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

D' ANTHONY EARLY-RILEY, on  
behalf of himself, and all others similarly  
situated,

Plaintiff,

v.

ALLIANCEONE RECEIVABLES  
MANAGEMENT, INC.,

Defendant.

Case No.: '18CV0432 BEN WVG

CLASS ACTION

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

DEMAND FOR JURY TRIAL

1 **CLASS ACTION COMPLAINT AND JURY DEMAND**

2 D’Anthony Early-Riley (“Plaintiff”) brings this class action complaint against  
3 Defendant AllianceOne Receivables Management, Inc. (“Defendant”) to stop  
4 Defendant’s practice of making unsolicited phone calls to telephones of consumers  
5 nationwide in violation of the Telephone Consumer Protection Act, 47 U.S.C. § §  
6 227 *et seq.*, (“TCPA”), and to obtain redress for all persons injured by its conduct.  
7 Plaintiff alleges as follows upon personal knowledge as to his own acts and  
8 experiences and, as to all other matters, upon information and belief, including  
9 investigation conducted by his attorneys.

10 **NATURE OF THE ACTION**

11 1. The TCPA strictly forbids nuisance calls exactly like those alleged in  
12 this Complaint – intrusive phone calls to private cellular phones, placed to numbers  
13 obtained without the prior express consent of the call recipients.

14 2. Defendant’s violations caused Plaintiff and members of the Class actual  
15 harm, included aggravation, nuisance, and invasion of privacy that necessarily  
16 accompanies the receipt of unsolicited phone calls, as well as the violation of their  
17 statutory rights.

18 3. Plaintiff and members of the Class suffered a concrete injury in fact,  
19 whether tangible or intangible, that is directly traceable to Defendant’s conduct, and  
20 is likely to be redressed by a favorable decision in this action.

21 4. Plaintiff seeks an injunction stopping Defendant from making  
22 unsolicited phone calls, as well as an award of statutory damages under the TCPA,  
23 together with costs and reasonable attorneys’ fees.

24 **JURISDICTION AND VENUE**

25 1. This Court has federal question subject matter jurisdiction under 28 U.S.C. §  
26 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C.  
27 § 227 *et seq.*, a federal statute. *Mims v. Arrow Financial Services, LLC*, 132 S.Ct.  
28 740, 751-53 (2012); *Brill v. Countrywide Home Loans, Inc.*, 427 F.3d 446 (7th Cir.

1 2005). Subject matter jurisdiction over this action is further appropriate in this Court  
2 pursuant to 28 U.S.C. § 1332(d)(2), because (i) at least one member of the putative  
3 Class is a citizen of a state different than Defendant, (ii) the amount in controversy  
4 exceeds \$5,000,000.00, exclusive of interest and costs, and (iii) none of the  
5 exceptions under that subsection apply to this action. Further, Plaintiff alleges a  
6 national class, which will result in at least one class member belonging to a different  
7 state than that of the Defendant, providing jurisdiction under 28 U.S.C. §  
8 1332(d)(2)(A). Therefore, both elements of diversity jurisdiction under the Class  
9 Action Fairness Act of 2005 (“CAFA”) are present, and this Court has jurisdiction.

10 5. The Court has personal jurisdiction over Defendant and venue is proper  
11 in this District because Defendant transacts significant amounts of business within  
12 this District.

13 6. Personal jurisdiction over Defendant is also proper in this District  
14 because Defendant, at all times herein mentioned, was doing business in the County  
15 of San Diego, State of California, and a substantial part of the events giving rise to  
16 the claim, mainly Plaintiff’s receipt of the offending calls, occurred in this  
17 jurisdiction.

18 **PARTIES**

19 7. Plaintiff is, and at all times mentioned was, a resident of the State of  
20 California, County of San Diego. He is, and at all times mentioned herein, was a  
21 “person” as defined by 47 U.S.C. § 153 (39).

22 8. Defendant is a collection company incorporated in Delaware that  
23 maintains its principal place of business at 4850 East Street Road, Suite 300, Trevoise  
24 PA 19053. Defendant is a “person” as defined by 47 U.S.C. § 153 (39). Defendant  
25 also maintains an office location in San Diego County at 6160 Mission Gorge Road  
26 #300, San Diego, CA 92120.

1 9. Plaintiff alleges that at all times relevant herein Defendant conducted  
2 business in the state of California and in the County of San Diego, and within this  
3 judicial district.

4 **THE TELEPHONE CONSUMERS PROTECTION ACT OF 1991 (“TCPA”)**

5 **47 U.S.C. §§ 227 et seq.**

6 10. In 1991, Congress enacted the Telephone Consumer Protection Act, 47  
7 U.S.C. § 227 (TCPA),<sup>1</sup> in response to a growing number of consumer complaints  
8 regarding certain telemarketing practices.

9 11. The TCPA regulates, among other things, the use of automated  
10 telephone equipment, or “autodialers.” Specifically, the plain language of section  
11 227(b)(1)(A)(iii) prohibits the use of autodialers to make any call to a wireless  
12 number in the absence of an emergency or the prior express consent of the called  
13 party.<sup>2</sup>

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

21  
22  
23 

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<sup>1</sup> Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394  
24 (1991), codified at 47 U.S.C. § 227 (TCPA). The TCPA amended Title II of the  
25 Communications Act of 1934, 47 U.S.C. §§ 201 *et seq.*

26 <sup>2</sup> 47 U.S.C. § 227(b)(1)(A)(iii).

27 <sup>3</sup> *In Rules and Regulations Implementing the Telephone Consumer Protection Act of*  
28 *1991*, Report and Order, 18 FCC Rcd. 14014 (FCC July 3, 2003).

1           13. On January 4, 2008, the FCC released a Declaratory Ruling wherein it  
 2 confirmed that autodialed and prerecorded message calls to a wireless number by a  
 3 creditor (or on behalf of a creditor) are permitted only if the calls are made with the  
 4 “prior express consent” of the called party.<sup>4</sup> The FCC “emphasize[d] that prior  
 5 express consent is deemed to be granted only if the wireless number was provided  
 6 by the consumer to the creditor, and that such number was provided during the  
 7 transaction that resulted in the debt owed.”<sup>5</sup>

8           14. On July 10, 2015 the FCC released a Declaratory Ruling wherein it was  
 9 confirmed that even if a consumer originally did provide “prior express consent” that  
 10 caller has a right to revoke consent, using any reasonable method, including orally  
 11 or in writing.<sup>6</sup>

**FACTUAL ALLEGATIONS**

12  
 13           15. Defendant is “a leading provider of receivables management and  
 14 contact center solutions.” See [https://www.allianceoneinc.com/Welcome/services-](https://www.allianceoneinc.com/Welcome/services-solutions)  
 15 solutions (last visited on February 26, 2018).

16           16. Defendant “provides a complete range of collection services and  
 17 contact center solutions.” See [https://www.allianceoneinc.com/Welcome/services-](https://www.allianceoneinc.com/Welcome/services-solutions)  
 18 solutions (last visited on February 26, 2018).

19           17. In an effort to collect on debts, Defendant has made thousands of  
 20 unsolicited phone calls to consumers nationwide.

21           18. Beginning no later than December of 2017, Plaintiff began receiving  
 22 unsolicited phone calls from Defendant, attempting to collect an alleged debt owed.  
 23

24 <sup>4</sup> *In Rules and Regulations Implementing the Telephone Consumer Protection Act of*  
 25 *1991* (“2008 FCC Ruling”), 23 FCC Rcd. 559, 2008 WL 65485 (FCC 2008).

26 <sup>5</sup> *2008 FCC Ruling*, 23 FCC Rcd. at 564-65 (¶ 10).

27 <sup>6</sup> *In Rules and Regulations Implementing the Telephone Consumer Protection Act of*  
 28 *1991*, 30 FCC Rcd. 7996, 2015 WL 4387780 (FCC July 10, 2015).

1           19. Plaintiff never provided Defendant his cellular number or consent to  
2 contact him on his cellular number, and in fact had revoked any alleged consent to  
3 contact him on his cellphone.

4           20. Specifically, on December 27, 2017 and January 12, 2018, Defendant  
5 called Plaintiff on his cellular telephone. On both occasions there was a long delay  
6 when Plaintiff answered and Plaintiff had to say “hello” repeatedly before a  
7 representative responded.

8           21. Again on January 18, 2018, Defendant called Plaintiff of his cellular  
9 telephone and again there was a long delay when Plaintiff answered. The parties  
10 spoke for roughly three minutes during which time Plaintiff informed Defendant he  
11 was filing bankruptcy. Plaintiff told Defendant to stop calling him on his cellular  
12 phone and informed that he had an attorney.

13           22. Nevertheless, on February 9, 2018, Defendant again called Plaintiff on  
14 his cellular telephone and there was a long delay when Plaintiff answered.

15           23. For each unsolicited phone call from Defendant, the number that  
16 showed up on Plaintiff’s caller identification was 877-541-8420. For each call  
17 Plaintiff experienced a prolonged silence and delays prior to being connected to a  
18 live representative.

19           24. These unsolicited phone calls placed to Plaintiff’s wireless telephone  
20 were placed via an “automatic telephone dialing system,” (“ATDS”) as defined by  
21 47 U.S.C. § 227 (a)(1) or by using “an artificial or prerecorded voice” system as  
22 prohibited by 47 U.S.C. § 227 (b)(1)(A), which had the capacity to produce or store  
23 numbers randomly or sequentially, and to dial such numbers, to place telephone calls  
24 to Plaintiff’s cellular telephone.

25           25. The TCPA was intended to give individuals control over how and  
26 where they receive calls. When Defendant places the phone calls to consumers  
27 without their consent, it fails to address or respect the limitations imposed by the  
28

1 TCPA. In doing so, it takes control away from the consumers and violates both the  
2 spirit and the letter of the TCPA.

3 26. The telephone number that Defendant, or its agents, called was assigned  
4 to a cellular telephone service for which Plaintiff incurred a charge for incoming  
5 calls pursuant to 47 U.S.C. § 227 (b)(1).

6 27. These telephone calls constitute calls that were not for emergency  
7 purposes as defined by 47 U.S.C. § 227(b)(1)(A)(i).

8 28. Plaintiff did not provide Defendant or its agents prior express consent  
9 to receive unsolicited phone calls pursuant to 47 U.S.C. § 227 (b)(1)(A) and/or had  
10 revoked any alleged prior express consent.

11 29. These telephone calls by Defendant or its agents therefore violated 47  
12 U.S.C. § 227(b)(1).

13 30. Under the TCPA and pursuant to the FCC's January 2008 Declaratory  
14 Ruling, the burden is on Defendant to demonstrate that Plaintiff provided express  
15 consent within the meaning of the statute.

16 **CLASS ACTION ALLEGATIONS**

17 31. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure  
18 23(b)(2) and 23(b)(3) on behalf of himself and on behalf of and all others similarly  
19 situated ("the Class").

20 32. Plaintiff represents, and is a member of the Class, consisting of all  
21 persons within the United States who received any unsolicited telephone calls from  
22 Defendant or its agents on their cellular telephones through the use of any automatic  
23 telephone dialing system or artificial or pre-recorded voice system as set forth in 47  
24 U.S.C. § 227(b)(1)(A)(3), which telephone calls by Defendant or its agents were not  
25 made for emergency purposes or with the recipients' prior express consent, within  
26 four years prior to the filing of this Complaint through the date of final approval.

27 33. Defendant and its employees or agents are excluded from the Class.  
28 Plaintiff does not know the number of members in the Class, but believes the Class



1 members number in the hundreds of thousands, if not more. Thus, this matter should  
2 be certified as a Class action to assist in the expeditious litigation of this matter.

3 34. Plaintiff and members of the Class were harmed by the acts of  
4 Defendant in at least the following ways: Defendant, either directly or through its  
5 agents, illegally contacted Plaintiff and the Class members via their cellular  
6 telephones by using unsolicited telephone calls, thereby causing Plaintiff and the  
7 Class members to incur certain cellular telephone charges or reduce cellular  
8 telephone time for which Plaintiff and the Class members previously paid, and  
9 invading the privacy of said Plaintiff and the Class members. Plaintiff and the Class  
10 members were damaged thereby.

11 35. This suit seeks only statutory damages and injunctive relief on behalf  
12 of the Class and it expressly is not intended to request any recovery for personal  
13 injury and claims related thereto. Plaintiff reserves the right to expand the Class  
14 definition to seek recovery on behalf of additional persons as warranted as facts are  
15 learned in further investigation and discovery.

16 36. The joinder of the Class members is impractical and the disposition of  
17 their claims in the Class action will provide substantial benefits both to the parties  
18 and to the Court. The Class can be identified through Defendant's records or  
19 Defendant's agents' records.

20 37. There is a well-defined community of interest in the questions of law  
21 and fact involved affecting the parties to be represented. The questions of law and  
22 fact to the Class predominate over questions which may affect individual Class  
23 members, including the following:

- 24 a. Whether, within the four years prior to the filing of this Complaint  
25 through the date of final approval, Defendant or its agents placed  
26 telephone calls without the recipients' prior express consent (other  
27 than a telephone call made for emergency purposes or made with the  
28 prior express consent of the called party) to a Class member using any



1 automatic telephone dialing system or an artificial or prerecorded  
2 voice system, to any telephone number assigned to a cellular  
3 telephone service;

4 b. Whether the equipment Defendant, or its agents, used to make the  
5 telephone calls in question was an automatic telephone dialing system  
6 as contemplated by the TCPA;

7 c. Whether Defendant, or its agents, systematically made telephone calls  
8 to persons featuring an artificial or prerecorded voice;

9 d. Whether Defendant, or its agents, systematically made telephone calls  
10 to persons who did not previously provide Defendant with their prior  
11 express consent to receive such telephone calls;

12 e. Whether Plaintiff and the Class members were damaged thereby, and  
13 the extent of damages for such violation; and

14 f. Whether Defendant and its agents should be enjoined from engaging  
15 in such conduct in the future.

16 38. As a person that received at least one unsolicited telephone call to his  
17 cell phone without Plaintiff's prior express contest, Plaintiff is asserting claims that  
18 are typical of the Class. Plaintiff will fairly and adequately represent and protect the  
19 interests of the Class in that Plaintiff has no interest antagonistic to any member of  
20 the Class.

21 39. Plaintiff and the members of the Class have all suffered irreparable  
22 harm as a result of the Defendant's unlawful and wrongful conduct. Absent a class  
23 action, the Class will continue to face the potential for irreparable harm. In addition,  
24 these violations of law will be allowed to proceed without remedy and Defendant  
25 will likely continue such illegal conduct. Because of the size of the individual Class  
26 member's claims, few, if any, Class members could afford to individually seek legal  
27 redress for the wrongs complained of herein.

28

1 40. Plaintiff has retained counsel experienced in handling class action  
2 claims and claims involving violations of the Telephone Consumer Protection Act.

3 41. A class action is a superior method for the fair and efficient adjudication  
4 of this controversy because joinder of all parties is impracticable. Class-wide  
5 damages are essential to induce Defendant to comply with federal law. The interest  
6 of Class members in individually controlling the prosecution of separate claims  
7 against Defendant is small because the maximum statutory damages in an individual  
8 action for violation of privacy are minimal, especially given the burden and expense  
9 of individual prosecution of the complex litigation necessitated by Defendant's  
10 actions. Thus, it would be virtually impossible for the individual members of the  
11 Class to obtain effective relief from Defendant's misconduct. Even if members of  
12 the Class could sustain such individual litigation, it would still not be preferable to  
13 a class action, because individual litigation would increase the delay and expense to  
14 all parties due to the complex legal and factual controversies presented in this  
15 Complaint. By contrast, a class action presents far fewer management difficulties  
16 and provides the benefits of single adjudication, economy of scale, and  
17 comprehensive supervision by a single Court. Economies of time, effort and expense  
18 will be fostered and uniformity of decisions ensured.

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

22 **COUNT 1**

23 **NEGLIGENT VIOLATIONS OF THE TCPA**

24 **47 U.S.C. §§ 227 ET SEQ.**

25 43. Plaintiff incorporates by reference all of the above paragraphs of this  
26 Complaint as though fully stated herein.

27 44. Each such telephone call was made using equipment that, upon  
28 information and belief, had the capacity to store or produce telephone numbers to be

1 called, using a random or sequential number generator, and to dial such numbers.  
2 By using such equipment, Defendant was able to effectively make thousands of  
3 phone calls simultaneously to lists of thousands of wireless phone numbers of  
4 consumers without human intervention.

5 45. The foregoing acts and omissions of Defendant and its agents constitute  
6 numerous and multiple negligent violations of the TCPA, including but not limited  
7 to each and every one of the above-cited provisions of 47 U.S.C. § 227 *et seq.*

8 46. As a result of Defendant's, and Defendant's agents', negligent  
9 violations of 47 U.S.C. § 227 *et seq.*, Plaintiff and the Class are entitled to an award  
10 of \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C.  
11 § 227(b)(3)(B).

12 47. Plaintiff and the Class are also entitled to and seek injunctive relief  
13 prohibiting such conduct in the future.

14 **COUNT 2**

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

16 **47 U.S.C. §§ 227 *ET SEQ.***

17 48. Plaintiff incorporates by reference paragraphs 1-39 of this Complaint  
18 as though fully stated herein.

19 49. Each such telephone call was made using equipment that, upon  
20 information and belief, had the capacity to store or produce telephone numbers to be  
21 called, using a random or sequential number generator, and to dial such numbers.  
22 By using such equipment, Defendant was able to effectively make thousands of  
23 phone calls simultaneously to lists of thousands of wireless phone numbers of  
24 consumers without human intervention.

25 50. The foregoing acts and omissions of Defendant constitutes numerous  
26 and multiple knowing and/or willful violations of the TCPA, including but not  
27 limited to each and every one of the above-cited provisions of 47 U.S.C. §§ 227 *et*  
28 *seq.*

1 51. As a result of Defendant's knowing and/or willful violations of 47  
2 U.S.C. § 227 *et seq.*, Plaintiff and the Class are entitled to treble damages, as  
3 provided by statute, up to \$1,500.00, for each and every violation, pursuant to 47  
4 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

5 52. Plaintiff and the Class are also entitled to and seek injunctive relief  
6 prohibiting such conduct in the future.

7 **PRAYER FOR RELIEF**

8 Wherefore, Plaintiff respectfully requests the Court to grant Plaintiff and the  
9 Class members the following relief against Defendant:

10 **FIRST COUNT FOR NEGLIGENT VIOLATION OF THE TCPA**

11 **47 U.S.C. §§ 227 *ET SEQ.***

12 53. As a result of Defendant's, and Defendant's agents', negligent  
13 violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks for himself and each Class  
14 member \$500.00 in statutory damages, for each and every violation, pursuant to 47  
15 U.S.C. § 227(b)(3)(B).

16 54. Pursuant to 47 U.S.C. § 227(b)(3)(A), Plaintiff seeks injunctive relief  
17 prohibiting such conduct in the future.

18 **SECOND COUNT FOR KNOWING AND/OR WILLFUL VIOLATION OF THE TCPA**

19 **47 U.S.C. §§ 227 *ET SEQ.***

20 55. As a result of Defendant's, and Defendant's agents', willful and/or  
21 knowing violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks for himself and each  
22 Class member treble damages, as provided by statute, up to \$1,500.00 for each and  
23 every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

24 56. Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such  
25 conduct in the future.

26 \* \* \*

1 57. An order certifying the Class as defined above, appointing Plaintiff  
2 D'Anthony Early-Riley as a Class Representative, and appointing Ronald A. Marron  
3 of the Law Offices of Ronald A. Marron as Class Counsel.

4 58. An award of reasonable attorneys' fees (in the event of a class recovery)  
5 and costs.

6 59. Any other relief the Court may deem reasonable, just and proper.

7 **JURY DEMAND**

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

9 \* \* \*

10 **DOCUMENT PRESERVATION DEMAND**

11 Plaintiff hereby demands that Defendant take affirmative steps to preserve all  
12 recordings, data, emails, documents and all other tangible things that relate to the  
13 allegations herein, Plaintiff or the putative class members, or the making of  
14 telephone calls, the events described herein, any third party associated with any  
15 telephone call, campaign, account, sale or file associated with Plaintiff or the account  
16 in question, and any account or number or symbol relating to any of them. These  
17 materials are very likely relevant to the litigation of this claim. If Defendant is aware  
18 of any third party that has possession, custody or control of any such materials,  
19 Plaintiff demands that Defendant request that such third party also take steps to  
20 preserve the materials, and notify the undersigned of the circumstances immediately  
21 so that counsel may take appropriate action. This demand shall not narrow the scope  
22 of any independent document preservation duties of Defendant.

23  
24 Dated: February 26, 2018

s/ Ronald A. Marron

25 By: Ronald A. Marron  
26 ron@consumersadvocates.com

27 **LAW OFFICES OF RONALD A.  
MARRON**  
28 RONALD A. MARRON  
ALEXIS WOOD

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*Attorneys for Plaintiff  
and the Proposed Class*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
D'ANTHONY EARLY-RILEY, on behalf of himself, and all others similarly situated,

DEFENDANTS
ALLIANCE ONE RECEIVABLES MANAGEMENT, INC.

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

County of Residence of First Listed Defendant Bucks County, PA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'18CV0432 BEN WVG'

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 and business location. Includes categories like Citizen of This State, Citizen of Another State, and Foreign Nation.

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

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

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. §§ 227 et seq.
Brief description of cause: Telephone Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Dana M. Sabraw

DOCKET NUMBER 3:18-cv-00345

DATE

02/26/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ Ronald A. Marron

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [AllianceOne Pegged with TCPA Suit Over Allegedly Illegal Debt Collection Calls](#)

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