

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Case No.**

Shelli Buhr, on behalf of herself and others  
similarly situated,

Plaintiff,

v.

ADT Inc. and ADT LLC,

Defendant

**CLASS ACTION COMPLAINT**

Plaintiff Shelli Buhr (“Plaintiff”), individually and on behalf of others similarly situated, alleges the following against ADT Inc. and ADT LLC (together, “ADT” or “Defendant”):

**SUMMARY OF THE ACTION**

1. Since August 2017, Plaintiff has received at least 175 unwanted calls from ADT. ADT used an automatic telephone dialing system (“ATDS”) to repeatedly call Plaintiff’s cellular phone—sometimes three times per day—despite the fact that Plaintiff requested that ADT stop calling her cellular phone.

2. Plaintiff brings this class action for damages and other equitable and legal remedies resulting from the unlawful conduct of Defendant in placing non-emergency calls to the cellular telephones of Plaintiff and Class members without their prior express consent, in violation of the Telephone Consumer Protection Act, 47 U.S.C. §§ 227, *et seq.* (“TCPA”).

**PARTIES**

3. Defendant ADT Inc. is a Delaware corporation with its headquarters and principal place of business in Boca Raton, Florida.

4. Defendant ADT LLC is a Delaware corporation with its headquarters and principal place of business in Boca Raton, Florida.

5. Plaintiff Shelli Buhr is a citizen of California who resides in Victorville, California.

### **JURISDICTION AND VENUE**

6. This Court has original jurisdiction under 28 U.S.C. § 1331 based on Plaintiff's claims under the TCPA, 47 U.S.C. § 227, *et seq.*

7. In addition, this Court has jurisdiction over this lawsuit under the Class Action Fairness Act, 28 U.S.C. § 1332, because this is a proposed class action in which: (1) there are at least 100 class members; (2) the combined claims of class members exceed \$5,000,000 exclusive of attorney fees, pre-judgment interest, and costs, because each putative class member is entitled to \$500.00 per call negligently placed in violation of the TCPA, or \$1,500.00 per call knowingly or willfully placed in violation of the TCPA; and (3) Plaintiff and Defendant reside in different states.

8. This Court has personal jurisdiction over Defendant because its principal place of business is within this District and it has sufficient minimum contacts in Florida to render the exercise of jurisdiction by this Court proper and necessary.

9. Venue is likewise proper in this District under 28 U.S.C. § 1391(b) because Defendant's principal place of business is within this District.

## FACTUAL ALLEGATIONS

### A. ADT Placed Non-Emergency Calls on Plaintiff's Cellular Phone Without Her Prior Express Consent

10. On August 3, 2017, Plaintiff received a call from ADT on her cellular telephone regarding a debt she allegedly owed to ADT. Plaintiff answered the call and informed ADT that she did not want to receive calls from ADT on her cellular phone.

11. On August 15, Plaintiff received another call from ADT on her cellular phone. She did not answer the call. Plaintiff also received a text message from ADT on her cellular phone on August 15. The text message came from [messagefromadt@adt.com](mailto:messagefromadt@adt.com) and requested that Plaintiff call ADT account services at "8002592478." Plaintiff replied to the text message by informing ADT that it had texted her cellular phone and that she did not want to receive communications from ADT on her cellular phone.

12. On August 16, Plaintiff received another call from ADT on her cellular phone. Plaintiff answered and again asked the ADT representative not to call her cellular phone. The ADT representative replied that ADT would continue to call her despite her request.

13. Between August 16, 2017 and March 8, 2018, Plaintiff received at least 174 calls from ADT on her cellular phone. In many cases, Plaintiff received three calls per day from ADT.

14. Plaintiff never consented to receive such calls to her cellular phone, and to the extent any alleged consent was given due to her contractual relationship with ADT, Plaintiff revoked any prior consent to receive calls from ADT on her cellular phone by twice telling an ADT representative that she did not want to receive calls on her cellular phone and by texting the same to ADT. Subsequent to her request to stop further calls, Plaintiff did not provide consent for ADT to contact her.

15. Each call ADT made to Plaintiff's cellular phone after August 16, 2017 was knowing and willful.

16. ADT's calls to Plaintiff had no emergency purpose. Rather, ADT advised Plaintiff that its calls were for the purpose of collecting an alleged debt.

### **B. ADT Used an Automatic Telephone Dialing System**

17. ADT called Plaintiff on her cellular phone using an ATDS. When Plaintiff answered ADT's calls on August 15 and 16, there was a time interval before an ADT representative joined the line, which is characteristic of an automated dialer. ADT also left voicemails with pre-recorded or artificial voices on Plaintiff's cellular phone.

18. ADT is a publicly traded company with a market cap that exceeds \$6 billion.<sup>1</sup> ADT services 8 million customers,<sup>2</sup> which requires a sophisticated phone system capable of storing phone numbers and dialing them automatically.

19. Plaintiff's caller ID identified 1-800-522-2455 as the phone number associated with all of the calls she received from ADT. When Plaintiff attempted to return ADT's calls by dialing 1-800-522-2455 or 1-800-259-2478 (the number provided in ADT's text message), she encountered a pre-recorded response that said "Welcome to ADT, always there," and then offered a list of generic options for routing the call.

### **C. ADT's Violations of the TCPA Harmed Plaintiff**

20. Plaintiff carries her cellular phone with her at most times so she can be available to family (including her children), friends, and her employer.

21. ADT's repeated calls invaded Plaintiff's privacy and intruded upon her right to seclusion. The calls frustrated and upset Plaintiff by constantly interrupting her daily life and

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<sup>1</sup> <https://finance.yahoo.com/quote/ADT?p=ADT> (last visited May 1, 2018).

<sup>2</sup> <https://www.adt.com/about-adt> (last visited May 1, 2018).

wasted her time by requiring Plaintiff to retrieve and administer messages left by Defendant's calls.

22. ADT's calls intruded upon and occupied the capacity of Plaintiff's cellular phone and depleted the battery of Plaintiff's cellular phone. The clutter of ADT calls also impaired the usefulness of the call log feature of Plaintiff's cellular phone.

23. Plaintiff's attempts to block or reject ADT's calls still resulted in ringing and other alerts to Plaintiff's cellular phone.

### CLASS ACTION ALLEGATIONS

24. Plaintiff brings this lawsuit under Federal Rules of Civil Procedure Rules 23(a), (b)(2), and (b)(3) as a representative of the following class:

All persons within the United States who, within the four years prior to the filing of this action, (i) received any non-emergency telephone call from Defendant or its agents and/or employees; (ii) to said person's cellular telephone; (iii) through the use of an automatic telephone dialing system and/or with an artificial or prerecorded voice; (iii) which call was not made with the recipient's prior express consent.

25. Excluded from the Class are Defendant, its employees, agents and assigns, and any members of the judiciary to whom this case is assigned, their respective court staff, and the parties' counsel in this litigation. This suit seeks only damages and injunctive relief for recovery of economic injury on behalf of the Class; it does not seek recovery for personal injury and claims related thereto. Members of the above-defined Class can be identified through Defendant's records.

26. **Numerosity.** The exact size of the class is information within the exclusive knowledge of Defendant, but Plaintiff believes there are at least thousands of Class members. This allegation is likely to have evidentiary support after a reasonable opportunity for further

investigation or discovery. This allegation is based on the following information: (1) ADT services 8 million customers; (2) the purpose of automated dialers is to call numerous persons in a short amount of time; and (3) many consumers have lodged complaints online about unwanted calls received from ADT.<sup>3</sup>

27. The alleged size and geographic dispersal of the Class makes joinder of all Class members impracticable.

28. **Commonality and Predominance.** Common questions of law and fact exist with regard to each of the claims and predominate over questions affecting only individual Class members. Questions common to the Class include:

(a) Whether Defendant's dialing system(s) constitute an automatic telephone dialing system under the TCPA and/or the FCC's rules;

(b) Whether, within the four years prior to the filing of this Complaint, Defendant used an automatic telephone dialing system to place non-emergency calls on the cellular telephones of Plaintiff and Class members without their prior express consent;

(c) Whether, within the four years prior the filing of this Complaint, Defendant used an artificial or prerecorded voice in connection with its placement of non-emergency calls on the cellular telephones of Plaintiff and Class members without their prior express consent;

(d) Whether Defendant's telephone calls were made knowingly or willfully;

(e) Whether Plaintiff and Class members were damaged by receiving such calls, and the extent of those damages; and

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<sup>3</sup> E.g., <https://800notes.com/Phone.aspx/1-800-522-2455/3> (last visited May 1, 2018).

(f) Whether Defendant should be enjoined from engaging in such conduct in the future.

29. **Typicality.** Plaintiff's claims are typical of the claims of the Class, in that Plaintiff, like all Class members, has been injured by Defendant's uniform misconduct—the placement of non-emergency calls on cellular telephones using an automatic telephone dialing system or an artificial or prerecorded voice without prior express consent.

30. **Adequacy of Representation.** Plaintiff will fairly and adequately protect the interests of the Class and is committed to the vigorous prosecution of this action. Plaintiff has retained counsel experienced in complex consumer class action litigation and matters involving TCPA violations.

31. **Superiority.** A class action is superior to other available methods for the fair and efficient adjudication of this controversy. Because the amount of each individual Class member's claim is small relative to the complexity of the litigation, and because of Defendant's financial resources, class members are unlikely to pursue legal redress individually for the violations detailed in this complaint. Class-wide damages are essential to induce Defendant to comply with Federal law. Individualized litigation would significantly increase the delay and expense to all parties and to the Court and would create the potential for inconsistent and contradictory rulings. By contrast, a class action presents fewer management difficulties, allows claims to be heard which would otherwise go unheard because of the expense of bringing individual lawsuits, and provides the benefits of adjudication, economies of scale, and comprehensive supervision by a single court.

32. Class certification is also appropriate under Rule 23(b)(2) because Defendant has acted and refused to act on grounds that apply generally to the Class such that final injunctive and/or declaratory relief is warranted with respect to the Class as a whole.

**FIRST CLAIM FOR RELIEF**  
**Negligent Violation of the Telephone Consumer Protection Act**  
**47 U.S.C. §§ 227, et seq**

33. Plaintiff reincorporates and restates paragraphs 1-32 herein, and further alleges as follows:

34. Without prior express consent, Defendant placed non-emergency calls on the cellular telephones of Plaintiff and Class members using an automatic telephone-dialing system.

35. The foregoing acts and omissions constitute negligent violations of the TCPA, including, but not limited to, violations of 47 U.S.C. § 227(b)(1)(A)(iii) and 47 C.F.R. § 64.1200(a)(1)(iii).

36. Under 47 U.S.C. § 227(b)(3)(B), and as a result of the alleged negligent violations of the TCPA, Plaintiff and Class members are entitled to an award of \$500.00 in statutory damages for each and every call placed in violation of the TCPA.

37. Plaintiff and Class members are also entitled to and seek injunctive relief prohibiting future violations of the TCPA.

**SECOND CLAIM FOR RELIEF**  
**Knowing or Willful Violation of the Telephone Consumer Protection Act**  
**47 U.S.C. §§ 227, et seq**

38. Plaintiff reincorporates and restates paragraphs 1-32 herein, and further alleges as follows:



39. Without prior express consent, Defendant knowingly or willfully placed non-emergency calls on the cellular telephones of Plaintiff and Class members using an automatic telephone-dialing system.

40. The foregoing acts and omissions constitute knowing and/or willful violations of the TCPA, including, but not limited to, violations of 47 U.S.C. § 227(b)(1)(A)(iii) and 47 C.F.R. § 64.1200(a)(1)(iii).

41. Pursuant to 47 U.S.C. § 227(b)(3)(C), and as a result of the alleged knowing and/or willful violations of the TCPA, Plaintiff and Class Members are entitled to an award of \$1,500.00 in statutory damages for each and every non-emergency call placed in violation of the statute.

42. Plaintiff and Class Members are also entitled to and seek injunctive relief prohibiting future violations of the TCPA.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, individually and on behalf of the Class defined above, respectfully requests that this Court:

(a) Determine that the claims alleged herein may be maintained as a class action under Federal Rule of Civil Procedure 23, and issue an order certifying the class defined above and appointing Plaintiff as the Class representative;

(b) Award \$500 in statutory damages for each and every call that Defendant negligently placed in violation of 47 U.S.C. § 227(b)(1) of the TCPA;

(c) Award \$1,500 in statutory damages for each and every call that Defendant willfully or knowingly placed in violation of 47 U.S.C. § 227(b)(1) of the TCPA;

(d) Grant appropriate injunctive and declaratory relief, including, without limitation, an order requiring Defendant to implement measures to stop future violations of the TCPA; and

(e) Grant such further relief as the Court deems proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all issues so triable.

Dated: May 9, 2018

Respectfully submitted,

By: s/Adam Moskowitz

Adam M. Moskowitz, Esq.

[adam@moskowitz-law.com](mailto:adam@moskowitz-law.com)

Howard M. Bushman, Esq.

[howard@moskowitz-law.com](mailto:howard@moskowitz-law.com)

Joseph M. Kaye, Esq.

[joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)

**THE MOSKOWITZ LAW FIRM, PLLC**

2 Alhambra Plaza

Suite 601

Coral Gables, FL 33134

Telephone: 305 740-1423

*Counsel for Plaintiff and the Proposed Class*

By: s/ Simon S. Grille

Daniel C. Girard (*pro hac vice* forthcoming)

Simon S. Grille (*pro hac vice* forthcoming)

**GIRARD GIBBS LLP**

601 California Street, 14th Floor

San Francisco, California 94108

Tel: (415) 981-4800

[dcg@girardgibbs.com](mailto:dcg@girardgibbs.com)

[sg@girardgibbs.com](mailto:sg@girardgibbs.com)

*Counsel for Plaintiff and the Proposed Class*

JS 44 (Rev. 06/17) FLSD Revised 06/01/2017

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS Shelli Buhr, on behalf of herself and others similarly situated,

DEFENDANTS ADT Inc. and ADT LLC.

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

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Adam M. Moskowitz, Howard M. Bushman, Joseph M. Kaye, The Moskowitz Law Firm, PLLC, 2 Alhambra Plaza, Suite 601, Coral Gables, FL 33134

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

(d) Check County Where Action Arose: [ ] MIAMI-DADE [ ] MONROE [ ] BROWARD [x] PALM BEACH [ ] MARTIN [ ] ST. LUCIE [ ] INDIAN RIVER [ ] OKEECHOBEE [ ] HIGHLANDS

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

- 1 U.S. Government Plaintiff [x] 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)

- Citizen of This State [ ] PTF [ ] DEF
Citizen of Another State [ ] PTF [ ] DEF
Citizen or Subject of a Foreign Country [ ] PTF [ ] DEF

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

Grid of categories for nature of suit: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN

- 1 Original Proceeding [x] 2 Removed from State Court [ ] 3 Re-filed (See VI below) [ ] 4 Reinstated or Reopened [ ] 5 Transferred from another district (specify) [ ] 6 Multidistrict Litigation Transfer [ ] 7 Appeal to District Judge from Magistrate Judgment [ ] 8 Multidistrict Litigation - Direct File [ ] 9 Remanded from Appellate Court [ ]

VI. RELATED/RE-FILED CASE(S)

(See instructions): a) Re-filed Case [ ] YES [x] NO b) Related Cases [ ] YES [x] NO

JUDGE:

DOCKET NUMBER:

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): Telephone Consumer Protection Act, 47 USC § 227, et seq.

LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 [x] DEMAND \$ CHECK YES only if demanded in complaint:

JURY DEMAND: [x] Yes [ ] No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE May 9, 2018

SIGNATURE OF ATTORNEY OF RECORD

[Handwritten signature]

FOR OFFICE USE ONLY RECEIPT #

AMOUNT

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.C.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; 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.** 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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

**VI. Related/Refiled Cases.** This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

**VII. 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

**VIII. 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 dollar amount (in thousands of dollars) 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.

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

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida



Shelli Buhr, on behalf of herself and others similarly situated

Plaintiff(s)

v.

ADT Inc. and ADT LLC

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ADT INC. By Serving its Register Agent: The Corporation Trust Company Corporation Trust Center 1209 Orange ST Wilmington DE 19801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Adam M. Moskowitz The Moskowitz Law Firm PLLC 2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 05/09/2018

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida



Shelli Buhr, on behalf of herself and others similarly situated

Plaintiff(s)

v.

ADT Inc. and ADT LLC

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ADT LLC
By Serving its Register Agent:
CT Corporation System
1200 South Pine Island Road
Plantation, FL 33324

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Adam M. Moskowitz
The Moskowitz Law Firm PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 05/09/2018

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims Plaintiff Received 'At Least 175' Robocalls from ADT Since Late-Summer 2017](#)

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