

1 Todd M. Friedman (SBN 216752)  
 2 Adrian R. Bacon (SBN 280332)  
 3 Meghan E. George (SBN 274525)  
 4 LAW OFFICES OF TODD M. FRIEDMAN, P.C.  
 5 21550 Oxnard St., Suite 780  
 6 Woodland Hills, CA 91367  
 7 Phone: 877-206-4741  
 8 Fax: 866-633-0228  
 9 tfriedman@ toddflaw.com  
 10 abacon@ toddflaw.com  
 11 mgeorge@toddfllaw.com  
 12 *Attorneys for Plaintiff*

13 **UNITED STATES DISTRICT COURT**  
 14 **EASTERN DISTRICT OF CALIFORNIA**

15 MARK BIEBER, individually and on )  
 16 behalf of all others similarly situated, )

17 Plaintiff, )

18 vs. )

19 THUNDERBIRD COLLECTION )  
 20 SPECIALISTS, INC., and DOES 1 )  
 21 through 10, inclusive, and each of them, )  
 22 Defendant. )

) Case No.

) **CLASS ACTION**

) **COMPLAINT FOR VIOLATIONS**  
 ) **OF:**

1. NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227(b)]
2. WILLFUL VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227(b)]
3. NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227(c)]
4. WILLFUL VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227(c)]

) **DEMAND FOR JURY TRIAL**

1 Plaintiff MARK BIEBER (“Plaintiff”), individually and on behalf of all  
2 others similarly situated, alleges the following upon information and belief based  
3 upon personal knowledge:

4 **NATURE OF THE CASE**

5 1. Plaintiff brings this action individually and on behalf of all others  
6 similarly situated seeking damages and any other available legal or equitable  
7 remedies resulting from the illegal actions of THUNDERBIRD COLLECTION  
8 SPECIALISTS, INC. (“Defendant”), in negligently, knowingly, and/or willfully  
9 contacting Plaintiff on Plaintiff’s cellular telephone in violation of the Telephone  
10 Consumer Protection Act, *47 U.S.C. § 227 et seq.* (“TCPA”) and related  
11 regulations, specifically the National Do-Not-Call provisions, thereby invading  
12 Plaintiff’s privacy.

13 **JURISDICTION & VENUE**

14 2. Jurisdiction is proper under *28 U.S.C. § 1332(d)(2)* because Plaintiff,  
15 a resident of California, seeks relief on behalf of a Class, which will result in at  
16 least one class member belonging to a different state than that of Defendant, a  
17 Arizona company. Plaintiff also seeks up to \$1,500.00 in damages for each call in  
18 violation of the TCPA, which, when aggregated among a proposed class in the  
19 thousands, exceeds the \$5,000,000.00 threshold for federal court jurisdiction.  
20 Therefore, both diversity jurisdiction and the damages threshold under the Class  
21 Action Fairness Act of 2005 (“CAFA”) are present, and this Court has jurisdiction.

22 3. Venue is proper in the United States District Court for the Eastern  
23 District of California pursuant to *28 U.S.C. 1391(b)* and because Defendant does  
24 business within the State of California and Plaintiff resides within the County of  
25 Merced.

26 **PARTIES**

27 4. Plaintiff, Mark Bieber (“Plaintiff”), is a natural person residing in Los  
28 Banos, California and is a “person” as defined by *47 U.S.C. § 153 (39)*.



1 pursuant to *47 U.S.C. § 227(b)(1)*.

2 13. During all relevant times, Defendant did not possess Plaintiff's "prior  
3 express consent" to receive calls using an automatic telephone dialing system or an  
4 artificial or prerecorded voice on his cellular telephone pursuant to *47 U.S.C. §*  
5 *227(b)(1)(A)*.

6 14. Further, Plaintiff's cellular telephone number ending in -5182 was  
7 added to the National Do-Not-Call Registry on or about March 22, 2007.

8 15. Defendant placed multiple calls soliciting its business to Plaintiff on  
9 his cellular telephone ending in -5182 in or around June 2017.

10 16. Such calls constitute solicitation calls pursuant to 47 C.F.R. §  
11 64.1200(c)(2) as they were attempts to promote or sell Defendant's services.

12 17. Plaintiff received numerous solicitation calls from Defendant within a  
13 12-month period.

14 18. Plaintiff requested for Defendant to stop calling Plaintiff during one  
15 of the initial calls from Defendant, thus revoking any prior express consent that had  
16 existed and terminating any established business relationship that had existed, as  
17 defined under 16 C.F.R. 310.4(b)(1)(iii)(B).

18 19. Despite this, Defendant continued to call Plaintiff in an attempt to  
19 solicit its services and in violation of the National Do-Not-Call provisions of the  
20 TCPA.

21 20. Upon information and belief, and based on Plaintiff's experiences of  
22 being called by Defendant after requesting they stop calling, and at all relevant  
23 times, Defendant failed to establish and implement reasonable practices and  
24 procedures to effectively prevent telephone solicitations in violation of the  
25 regulations prescribed under *47 U.S.C. § 227(c)(5)*.

26 **CLASS ALLEGATIONS**

27 21. Plaintiff brings this action individually and on behalf of all others  
28 similarly situated, as a member the four proposed classes (hereafter, jointly, "The

1 Classes”). The class concerning the ATDS claim for no prior express consent  
2 (hereafter “The ATDS Class”) is defined as follows:

3 All persons within the United States who received any  
4 solicitation/telemarketing telephone calls from  
5 Defendant to said person’s cellular telephone made  
6 through the use of any automatic telephone dialing  
7 system or an artificial or prerecorded voice and such  
8 person had not previously consented to receiving such  
9 calls within the four years prior to the filing of this  
10 Complaint

11 22. The class concerning the ATDS claim for revocation of consent, to the  
12 extent prior consent existed (hereafter “The ATDS Revocation Class”) is defined  
13 as follows:

14 All persons within the United States who received any  
15 solicitation/telemarketing telephone calls from  
16 Defendant to said person’s cellular telephone made  
17 through the use of any automatic telephone dialing  
18 system or an artificial or prerecorded voice and such  
19 person had revoked any prior express consent to receive  
20 such calls prior to the calls within the four years prior to  
21 the filing of this Complaint.

22 23. The class concerning the National Do-Not-Call violation (hereafter  
23 “The DNC Class”) is defined as follows:

24 All persons within the United States registered on the  
25 National Do-Not-Call Registry for at least 30 days, who  
26 had not granted Defendant prior express consent nor had  
27 a prior established business relationship, who received  
28 more than one call made by or on behalf of Defendant  
that promoted Defendant’s products or services, within  
any twelve-month period, within four years prior to the  
filing of the complaint.

1           24. The class concerning the National Do-Not-Call violation following  
2 revocation of consent and prior business relationship, to the extent they existed  
3 (hereafter “The DNC Revocation Class”) is defined as follows:

4                   All persons within the United States registered on the  
5 National Do-Not-Call Registry for at least 30 days, who  
6 received more than one call made by or on behalf of  
7 Defendant that promoted Defendant’s products or  
8 services, after having revoked consent and any prior  
9 established business relationship, within any twelve-  
10 month period, within four years prior to the filing of the  
11 complaint.

12           25. Plaintiff represents, and is a member of, The ATDS Class, consisting  
13 of all persons within the United States who received any solicitation telephone calls  
14 from Defendant to said person’s cellular telephone made through the use of any  
15 automatic telephone dialing system or an artificial or prerecorded voice and such  
16 person had not previously not provided their cellular telephone number to  
17 Defendant within the four years prior to the filing of this Complaint.

18           26. Plaintiff represents, and is a member of, The ATDS Revocation Class,  
19 consisting of all persons within the United States who received any  
20 solicitation/telemarketing telephone calls from Defendant to said person’s cellular  
21 telephone made through the use of any automatic telephone dialing system or an  
22 artificial or prerecorded voice and such person had revoked any prior express  
23 consent to receive such calls prior to the calls within the four years prior to the  
24 filing of this Complaint.

25           27. Plaintiff represents, and is a member of, The DNC Class, consisting  
26 of all persons within the United States registered on the National Do-Not-Call  
27 Registry for at least 30 days, who had not granted Defendant prior express consent  
28 nor had a prior established business relationship, who received more than one call  
made by or on behalf of Defendant that promoted Defendant’s products or services,

1 within any twelve-month period, within four years prior to the filing of the  
2 complaint.

3 28. Plaintiff represents, and is a member of, The DNC Revocation Class,  
4 consisting of all persons within the United States registered on the National Do-  
5 Not-Call Registry for at least 30 days, who received more than one call made by or  
6 on behalf of Defendant that promoted Defendant's products or services, after  
7 having revoked consent and any prior established business relationship, within any  
8 twelve-month period, within four years prior to the filing of the complaint.

9 29. Defendant, its employees and agents are excluded from The Classes.  
10 Plaintiff does not know the number of members in The Classes, but believes the  
11 Classes members number in the thousands, if not more. Thus, this matter should  
12 be certified as a Class Action to assist in the expeditious litigation of the matter.

13 30. The Classes are so numerous that the individual joinder of all of its  
14 members is impractical. While the exact number and identities of The Classes  
15 members are unknown to Plaintiff at this time and can only be ascertained through  
16 appropriate discovery, Plaintiff is informed and believes and thereon alleges that  
17 The Classes includes thousands of members. Plaintiff alleges that The Classes  
18 members may be ascertained by the records maintained by Defendant.

19 31. Plaintiff and members of The ATDS Class and The ATDS Revocation  
20 Class were harmed by the acts of Defendant in at least the following ways:  
21 Defendant illegally contacted Plaintiff and ATDS Class members via their cellular  
22 telephones thereby causing Plaintiff and ATDS Class and ATDS Revocation Class  
23 members to incur certain charges or reduced telephone time for which Plaintiff and  
24 ATDS Class and ATDS Revocation Class members had previously paid by having  
25 to retrieve or administer messages left by Defendant during those illegal calls, and  
26 invading the privacy of said Plaintiff and ATDS Class and ATDS Revocation Class  
27 members.

28 32. Common questions of fact and law exist as to all members of The

1 ATDS Class which predominate over any questions affecting only individual  
2 members of The ATDS Class. These common legal and factual questions, which  
3 do not vary between ATDS Class members, and which may be determined without  
4 reference to the individual circumstances of any ATDS Class members, include,  
5 but are not limited to, the following:

- 6 a. Whether, within the four years prior to the filing of this  
7 Complaint, Defendant made any telemarketing/solicitation call  
8 (other than a call made for emergency purposes or made with  
9 the prior express consent of the called party) to a ATDS Class  
10 member using any automatic telephone dialing system or any  
11 artificial or prerecorded voice to any telephone number  
12 assigned to a cellular telephone service;
- 13 b. Whether Plaintiff and the ATDS Class members were damaged  
14 thereby, and the extent of damages for such violation; and
- 15 c. Whether Defendant should be enjoined from engaging in such  
16 conduct in the future.

17 33. As a person that received numerous telemarketing/solicitation calls  
18 from Defendant using an automatic telephone dialing system or an artificial or  
19 prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting  
20 claims that are typical of The ATDS Class.

21 34. Common questions of fact and law exist as to all members of The  
22 ATDS Revocation Class which predominate over any questions affecting only  
23 individual members of The ATDS Revocation Class. These common legal and  
24 factual questions, which do not vary between ATDS Revocation Class members,  
25 and which may be determined without reference to the individual circumstances of  
26 any ATDS Revocation Class members, include, but are not limited to, the  
27 following:

- 28 a. Whether, within the four years prior to the filing of this

1 Complaint, Defendant made any telemarketing/solicitation call  
2 (other than a call made for emergency purposes or made with  
3 the prior express consent of the called party) to an ATDS  
4 Revocation Class member, who had revoked any prior express  
5 consent to be called using an ATDS, using any automatic  
6 telephone dialing system or any artificial or prerecorded voice  
7 to any telephone number assigned to a cellular telephone  
8 service;

9 b. Whether Plaintiff and the ATDS Revocation Class members  
10 were damaged thereby, and the extent of damages for such  
11 violation; and

12 c. Whether Defendant should be enjoined from engaging in such  
13 conduct in the future.

14 35. As a person that received numerous telemarketing/solicitation calls  
15 from Defendant using an automatic telephone dialing system or an artificial or  
16 prerecorded voice, after Plaintiff had revoked any prior express consent, Plaintiff  
17 is asserting claims that are typical of The ATDS Revocation Class.

18 36. Plaintiff and members of The DNC Class and DNC Revocation Class  
19 were harmed by the acts of Defendant in at least the following ways: Defendant  
20 illegally contacted Plaintiff and DNC Class and DNC Revocation Class members  
21 via their telephones for solicitation purposes, thereby invading the privacy of said  
22 Plaintiff and the DNC Class and DNC Revocation Class members whose telephone  
23 numbers were on the National Do-Not-Call Registry. Plaintiff and the DNC Class  
24 and DNC Revocation Class members were damaged thereby.

25 37. Common questions of fact and law exist as to all members of The  
26 DNC Class which predominate over any questions affecting only individual  
27 members of The DNC Class. These common legal and factual questions, which do  
28 not vary between DNC Class members, and which may be determined without

1 reference to the individual circumstances of any DNC Class members, include, but  
2 are not limited to, the following:

- 3 a. Whether, within the four years prior to the filing of this  
4 Complaint, Defendant or its agents placed more than one  
5 solicitation call to the members of the DNC Class whose  
6 telephone numbers were on the National Do-Not-Call Registry  
7 and who had not granted prior express consent to Defendant and  
8 did not have an established business relationship with  
9 Defendant;
- 10 b. Whether Defendant obtained prior express written consent to  
11 place solicitation calls to Plaintiff or the DNC Class members'  
12 telephones;
- 13 c. Whether Plaintiff and the DNC Class member were damaged  
14 thereby, and the extent of damages for such violation; and
- 15 d. Whether Defendant and its agents should be enjoined from  
16 engaging in such conduct in the future.

17 38. As a person that received numerous solicitation calls from Defendant  
18 within a 12-month period, who had not granted Defendant prior express consent  
19 and did not have an established business relationship with Defendant, Plaintiff is  
20 asserting claims that are typical of the DNC Class.

21 39. Common questions of fact and law exist as to all members of The  
22 DNC Class which predominate over any questions affecting only individual  
23 members of The DNC Revocation Class. These common legal and factual  
24 questions, which do not vary between DNC Revocation Class members, and which  
25 may be determined without reference to the individual circumstances of any DNC  
26 Revocation Class members, include, but are not limited to, the following:

- 27 a. Whether, within the four years prior to the filing of this  
28 Complaint, Defendant or its agents placed more than one

1 solicitation call to the members of the DNC Class whose  
2 telephone numbers were on the National Do-Not-Call Registry  
3 and who had revoked any prior express consent and any  
4 established business relationship with Defendant;

5 b. Whether Plaintiff and the DNC Class member were damaged  
6 thereby, and the extent of damages for such violation; and

7 c. Whether Defendant and its agents should be enjoined from  
8 engaging in such conduct in the future.

9 40. As a person that received numerous solicitation calls from Defendant  
10 within a 12-month period, who, to the extent one existed, had revoked any prior  
11 express consent and any established business relationship with Defendant, Plaintiff  
12 is asserting claims that are typical of the DNC Revocation Class.

13 41. Plaintiff will fairly and adequately protect the interests of the members  
14 of The Classes. Plaintiff has retained attorneys experienced in the prosecution of  
15 class actions.

16 42. A class action is superior to other available methods of fair and  
17 efficient adjudication of this controversy, since individual litigation of the claims  
18 of all Classes members is impracticable. Even if every Classes member could  
19 afford individual litigation, the court system could not. It would be unduly  
20 burdensome to the courts in which individual litigation of numerous issues would  
21 proceed. Individualized litigation would also present the potential for varying,  
22 inconsistent, or contradictory judgments and would magnify the delay and expense  
23 to all parties and to the court system resulting from multiple trials of the same  
24 complex factual issues. By contrast, the conduct of this action as a class action  
25 presents fewer management difficulties, conserves the resources of the parties and  
26 of the court system, and protects the rights of each Classes member.

27 43. The prosecution of separate actions by individual Classes members  
28 would create a risk of adjudications with respect to them that would, as a practical

1 matter, be dispositive of the interests of the other Classes members not parties to  
2 such adjudications or that would substantially impair or impede the ability of such  
3 non-party Class members to protect their interests.

4 44. Defendant has acted or refused to act in respects generally applicable  
5 to The Classes, thereby making appropriate final and injunctive relief with regard  
6 to the members of the Classes as a whole.

7 **FIRST CAUSE OF ACTION**

8 **Negligent Violations of the Telephone Consumer Protection Act**

9 **47 U.S.C. §227(b).**

10 **On Behalf of the ATDS Class and ATDS Revocation Class**

11 45. Plaintiff repeats and incorporates by reference into this cause of action  
12 the allegations set forth above at Paragraphs 1-44.

13 46. The foregoing acts and omissions of Defendant constitute numerous  
14 and multiple negligent violations of the TCPA, including but not limited to each  
15 and every one of the above cited provisions of *47 U.S.C. § 227(b)*, and in particular  
16 *47 U.S.C. § 227 (b)(1)(A)*.

17 47. As a result of Defendant's negligent violations of *47 U.S.C. § 227(b)*,  
18 Plaintiff and the Class Members are entitled an award of \$500.00 in statutory  
19 damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

20 48. Plaintiff and the ATDS Class and ATDS Revocation Class members  
21 are also entitled to and seek injunctive relief prohibiting such conduct in the future.

22 **SECOND CAUSE OF ACTION**

23 **Knowing and/or Willful Violations of the Telephone Consumer Protection**  
24 **Act**

25 **47 U.S.C. §227(b)**

26 **On Behalf of the ATDS Class and the ATDS Revocation Class**

27 49. Plaintiff repeats and incorporates by reference into this cause of action  
28 the allegations set forth above at Paragraphs 1-44.





1  
2 **SECOND CAUSE OF ACTION**

3 **Knowing and/or Willful Violations of the Telephone Consumer Protection**  
4 **Act**

5 **47 U.S.C. §227(b)**

- 6 • As a result of Defendant's willful and/or knowing violations of 47  
7 *U.S.C. §227(b)(1)*, Plaintiff and the ATDS Class and ATDS  
8 Revocation Class members are entitled to and request treble damages,  
9 as provided by statute, up to \$1,500, for each and every violation,  
10 pursuant to 47 *U.S.C. §227(b)(3)(B)* and 47 *U.S.C. §227(b)(3)(C)*.  
11 • Any and all other relief that the Court deems just and proper.

12 **THIRD CAUSE OF ACTION**

13 **Negligent Violations of the Telephone Consumer Protection Act**

14 **47 U.S.C. §227(c)**

- 15 • As a result of Defendant's negligent violations of 47 *U.S.C.*  
16 *§227(c)(5)*, Plaintiff and the DNC Class and DNC Revocation Class  
17 members are entitled to and request \$500 in statutory damages, for  
18 each and every violation, pursuant to 47 *U.S.C. 227(c)(5)*.  
19 • Any and all other relief that the Court deems just and proper.

20 **FOURTH CAUSE OF ACTION**

21 **Knowing and/or Willful Violations of the Telephone Consumer Protection**  
22 **Act**

23 **47 U.S.C. §227(c)**

- 24 • As a result of Defendant's willful and/or knowing violations of 47  
25 *U.S.C. §227(c)(5)*, Plaintiff and the DNC Class and DNC Revocation  
26 Class members are entitled to and request treble damages, as provided  
27 by statute, up to \$1,500, for each and every violation, pursuant to 47  
28 *U.S.C. §227(c)(5)*.

- Any and all other relief that the Court deems just and proper.

61. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully Submitted this 1st Day of May, 2018.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman  
Todd M. Friedman  
Law Offices of Todd M. Friedman  
Attorney for Plaintiff

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

MARK BIEBER, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Law Offices of Todd M. Friedman, P.C., 21550 Oxnard St., Suite 780 Woodland Hills, CA 91367; (877) 206-4741

DEFENDANTS

THUNDERBIRD COLLECTION SPECIALISTS, INC., and DOES 1 through 10, inclusive, and each of them

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)

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)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, 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. 227, et seq.

Brief description of cause: Violation of the telephone consumer protections act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 05/01/2018 SIGNATURE OF ATTORNEY OF RECORD s/Todd M. Friedman

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Case 1:18-cv-00600-DAD-EPG Document 1-1 Filed 05/01/18 Page 2 of 2  
**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: [Robocall Complaint Filed in CA Against Thunderbird Collection Specialists](#)

---