consent, originated from Oportun and were implemented by them, or on their behalf. Any and all decisions about the calling procedures of either originated or were approved by Oportun.

23. On or around November 3, 2017, November 12, 2017, November 20, 2017, and November 28, 2017, Oportun called (or caused the call to be made) to Plaintiff at her cellular phone number ending in 3187. Defendant left voicemails,

1 with at least some of those voicemails containing messages intended to induce
2 Plaintiff to contact Defendant. Those messages asked Plaintiff to return Defendant's
3 phone calls.

4 24. Oportun did not obtain prior express consent from Plaintiff or the
5 putative Class members to call them on their cell phones. Oportun did not obtain
6 prior written consent from Plaintiff or the members of the Class to make calls to
7 their cellular phones,

8 25. Oportun made, or had made on its behalf, similar (or substantially
9 similar) calls to thousands of cellular telephone numbers.

10 26. On information and belief, Oportun made these calls to Plaintiff and
11 putative Class members using equipment that had the capacity to store or produce
12 telephone numbers to be called using a random or sequential number generator, and
13 the ability to dial such numbers.

14 27. These telephone calls by Defendant or its agents violated 47 U.S.C. §
15 227(b)(1).

16 CLASS ALLEGATIONS

17 28. **Class Definition:** Plaintiff brings this action pursuant to Federal Rules
18 of Civil Procedure 23(b)(2) and 23(b)(3) on behalf of herself and a class defined as
19 follows:

20
21 **Class:** All persons in the United States to whom: 1) Defendant or its agents
22 placed a call within four years prior to the date of filing of this Complaint; 2)
23 using an automatic telephone dialing system or using an artificial or
24 prerecorded voice; 3) to his or her cellular telephone number; and 4) for
25 whom Defendant did not have prior express consent to place such call at the
26 time it was placed.

27 The following are excluded from the Class: (1) any Judge or Magistrate
28 presiding over this action and members of their families; (2) Defendant, Defendant's
subsidiaries, parents, successors, predecessors, and any entity in which the
Defendant or its parents have a controlling interest and its current or former

1 employees, officers and directors; (3) persons who properly execute and file a
2 timely request for exclusion from the Class; (4) persons whose claims in this matter
3 have been finally adjudicated on the merits or otherwise released; (5) Plaintiff's
4 counsel and Defendant's counsel; and (6) the legal representatives, successors, and
5 assigns of any such excluded persons.

6 29. **Numerosity:** The exact numbers of Class members are unknown at this
7 time, but it is clear that individual joinder is impracticable. On information and
8 belief, Defendant made calls to thousands of consumers who fall into the definitions
9 of the Class. Class members can be identified through Defendant's records.

10 30. **Commonality and Predominance:** There are many questions of law
11 and fact common to the claims of Plaintiff and the Class, and those questions
12 predominate over any questions that may affect individual members of the Class.
13 Common questions for the Class include, but are not necessarily limited to, the
14 following:

- 15
- 16 (a) Whether Defendant's conduct violated the TCPA;
 - 17 (b) Whether Defendant systematically placed telephone calls to
18 consumers without their prior express consent;
 - 19 (c) Whether Defendant's calls were made using an automatic
20 telephone dialing system ("ATDS"), or with an artificial or
21 prerecorded voice, as contemplated by the TCPA;
 - 22 (d) Whether Defendant systematically called (or had calls made on
23 its behalf) to persons who did not previously provide it with prior
24 express consent to receive such messages; and
 - 25 (e) Whether members of the Class are entitled to treble damages
26 based on the willfulness of Defendant's conduct.

27 31. **Typicality:** Plaintiff's claims are typical of the claims of other
28 members of the Class, in that Plaintiff and the Class members sustained damages

1 arising out of Defendant's uniform wrongful conduct and unsolicited calls.

2 32. **Adequate Representation:** Plaintiff will fairly and adequately
3 represent and protect the interests of the Class and has retained counsel competent
4 and experienced in complex class actions. Plaintiff has no interests antagonistic to
5 those of the Class, and Defendant has no defenses unique to Plaintiff.

6 33. **Policies Generally Applicable to the Class:** This class action is
7 appropriate for certification because Defendant has acted or refused to act on
8 grounds generally applicable to the Class as a whole, thereby requiring the Court's
9 imposition of uniform relief to ensure compatible standards of conduct toward the
10 Class members and making final injunctive relief appropriate with respect to the
11 Class as a whole. Defendant's practices challenged herein apply to and affect each
12 of the Class members uniformly. Plaintiff's challenge of those practices hinges on
13 Defendant's conduct with respect to the Class as a whole, not on facts or law
14 applicable only to Plaintiff.

15 34. **Superiority:** This case is also appropriate for class certification
16 because class proceedings are superior to all other available methods for the fair and
17 efficient adjudication of this controversy and because joinder of all parties is
18 impracticable. The damages suffered by the individual members of the Class are
19 relatively small, especially given the burden and expense of individual prosecution
20 of the complex litigation necessitated by Defendant's actions. Thus, it would be
21 virtually impossible for the individual members of the Class to obtain effective relief
22 from Defendant's misconduct. Even if members of the Class could sustain such
23 individual litigation, it would still not be preferable to a class action, because
24 individual litigation would increase the delay and expense to all parties due to the
25 complex legal and factual controversies presented in this Complaint. By contrast, a
26 class action presents far fewer management difficulties and provides the benefits of
27 single adjudication, economy of scale, and comprehensive supervision by a single
28 Court. Economies of time, effort and expense will be fostered and uniformity of

1 decisions ensured.

2
3 **FIRST CLAIM FOR RELIEF**
4 **Negligent Violation of 47 U.S.C. § 227 et seq.**
5 **(On behalf of Plaintiff and the Class)**

6 35. Plaintiff incorporates the foregoing allegations as if fully set forth
7 herein.

8 36. The foregoing acts and omissions of Defendant constitute numerous
9 and multiple negligent violations of the TCPA.

10 37. As a result of Defendant's negligent violations of the TCPA, Plaintiff
11 and the Class are entitled to an award of \$500.00 in statutory damages, for each and
12 every violation, pursuant to 47 U.S.C. Section 227(b)(3)(B).

13 38. Plaintiff and the Class are entitled to and seek injunctive relief
14 prohibiting such conduct in the future.

15 39. Additionally, as a result of Defendant's unlawful conduct, Plaintiff and
16 the other members of the Class are entitled to an injunction under 47 U.S.C. §
17 227(b)(3)(A) to ensure that Defendant's violations of the TCPA do not continue into
18 the future.

19 40. Plaintiff and the Class are entitled to an award of attorneys' fees and
20 costs.

21 **SECOND CLAIM FOR RELIEF**
22 **Willful Violation of 47 U.S.C. § 227 et seq.**
23 **(On behalf of Plaintiff and the Class)**

24 41. Plaintiff incorporates the allegations in Paragraphs 1 - 34 as if fully set
25 forth herein.

26 42. The foregoing acts and omissions of Defendant constitute numerous
27 and multiple knowing and/or willful violations of the TCPA.

28 43. As a result of Defendant's knowing and/or willful violations of the
TCPA, Plaintiff and the Class are entitled to treble damages, as provided by statute,

1 up to \$1,500.00, for each and every violation, pursuant to 47 U.S.C. Section
2 227(b)(3)(C).

3 44. Plaintiff and the Class are entitled to and seek injunctive relief
4 prohibiting such conduct in the future.

5 45. Plaintiff and the Class are entitled to an award of attorneys' fees and
6 costs.

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiff, individually and on behalf of the Class, prays for
9 the following relief:

10 A. An order certifying the Class as defined above, appointing Plaintiff
11 Karla Arballo as the representative of the Class, and appointing her counsel as Class
12 Counsel;

13 B. An award of actual and statutory damages;

14 C. A declaratory judgment that Defendant's telephone calling equipment
15 constitutes an ATDS;

16 D. A declaratory judgment that Defendant's calling practices violate the
17 TCPA;

18 E. An injunction requiring Defendant to cease and enjoining Defendant
19 from using automated or computerized telephone calling equipment to place calls to
20 cellular telephones without consent;

21 F. An order requiring Defendant to permanently cease-and-desist from all
22 unlawful conduct as alleged herein, and otherwise protecting the interests of the
23 Class;

24 G. An award of reasonable attorneys' fees and costs; and

25 H. Such other and further relief that the Court deems reasonable and just.

26 **JURY DEMAND**

27 Plaintiff requests a trial by jury of all claims that can be so tried.

28 Respectfully submitted,

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Dated: December 5, 2017

By: /s/ Douglas J. Campion

Douglas J. Campion (SBN – 75381)
doug@djcampion.com
LAW OFFICES OF DOUGLAS J. CAMPION, APC
17150 Via Del Campo, Suite 100
San Diego, California 92127
Tel: 619.299.2091
Fax: 619.858.0034

Counsel for Plaintiff and the Putative Class

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

Karla Arballo

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Douglas J. Campion Law Offices of Douglas J. Campion, APC 17150 Via Del Campo, Ste. 100, San Diego, CA 92127 (619) 299-2091

DEFENDANTS

Oportun Financial 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)

'17CV2439 H BLM

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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, 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)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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 U.S.C. Section 227 et seq. Brief description of cause: Telephone Consumer Protection Act ("TCPA") violation

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 12/05/2017 SIGNATURE OF ATTORNEY OF RECORD /s/ Douglas J. Campion

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 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: [TCPA Suit Filed Against Oportun Financial Corporation](#)
