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[Additional Attorneys on Signature Page]

Attorneys for Plaintiffs,
Taneesha Crooks and Anthony Brown

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

**TANEESHA CROOKS and
ANTHONY BROWN,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

v.

**RADY CHILDREN'S
HOSPITAL - SAN DIEGO,**

Defendant.

Case No.: '17CV0246 WQHMD

CLASS ACTION

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF PURSUANT
TO THE TELEPHONE CONSUMER
PROTECTION ACT, 47 U.S.C. § 227,
ET SEQ.**

JURY TRIAL DEMANDED

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INTRODUCTION

1. Plaintiffs TANEESHA CROOKS (“Crooks”) and ANTHONY BROWN (“Brown”) (collectively “Plaintiffs”) brings this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of defendant Rady Children’s Hospital - San Diego (hereinafter, referred to as “Defendant”) in negligently and/or willfully or knowingly contacting Plaintiffs on Plaintiffs’ cellular telephones, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, (“TCPA”), thereby invading Plaintiffs’ privacy. Plaintiffs allege as follows upon personal knowledge as to themselves and their own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by their attorneys.

2. The TCPA was designed to prevent calls like the ones described within this complaint, and to protect the privacy of citizens like Plaintiffs. “Voluminous consumer complaints about abuses of telephone technology – for example, computerized calls dispatched to private homes – prompted Congress to pass the TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).

3. In enacting the TCPA, Congress intended to give consumers a choice as to how creditors and telemarketers may call them, and made specific findings that “[t]echnologies that might allow consumers to avoid receiving such calls are not universally available, are costly, are unlikely to be enforced, or place an inordinate burden on the consumer. TCPA, Pub.L. No. 102–243, § 11. Toward this end, Congress found that:

[b]anning such automated or prerecorded telephone calls to the home, except when the receiving party consents to receiving the call or when such calls are necessary in an emergency situation affecting the health and safety of the consumer, is the only effective means of protecting telephone consumers from this nuisance and privacy invasion.

Id. at § 12; *see also Martin v. Leading Edge Recovery Solutions, LLC*, 2012

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1 WL 3292838, at* 4 (N.D. Ill. Aug. 10, 2012) (citing Congressional findings
2 on TCPA’s purpose).

- 3 4. Congress also specifically found that “the evidence presented to the Congress
4 indicates that automated or prerecorded calls are a nuisance and an invasion
5 of privacy, regardless of the type of call....” *Id.* at §§ 12-13. *See also, Mims,*
6 132 S. Ct. at 744.

7 **JURISDICTION AND VENUE**

- 8 5. This Court has federal question jurisdiction because this case arises out of
9 violation of federal law. *See* 47 U.S.C. §227(b).
- 10 6. Venue is proper in the United States District Court for the Southern District of
11 California pursuant to 28 U.S.C. § 1391 for the following reasons: (i)
12 Defendant is based and registered within the San Diego County; (ii) at all
13 material times hereto, Plaintiffs resided in the County of San Diego, State of
14 California which is within this judicial district; (iii) the conduct complained of
15 herein occurred within this judicial district; and, (iv) many of the acts and
16 transactions giving rise to this action occurred in this district because
17 Defendant.

18 **PARTIES**

- 19 7. Both Plaintiffs, at all times mentioned herein were, residents of the County of
20 San Diego, State of California. Plaintiffs are, and at all times mentioned
21 herein were, “persons” as defined by 47 U.S.C. § 153 (39).
- 22 8. Plaintiffs are informed and believe, and thereon allege, that Defendant is, and
23 at all times mentioned herein was, is a California corporation, and is a
24 “person” as defined by 47 U.S.C. § 153 (39).
- 25 9. Plaintiffs allege that at all times relevant herein Defendant conducted business
26 in the State of California and in the County of San Diego, and within this
27 judicial district.
- 28

FACTUAL ALLEGATIONS AS TO PLAINTIFF BROWN

10. Sometime in 2012, Plaintiff Brown allegedly incurred a debt to Defendant. As it is irrelevant to this action, Plaintiff Brown currently takes no position as to whether or not this alleged debt was actually owed.

11. On or before April 11, 2016, Defendant through its agent, Rady Children’s Specialists, began calling Plaintiff Brown’s cellular telephone ending with “3623” via an “automatic telephone dialing system” (“ATDS”), while using an “artificial or prerecorded voice,” as defined by 47 U.S.C. § 227(a)(1), and as prohibited by 47 U.S.C. § 227(b)(1)(A).

12. On or about April 11, 2016, the Law Office of Daniel Shay (“Shay”) on behalf, and with authorization, of Plaintiff Brown, faxed and mailed cease and desist letters to Defendant’s multiple locations informing Defendant of the following:

[Plaintiff] hereby revokes any prior express consent that may have been given to receive telephone calls, especially to [Plaintiffs’] cellular telephone, from an Automated Telephone Dialing System or an artificial or pre-recorded voice, as outlined in the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* and [Plaintiff] also revokes any applicable business relationship.

[Plaintiff] has retained [Shay] to stop creditor harassment and to discharge your claim(s) through bankruptcy. Whether you are an original creditor, or a collector, you must cease and desist all communication with [Plaintiff]

13. On or about April 14, 2016, Shay also spoke with Defendant on the phone and assisted them to find the relevant files and records pertaining to Plaintiff Brown.

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- 1 14. On or about April 18, 2016, Shay spoke with Defendant’s agent, Rady
2 Children’s Specialists and confirmed his representation of Plaintiff and
3 revocation of any prior express consent if such consent was ever given.
- 4 15. On April 18, 2016, Defendant’s agent, Rady Children’s Specialists sent a
5 facsimile correspondence to Shay confirming receipt of the cease and desist
6 correspondence from April 11, 2016.
- 7 16. Despite Shay’s faxed and mailed cease and desist letters, on December 23,
8 2016, Defendant continued calling Plaintiff Brown’s cellular phone ending
9 with “3623” via an “automatic telephone dialing system” (“ATDS”), as
10 defined by 47 U.S.C. § 227(a)(1), and by using “an artificial or prerecorded
11 voice” as prohibited by 47 U.S.C. § 227(b)(1)(A).
- 12 17. When Plaintiff Brown answered Defendant’s phone call on December 23,
13 2016, an artificial or prerecorded voice message reminding Plaintiff Brown of
14 the existence of the alleged debt.
- 15 18. Upon information and belief, Plaintiff Brown never provided Defendant with
16 his cellular telephone number at the time the alleged debt relating to the calls
17 was incurred. Furthermore, if any prior express consent was ever given, it was
18 expressly revoked by the correspondence of April 11, 2016.
- 19 19. Defendant made the unwanted autodialed calls using a prerecorded voice to
20 Plaintiff Brown’s cellular phone from the number 858-966-5420.

21 **FACTUAL ALLEGATIONS AS TO PLAINTIFF CROOKS**

- 22 20. Sometime prior to October 2016, Plaintiff Crooks allegedly incurred a debt to
23 Defendant. As it is irrelevant to this action, Plaintiff Crooks currently takes
24 no position as to whether or not this alleged debt was actually owed.
- 25 21. On or about October 14, 2016, at 2:01 pm, Defendant through its agent, Rady
26 Children’s Specialists, began calling Plaintiff Crooks’ cellular phone ending
27 with “2044” via an “automatic telephone dialing system” (“ATDS”), while
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1 using an “artificial or prerecorded voice,” as defined by 47 U.S.C. §
2 227(a)(1), and as prohibited by 47 U.S.C. § 227(b)(1)(A).

3 22. On or about October 19, 2016, Defendant called again to Plaintiff’s cellular
4 phone. When Plaintiff Crooks answered the call, a prerecorded message
5 played with no live human on the line.

6 23. On October 21, 2016, the Law Office of Daniel Shay (“Shay”) on behalf, and
7 with authorization, of Plaintiff Crooks, faxed and mailed a cease and desist
8 letter to Defendant’s multiple locations informing Defendant of the following:
9

[Plaintiff] hereby revokes any prior express consent that may
10 have been given to receive telephone calls, especially to
11 [Plaintiff’s] cellular telephone, from an Automated Telephone
12 Dialing System or an artificial or pre-recorded voice, as
13 outlined in the Telephone Consumer Protection Act, 47
14 U.S.C. § 227 *et seq.* and [Plaintiff] also revokes any
applicable business relationship.

[Plaintiff] has retained [Shay] to stop creditor harassment and
15 to discharge your claim(s) through bankruptcy. Whether you
16 are an original creditor, or a collector, you must cease and
17 desist all communication with [Plaintiff]
18

19 24. Despite Shay’s faxed and mailed cease and desist letters, on November 4,
20 2016 Defendant continued calling Plaintiff Crooks’ cellular phone ending
21 with “2044” via an “automatic telephone dialing system” (“ATDS”), with
22 unsolicited prerecorded messages, as defined by 47 U.S.C. § 227(a)(1), and/or
23 by using “an artificial or prerecorded voice” as prohibited by 47 U.S.C. §
24 227(b)(1)(A).

25 Defendant made the unwanted autodialed calls using a prerecorded voice to
26 Plaintiff Crooks’ cellular phone from the number 858-966-5420.

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Factual Allegations as to Both Plaintiffs

- 25. Subsequently to Shay’s cease and desist letters, Plaintiffs did not provide express consent to Defendant to receive calls on Plaintiffs’ respective cellular telephones, pursuant to 47 U.S.C. § 227(b)(1)(A).
- 26. Through the unwanted calls from Defendant, both Plaintiffs suffered an invasion of their legally protected interest in privacy, which is specifically addressed and protected by the TCPA.
- 27. Upon information and belief, the telephone equipment used by Defendant to place the calls at issue has the capacity to dial telephone number automatically from a stored list or database without human intervention, using a random or sequential number generator.
- 28. Defendant’s calls constituted calls that were not made for emergency purposes, as defined by 47 U.S.C. § 227(b)(1)(A).
- 29. Defendant’s calls were placed to a telephone number assigned to a cellular telephone service for which Plaintiffs incur a charge for incoming calls pursuant to 47 U.S.C. § 227(b)(1).
- 30. Defendant did not have prior express consent to place the calls to either Plaintiff, and if any prior express consent was ever given, it was effectively revoked through Plaintiffs’ and Shay’s cease and desist letters to Defendant.
- 31. Plaintiffs were personally affected by Defendant’s aforementioned conduct because Plaintiffs was frustrated and distressed that, Defendant interrupted Plaintiffs with unwanted calls using an ATDS and/or prerecorded voice.
- 32. Defendant’s calls forced Plaintiffs and other similarly situated class members to live without the utility of their cellular phones by occupying their cellular telephone with one or more unwanted calls, causing a nuisance and lost time.
- 33. Plaintiffs are informed and believe and here upon allege, that the calls were made by Defendant and/or Defendant’s agent(s), with Defendant’s permission, knowledge, control and for Defendant’s benefit.

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1 34. Through the aforementioned conduct, Defendant or its agent(s) has violated
2 47 U.S.C. § 227(b)(1).

3 **CLASS ACTION ALLEGATIONS**

4 35. Plaintiffs bring this action on behalf of themselves and on behalf of all others
5 similarly situated (the “Class”).

6 36. Plaintiffs represent, and are a member of the Class, consisting of:

7
8 All persons within the United States who received any
9 telephone call from Defendant or its agent/s and/or
10 employee/s, not sent for emergency purposes, to said
11 person’s cellular telephone made through the use of any
12 automatic telephone dialing system and/or with an
13 artificial or prerecorded message within the four years
14 prior to the filing of this Complaint.

15 37. Defendant and its employees or agents are excluded from the Class. Plaintiffs
16 do not know the number of members in the Class, but believe the Class
17 members number in the thousands, if not more. Thus, this matter should be
18 certified as a Class action to assist in the expeditious litigation of this matter.

19 38. Plaintiffs and members of the Class were harmed by the acts of Defendant in
20 at least the following ways: Defendant, either directly or through their agents,
21 illegally contacted Plaintiffs and the Class members via their cellular
22 telephones by using an ATDS, thereby causing Plaintiffs and the Class
23 members to incur certain cellular telephone charges or reduce cellular
24 telephone time for which Plaintiffs and the Class members previously paid,
25 and invading the privacy of said Plaintiffs and the Class members. Plaintiffs
26 and the Class members were damaged thereby.

27 39. This suit seeks only damages and injunctive relief for recovery of economic
28 injury on behalf of the Class, and it expressly is not intended to request any
recovery for personal injury and claims related thereto. Plaintiffs reserve the

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1 right to expand the Class definition to seek recovery on behalf of additional
2 persons as warranted as facts are learned in further investigation and
3 discovery.

4 40. The joinder of the Class members is impractical and the disposition of their
5 claims in the Class action will provide substantial benefits both to the parties
6 and to the court. The Class can be identified through Defendant's records or
7 Defendant's agents' records.

8 41. There is a well-defined community of interest in the questions of law and fact
9 involved affecting the parties to be represented. The questions of law and fact
10 to the Class predominate over questions which may affect individual Class
11 members, including the following:

- 12 a) Whether, within the four years prior to the filing of this Complaint,
13 Defendant or their agents initiated any telephonic communications to
14 the Class (other than a message made for emergency purposes or
15 made with the prior express consent of the called party) using any
16 automatic dialing system or prerecorded voice to any telephone
17 number assigned to a cellular phone service;
- 18 b) Whether Defendant can meet its burden of showing Defendant
19 obtained prior express written consent;
- 20 c) Whether Defendant's conduct was knowing and/or willful;
- 21 d) Whether Plaintiffs and the Class members were damaged thereby, and
22 the extent of damages for such violation; and
- 23 e) Whether Defendant and their agents should be enjoined from
24 engaging in such conduct in the future.

25 42. As persons that received at least one telephonic communication from
26 Defendant's ATDS without Plaintiffs' prior express consent, Plaintiffs are
27 asserting claims that are typical of the Class. Plaintiffs will fairly and
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1 adequately represent and protect the interests of the Class in that Plaintiffs
2 have no interests antagonistic to any member of the Class.

3 43. Plaintiffs and the members of the Class have all suffered irreparable harm as a
4 result of Defendant’s unlawful and wrongful conduct. Absent a class action,
5 the Class will continue to face the potential for irreparable harm. In addition,
6 these violations of law will be allowed to proceed without remedy and
7 Defendant will likely continue such illegal conduct. Because of the size of
8 the individual Class member’s claims, few, if any, Class members could
9 afford to seek legal redress for the wrongs complained of herein.

10 44. Plaintiffs have retained counsel experienced in handling class action claims
11 and claims involving violations of the Telephone Consumer Protection Act.

12 45. A class action is a superior method for the fair and efficient adjudication of
13 this controversy. Class-wide damages are essential to induce Defendant to
14 comply with federal and California law. The interest of Class members in
15 individually controlling the prosecution of separate claims against Defendant
16 is small because the maximum statutory damages in an individual action for
17 violation of privacy are minimal. Management of these claims is likely to
18 present significantly fewer difficulties than those presented in many class
19 claims.

20 46. Defendant has acted on grounds generally applicable to the Class, thereby
21 making appropriate final injunctive relief and corresponding declaratory relief
22 with respect to the Class as a whole.

23 **FIRST CAUSE OF ACTION**
24 **NEGLIGENT VIOLATIONS OF THE TCPA**
25 **47 U.S.C. § 227 ET SEQ.**

26 47. Plaintiffs incorporate by reference all of the above paragraphs of this
27 Complaint as though fully stated herein.
28

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1 48. The foregoing acts and omissions of Defendant constitute numerous and
2 multiple negligent violations of the TCPA, including but not limited to each
3 and every one of the above-cited provisions of 47 U.S.C. § 227, *et seq.*

4 49. As a result of Defendant’s negligent violations of 47 U.S.C. § 227, *et seq.*,
5 Plaintiffs and the Class are entitled to an award of \$500.00 in statutory
6 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

7 50. Plaintiffs and the Class are also entitled to and seek injunctive relief
8 prohibiting such conduct in the future.

9 **SECOND CAUSE OF ACTION**

10 **KNOWING AND/OR WILLFUL VIOLATIONS OF THE TCPA**

11 **47 U.S.C. § 227 ET SEQ.**

12 51. Plaintiffs incorporate by reference all of the above paragraphs of this
13 Complaint as though fully stated herein.

14 52. The foregoing acts and omissions of Defendant constitute numerous and
15 multiple knowing and/or willful violations of the TCPA, including but not
16 limited to each and every one of the above-cited provisions of 47 U.S.C. §
17 227, *et seq.*

18 53. As a result of Defendant’s knowing and/or willful violations of 47 U.S.C. §
19 227, *et seq.*, Plaintiffs and the Class are entitled to an award of \$1,500.00 in
20 statutory damages, for each and every violation, pursuant to 47 U.S.C. §
21 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

22 54. Plaintiffs and the Class are also entitled to and seek injunctive relief
23 prohibiting such conduct in the future.

24 **PRAYER FOR RELIEF**

25 **WHEREFORE**, Plaintiffs and the Class members pray for judgment as
26 follows against Defendant:

- 27 • Certify the Class as requested herein;
- 28 • Appoint Plaintiffs to serve as the Class Representatives in this matter;

- Appoint Plaintiffs’ Counsel as Class Counsel in this matter;
- Providing such further relief as may be just and proper.

In addition, Plaintiffs and the Class members pray for further judgment as follows against Defendant:

**NEGLIGENT VIOLATION OF
THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- As a result of Defendant’s negligent violations of 47 U.S.C. § 227(b)(1), Plaintiffs seeks for herself and each Class member \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
- Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

**KNOWING/WILLFUL VIOLATION OF
THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- As a result of Defendant’s knowing and/or willful violations of 47 U.S.C. § 227(b)(1), Plaintiffs seeks for herself and each Class member \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
- Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

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TRIAL BY JURY

55. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiffs are entitled to, and demand, a trial by jury.

Dated: 2/7/17

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: s/ ABBAS KAZEROUNIAN

ABBAS KAZEROUNIAN, ESQ.

AK@KAZLG.COM

ATTORNEY FOR PLAINTIFFS

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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

Taneesha Crooks and Anthony Brown, individually and on behalf of others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Abbas Kazerounian, Esq. (SBN: 249203) 245 Fischer Ave., Unit D1, Costa Mesa, CA 92626 800-400-6808

DEFENDANTS

Rady Children's Hospital - San Diego

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)

'17CV0246 WQHMD

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, 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, 6 Multidistrict Litigation

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. ("TCPA") Brief description of cause: Defendant violated the Telephone Consumer Protection 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: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 02/08/2017 SIGNATURE OF ATTORNEY OF RECORD s/ Abbas Kazerounian

FOR OFFICE USE ONLY

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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six 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. (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.
- 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: [Lawsuit Claims Rady Children's Hospital – San Diego Violated TCPA](#)
