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

MICHAEL CAMPHOR, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

NORTHCENTRAL UNIVERSITY,  
Inc., a California not-for-profit  
corporation, NATIONAL  
UNIVERSITY SYSTEMS, INC.,  
JOHN F. KENNEDY UNIVERSITY,

Defendants.

Case No. '19CV2269 WQHJLB

**CLASS ACTION COMPLAINT**

(DEMAND FOR JURY TRIAL)

**CLASS ACTION COMPLAINT**

Plaintiff Michael Camphor (“Plaintiff Camphor” or “Camphor”) brings this  
Class Action Complaint against Defendants Northcentral University (“NCU”),

1 National University Systems (“NUS”), and John F. Kennedy University (“JFKU”) to  
2 stop Defendants from violating the Telephone Consumer Protection Act by making  
3 unsolicited, prerecorded and/or autodialed calls to consumers without their consent,  
4 and to otherwise obtain injunctive and monetary relief for all persons injured by the  
5 conduct of Defendants. Plaintiff, for this Complaint, alleges as follows upon personal  
6 knowledge as to himself and his own acts and experiences, and, as to all other  
7 matters, upon information and belief, including investigation conducted by his  
8 attorneys.

### 9 INTRODUCTION

10 1. NUS is a private nonprofit network of online and brick-and-mortar  
11 schools for higher educational learning. Comprised of several university affiliates –  
12 including National University, JFKU, and NCU – NUS relies on lead generators to  
13 generate students for its flagship institution, National University, as well as for its  
14 various affiliates, including JFKU and NCU.

15 2. NCU is a private non-profit online university with over 10,000 registered  
16 students.<sup>1</sup> NCU caters to graduate students. NCU does not have any physical campus  
17 or equipment other than its online courses.<sup>2</sup> Students are nonetheless required to pay  
18 up to \$78,490 to participate in programs offered online by NCU.<sup>3</sup> In January of 2019,  
19 NUS purchased NCU.<sup>4</sup>

20 3. JFKU is a non-profit private University located in Pleasant Hill,  
21 California. In 2009, JFKU became an affiliate of NUS.

22 4. With NUS’s assistance and oversight, NCU and JFKU utilize lead  
23 generators to bring potential students to their “universities”.  
24

25 \_\_\_\_\_  
26 <sup>1</sup> [https://en.wikipedia.org/wiki/Northcentral\\_University](https://en.wikipedia.org/wiki/Northcentral_University)

27 <sup>2</sup> <https://catalog.ncu.edu/mime/media/26/1296/NCU+Catalog+-+July+2019.docx.pdf>

28 <sup>3</sup> <https://catalog.ncu.edu/mime/media/26/1296/NCU+Catalog+-+July+2019.docx.pdf>

<sup>4</sup> <https://www.insidehighered.com/quicktakes/2019/01/08/national-university-system-purchases-profit-university>



1 13. Defendant NU is a California nonprofit corporation headquartered in San  
2 Diego, California.

### 3 JURISDICTION AND VENUE

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

7 15. This Court has personal jurisdiction over Defendants and venue is proper  
8 in this District under 28 U.S.C. § 1391(b) because Defendants reside in this District,  
9 and because the wrongful conduct giving rise to this case occurred in and/or was  
10 directed from this District.

### 11 COMMON ALLEGATIONS

12 16. NCU relies heavily on third-party lead generation companies to provide  
13 it with potential leads for its university.

14 17. For example, NCU has used Center Street Interactive to generate leads  
15 through telemarketing to prospective students:

16 5 For over a decade, CSI has provided valuable leads to the education, financial services, mortgage, real estate,  
17 debt settlement, and merchant cash advance verticals. Our clients have ranged from tremendous institutions  
18 like Grand Canyon University and Northcentral University, to debt and tax repair and settlement companies like  
19 Credit Solutions. We have the ability to deliver national or geo-targeted campaigns that can help businesses in a  
20 variety of industries achieve instant revenue growth.

21 Our proprietary RubyGold technology combines content rich websites with direct email campaigns, and an  
22 internal telemarketing center. Our leads are generated organically, not through a co-reg path, and they are call  
23 verified to ensure some of the highest contact and conversion rates in the industry. Because of this approach  
24 our leads have higher contact rates, higher conversion rates, and ultimately lead to a more favorable cost-per-  
25 acquisition (CPA) than our competitors.

26 18. NCU also relies on and purchases leads from websites such as  
27 EducationChoices.com.<sup>6</sup>

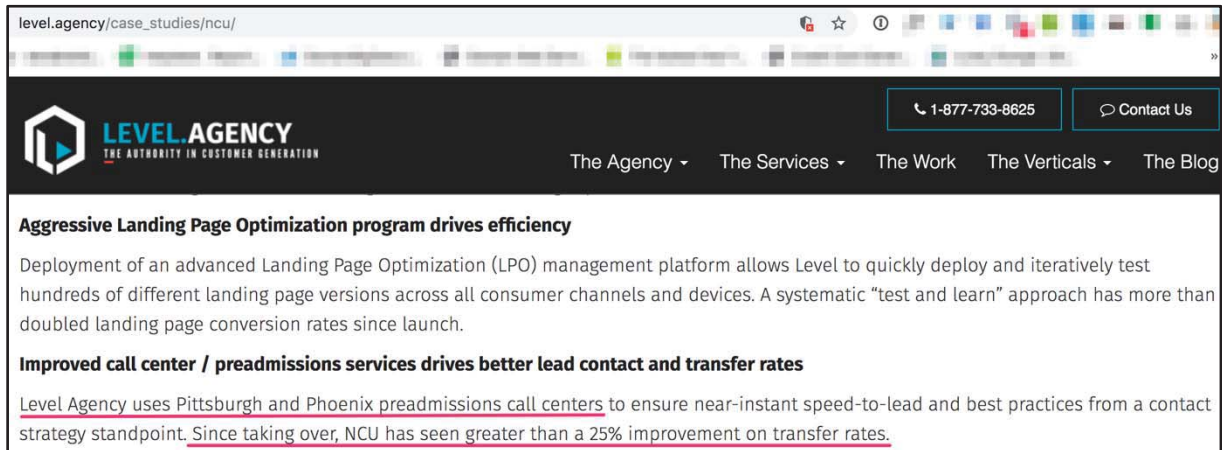
28 19. NCU is constantly working on its lead generation processes by  
partnering with agencies that enable it to generate more and seemingly better leads

<sup>5</sup> <http://centerstreetinteractive.com/project/lead-generation/>

<sup>6</sup> <https://www.educationchoices.com/42/contact>

1 using preadmission call centers that screen leads before the leads are transferred to  
2 NCU.

3 20. For example, NCU partnered with Level Agency, a marketing agency  
4 that took over preadmission calls for NCU:



13 21. The aforementioned article makes reference to NCU’s near-instant-  
14 speed-to-lead practices, meaning NCU contacts screened leads as soon as they are  
15 screened.

16 22. Defendants make pre-recorded calls from at least one phone number that  
17 identifies the phone number as belonging to both NCU and JFKU, which are part of  
18 NU. When calling the phone number that called Plaintiff, the pre-recorded message  
19 states: “*Thank you for calling Northcentral University and JFKU FlexCourse, part of  
20 National University systems. Please hold for the next available advisor.*”

21 23. In Plaintiff’s case, he was repeatedly called by a lead generator  
22 promoting going back to school. Frustrated at receiving these calls and wanting to  
23 know which company was behind these calls, Plaintiff pretended to be interested in  
24 what the telemarketers were pitching, a paid tuition program. While still answering  
25 generic questions about what he was supposedly interested in and before he could  
26 even give the telemarketer his phone number and his prior written express consent to  
27 receive calls, he received a pre-recorded voice call from NCU.

28 <sup>7</sup> [https://www.level.agency/case\\_studies/ncu/](https://www.level.agency/case_studies/ncu/)

1 24. Former employees of NCU have complained:

- 2 • “Instead of calling students who are genuinely interested in school,  
3 you call all kinds of weird leads from who knows where. It is a  
4 difficult sell when people never requested information from a school  
5 they never heard of.”<sup>8</sup>  
6  
7 • “Leads are bad.”<sup>9</sup>  
8  
9 • “The pay is decent but that is if you do not mind making 200 calls a  
10 day.”<sup>10</sup>  
11 • “not enough investment in good leads”<sup>11</sup>

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

17 26. Yet in violation of this rule, Defendants fail to obtain any express written  
18 consent prior to placing prerecorded and autodialed solicitation calls to cellular  
19 telephone numbers such as those of Plaintiff Camphor.

20 27. In placing the calls that form the basis of this Complaint, Defendants (or  
21 agents working on behalf of Defendants) utilized a prerecorded voice and/or  
22 automatic telephone dialing system (“ATDS” or “autodialer”) in violation of the  
23 TCPA. Specifically, the hardware and software used by Defendants’ agents has the  
24 capacity to generate and store random numbers, and/or receive and store lists of  
25 telephone numbers, and to dial such numbers, *en masse*, in an automated fashion

26 <sup>8</sup> [https://www.glassdoor.com/Reviews/NCU-Northcentral-University-Reviews-E128722\\_P4.htm](https://www.glassdoor.com/Reviews/NCU-Northcentral-University-Reviews-E128722_P4.htm)

27 <sup>9</sup> [https://www.glassdoor.com/Reviews/NCU-Northcentral-University-Reviews-E128722\\_P8.htm](https://www.glassdoor.com/Reviews/NCU-Northcentral-University-Reviews-E128722_P8.htm)

28 <sup>10</sup> [https://www.glassdoor.com/Reviews/NCU-Northcentral-University-Reviews-E128722\\_P2.htm](https://www.glassdoor.com/Reviews/NCU-Northcentral-University-Reviews-E128722_P2.htm)

<sup>11</sup> [https://www.glassdoor.com/Reviews/NCU-Northcentral-University-Reviews-E128722\\_P10.htm](https://www.glassdoor.com/Reviews/NCU-Northcentral-University-Reviews-E128722_P10.htm)



1 without human intervention. Defendants’ automated dialing equipment also is, or  
2 includes features substantially similar to, a predictive dialer, meaning that it is  
3 capable of making numerous phone calls simultaneously and automatically  
4 connecting answered calls to then available callers and disconnecting the rest (all  
5 without human intervention). Defendants’ autodialer is also capable of delivering  
6 prerecorded voice messages.

7 28. Defendants should ensure that it has the required prior express written  
8 consent that is required prior to placing pre-recorded calls to consumers.

9 29. There are numerous complaints posted online from consumers that  
10 received unsolicited calls from NCU. This is a small sampling of those complaints,  
11 many of which indicate the use of a dialer, and/or prerecorded message:

- 12 • “Spam calling and texting number used by Northcentral University, one  
13 of several they deploy. Extremely annoying!”<sup>12</sup>
- 14 • “This is just another spam tie-line number for Northcentral University,  
15 using a number issued by the notorious Verizon office in Washington,  
16 VA. Other numbers used by Northcentral are (480)526-4978 and  
17 (808)425-9263. The Verizon Washington VA office is responsible for  
18 over 90% of the spam calls we get in Virginia. Northcentral has been  
19 told over a dozen times to cease texting and telephone calls, but the  
20 devils persist. Is this a university worthy of any respect? I think not, they  
21 deserve only the greatest contempt. Complaints filed online with the  
22 State Attorney General, FCC and FTC. Enough complaints, they will  
23 shut them down, severely fine them, and prosecute. All numbers  
24 blocked.”<sup>13</sup>

27 <sup>12</sup> <https://800notes.com/Phone.aspx/1-480-526-4844>

28 <sup>13</sup> <https://800notes.com/Phone.aspx/1-571-317-2228>

- 1 • “Called again at 3:54pm PDT with caller id of ‘unavailable’ and did not
- 2 leave a message. Called back and it was a telemarketer from North
- 3 Entral University. Not interested.”<sup>14</sup>
- 4
- 5 • “Called. Unknown. And didn’t speak then hung up”<sup>15</sup>
- 6
- 7 • “Got dead air.”<sup>16</sup>
- 8
- 9 • On January 28, 2017 a consumer posted the prerecorded voicemail that
- 10 they received from NCU, showing that they were instructed to call 855-
- 11 282-0409 (the same number Plaintiff Camphor was asked to call).<sup>17</sup>

### 11 PLAINTIFF CAMPHOR’S ALLEGATIONS

12 30. Plaintiff Camphor began receiving autodialed education telemarketing

13 calls in the beginning of August, 2019.

14 31. When Camphor answered the calls, he consistently noticed a distinct

15 pause and then a click before a live agent would come on the line. The purpose of the

16 calls was to convert Plaintiff into an education lead for Defendants.

17 32. Plaintiff told the first agent he spoke with that he was not interested in

18 furthering his education. In subsequent calls, Plaintiff specifically asked the agents

19 not to call his cell phone number.

20 33. Despite multiple stop requests, the agents continued to place unsolicited

21 autodialed calls to Plaintiff Camphor’s cell phone.

22 34. In one specific instance, Plaintiff Camphor answered the autodialed call

23 to his cell phone and when he was asked about furthering his education replied,

24 “Didn’t I tell you I was on the DNC?” The agent replied, “F\*ck you” and hung up.

25 35. On July 13, 2019, Plaintiff Camphor received yet another autodialed call

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26 <sup>14</sup> <https://800notes.com/Phone.aspx/1-650-727-1318>

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

28 <sup>16</sup> <https://whocallsme.com/Phone-Number.aspx/2065391887>

<sup>17</sup> <https://directory.youmail.com/directory/phone/5708462092>



1 from a telemarketer regarding continued education. Out of frustration, Camphor  
2 played along with the agent so that he could learn the true identity of the company  
3 behind or benefiting from the calls in an effort to stop the calls once and for all.

4 36. The agent asked him what subject he was interested in pursuing. The  
5 plaintiff answered “psychology.” The agent asked him a series of questions related to  
6 his interests in pursuing a degree in psychology.

7 37. *The agent did not ask the Plaintiff for his phone number* or whether he  
8 would consent to receive autodialed or pre-recorded calls from Defendants or any  
9 other school. Furthermore, the agent did not request his consent in writing.

10 38. The agent explained to Camphor on that call, that he would be asked a  
11 number of questions by a screening agent in order for Camphor to be connected with  
12 a school. The agent then prepared Camphor by telling him what the questions were  
13 going to be.

14 39. Camphor was then transferred to a second agent who began asking  
15 Camphor the same questions the previous agent had prepared him for.

16 40. While the second agent was asking questions about education programs,  
17 Camphor simultaneously received a call on his cell phone from Defendants from the  
18 phone number 443-341-5711. He knew that this was a call since it rang through like  
19 any other type of call.

20 41. Camphor did not answer the call from Defendants, as he was still being  
21 questioned by the second agent that he had been transferred to.

22 42. Defendants left Camphor a prerecorded voicemail on his cell phone on  
23 August 13, 2019 at 4:51 PM from 443-341-5711:

24 *“Hello, this is Northcentral University calling in regards to furthering your*  
25 *education. Please call us back at 855-282-0409, or visit our website at*  
26 *NCU.edu. Thank you, and we look forward to speaking with you.”*

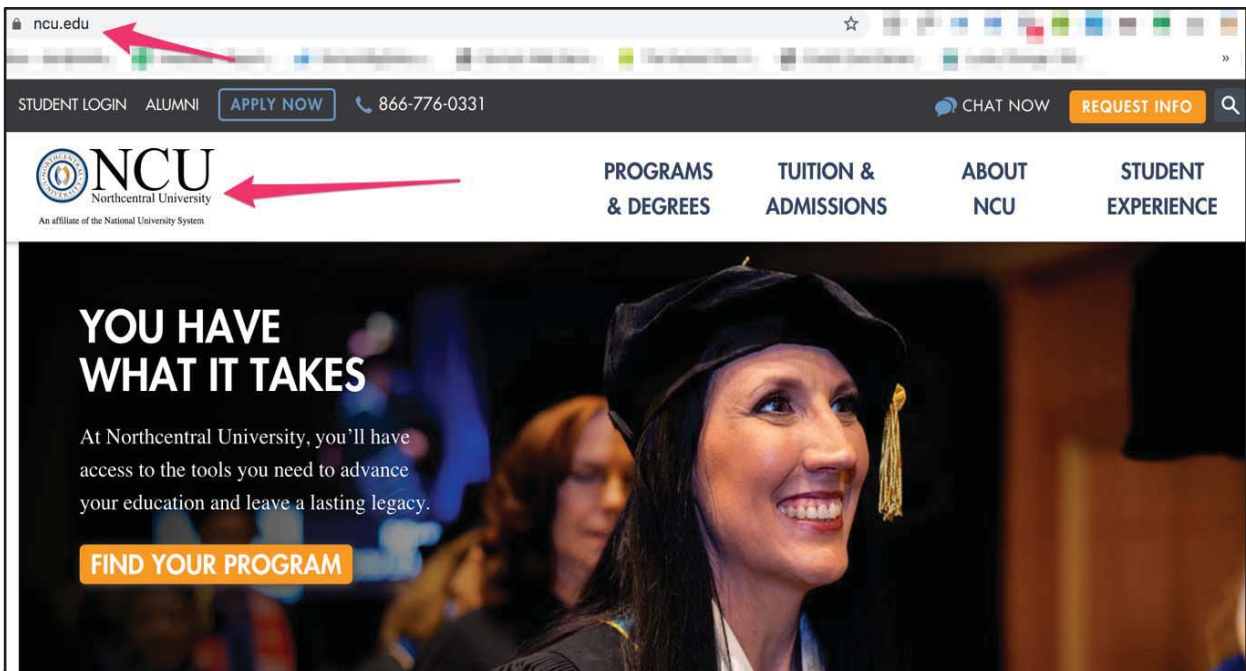
27 43. Plaintiff Camphor did not provide the third-party agent or Defendants  
28

1 directly with any consent for them to call him using an autodialer or prerecorded  
2 message.

3 44. The phone number 443-341-5711 that was used to make the pre-  
4 recorded call to the plaintiff, when called back, an automated recording identifies the  
5 caller as *“Thank you for calling Northcentral University and JFKu FlexCourse, part*  
6 *of National University systems. Please hold for the next available advisor.”*

7 45. When 855-282-0409, the phone number NCU asked Plaintiff to call  
8 them back from the pre-recorded voicemail is called, an automated system identifies  
9 that number as belonging to Defendant NCU.

10 46. The prerecorded message asks Plaintiff to visit NCU.edu. This is NCU’s  
11 official website which identifies them as an affiliate of Defendant NU:



22 cell phone from Defendants on August 13, 2019, again using phone number 443-341-  
23 5711.

24 48. When Camphor answered the second call, he noticed a distinct pause  
25 before a live agent came on the line. Camphor believes that based on the pause, the  
26 call was placed using an autodialer.

27  
28 <sup>18</sup> <https://ncu.edu>

1 49. Camphor spoke with an agent who said they were calling on behalf of  
2 NCU. In response, Camphor asked the agent if NCU purchases leads from lead  
3 generators. The agent hung up, rather than provide an answer.

4 50. Defendants did not obtain the prior express written consent to place  
5 solicitation telephone calls to Camphor on his cellular phone using a prerecorded call  
6 and/or an autodialer.

7 51. The unauthorized telephone calls made by or on behalf of Defendants, as  
8 alleged herein, have harmed Plaintiff Camphor in the form of annoyance, nuisance,  
9 and invasion of privacy, and disturbed the use and enjoyment of his cellular phone, in  
10 addition to the wear and tear on the phone's hardware (including the phone's battery)  
11 and the consumption of memory on the phone.

12 52. Seeking redress for these injuries, Plaintiff Camphor, on behalf of  
13 himself and Class of similarly situated individuals, brings suit under the Telephone  
14 Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, which prohibits prerecorded and  
15 unsolicited autodialed telephone calls to cellular telephones.

## 16 CLASS ALLEGATIONS

### 17 Class Treatment Is Appropriate for Plaintiff's TCPA Claims

18 53. Plaintiff Camphor brings this action pursuant to Federal Rule of Civil  
19 Procedure 23(b)(2) and Rule 23(b)(3) on behalf of himself and all others similarly  
20 situated and seeks certification of the following Class:

21 All persons in the United States to whom Defendants (or an agent acting on  
22 behalf of Defendants) made a telephone call on their cellular phone number  
23 using substantially the same calling system used to call Plaintiff and/or a  
prerecorded voice at any time during the four years preceding the filing of this  
action through the date of any order granting class certification.

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

1 officers and directors; (3) Plaintiff's attorneys; (4) persons who properly execute and  
2 file a timely request for exclusion from the Class; (5) the legal representatives,  
3 successors or assigns of any such excluded persons; and (6) persons whose claims  
4 against Defendants have been fully and finally adjudicated and/or released. Plaintiff  
5 anticipates the need to amend the Class definitions following appropriate discovery.

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

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

13           (a) Whether Defendants placed prerecorded and/or autodialed calls to  
14 Plaintiff and the members of the Class;

15           (b) whether Defendants placed prerecorded and/or autodialed telephone  
16 calls without first obtaining prior express written consent to make the  
17 calls;

18           (c) whether Defendants' conduct constitutes a violation of the TCPA;  
19 and

20           (d) whether members of the Class are entitled to treble damages based on  
21 the willfulness of Defendants' conduct.

22       **57. Adequate Representation:** Plaintiff will fairly and adequately represent  
23 and protect the interests of the Class, and has retained counsel competent and  
24 experienced in class actions. Plaintiff Camphor has no interests antagonistic to those  
25 of the Class, and Defendants have no defenses unique to Plaintiff Camphor. Plaintiff  
26 and his counsel are committed to vigorously prosecuting this action on behalf of the  
27 members of the Class, and have the financial resources to do so. Neither Plaintiff nor  
28

1 his counsel have any interests adverse to the Class.

2       58. **Appropriateness:** This class action is also appropriate for certification  
3 because Defendants have acted or refused to act on grounds generally applicable to  
4 the Class and as a whole, thereby requiring the Court's imposition of uniform relief to  
5 ensure compatible standards of conduct toward the members of the Class and making  
6 final class-wide injunctive relief appropriate. Defendants' business practices apply to  
7 and affect the members of the Class uniformly, and Plaintiff's challenge of those  
8 practices hinges on Defendants' conduct with respect to the Class as wholes, not on  
9 facts or law applicable only to Plaintiff. Additionally, the damages suffered by  
10 individual members of the Class will likely be small relative to the burden and  
11 expense of individual prosecution of the complex litigation necessitated by  
12 Defendants' actions. Thus, it would be virtually impossible for the members of the  
13 Class to obtain effective relief from Defendants' misconduct on an individual basis.  
14 A class action provides the benefits of single adjudication, economies of scale, and  
15 comprehensive supervision by a single court.

16                                   **FIRST CLAIM FOR RELIEF**

17                                   **Telephone Consumer Protection Act**

18                                   **(Violation of 47 U.S.C. § 227)**

19                                   **(On Behalf of Plaintiff Camphor and the Class)**

20       59. Plaintiff Camphor repeats and realleges paragraphs 1 through 58 of this  
21 Complaint and incorporates them by reference.

22       60. Defendants and/or their agents made unwanted solicitation telephone  
23 calls to Plaintiff Camphor and the other members of the Class using a prerecorded  
24 voice and/or autodialer.

25       61. These prerecorded voice calls were made *en masse* without the prior  
26 express written consent of Plaintiff Camphor and the other members of the Class.

27       62. Defendants' conduct was negligent, willful, or knowing.  
28

63. Defendants have, therefore, violated 47 U.S.C. § 227(b)(1)(A)(iii). As a result of Defendants' conduct, Plaintiff Camphor and the other members of the Class are each entitled to a minimum of \$500 in damages, and up to \$1,500 in damages, for each TCPA violation.

**PRAYER FOR RELIEF**

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

- a) An order certifying the Class as defined above; appointing Plaintiff Camphor as the representatives of the applicable Class; and appointing his attorneys as Class Counsel;
- b) An award of actual and/or statutory damages to be paid into a common fund for the benefit of Plaintiff Camphor and the Class;
- c) An order declaring that Defendants' actions, as set out above, violate the TCPA;
- d) An injunction requiring Defendants to cease all unsolicited calling activity, to implement sufficient TCPA related policies and procedures, and to otherwise protect the interests of the Class; and
- e) Such further and other relief as the Court deems just and proper.

**JURY DEMAND**

On behalf of himself and the proposed Class, Plaintiff Camphor demands trial by jury on all claims and issues so triable.

Respectfully Submitted,

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*Counsel for Plaintiff and the Class*

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [National University Systems Used Illicit Marketing Calls to Recruit Students, Class Action Claims](#)

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