

1 Amanda F. Benedict, Ca. Bar No. 200291  
LAW OFFICE OF AMANDA F. BENEDICT  
2 7710 Hazard Center Dr., Ste E-104  
San Diego, CA 92108  
3 Telephone: (760) 822-1911  
Facsimile: (760) 452-7560  
4 [amanda@amandabenedict.com](mailto:amanda@amandabenedict.com)

5 Stefan Coleman\* Fl. Bar No. 30188  
LAW OFFICES OF STEFAN COLEMAN, P.A.  
6 201 S. Biscayne Blvd, 28<sup>th</sup> Floor  
Miami, FL 33131  
7 Telephone: (877) 333-9427  
Facsimile: (888) 498-8946  
8 [law@stefancoleman.com](mailto:law@stefancoleman.com)

9 Avi R. Kaufman\* Fl. Bar No. 84382  
KAUFMAN P.A.  
10 400 NW 26<sup>th</sup> Street  
Miami, FL 33127  
11 Telephone: (305) 469-5881  
[kaufman@kaufmanpa.com](mailto:kaufman@kaufmanpa.com)  
12

13 **IN THE UNITED STATES DISTRICT COURT**  
14 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

16 **ANN FELLOWS**, individually, and on behalf  
of all others similarly situated,

17 *Plaintiff,*

18 v.

19 **BRIDGEPOINT EDUCATION, INC.**, a  
20 Delaware corporation,

21 *Defendant.*

Case No. '18CV2465 AJB WVG

**CLASS ACTION COMPLAINT**  
**DEMAND FOR JURY TRIAL**

22  
23 **CLASS ACTION COMPLAINT**

24 Plaintiff Ann Fellows (“Fellows” or “Plaintiff”) brings this Class Action Complaint against  
25 Defendant Bridgepoint Education, Inc. (“Bridgepoint” or “Defendant Bridgepoint”) to stop  
26 Defendant from violating the Telephone Consumer Protection Act (“TCPA”) by making  
27 unsolicited, autodialed calls to consumers without their consent, including calls to consumers whose  
28 telephone numbers are registered on the National Do Not Call registry (“DNC”), and to obtain

1 injunctive and monetary relief for all persons injured by Defendant’s conduct. Plaintiff, for her  
2 Complaint, alleges as follows upon personal knowledge as to herself and her own acts and  
3 experiences, and, as to all other matters, upon information and belief, including investigation  
4 conducted by her attorneys.

5 **INTRODUCTION**

6 1. Bridgepoint is a for-profit education services company which owns and operates the  
7 University of the Rockies and Ashford University.<sup>1</sup>

8 2. Bridgepoint controls and manages calls to consumers on behalf of the University of  
9 the Rockies and Ashford University.

10 3. Bridgepoint strongly pushes its telemarketers, otherwise known as “enrollment  
11 counselors,” to hit their enrollment numbers that will ensure profitability for these universities.  
12 Chief among the telemarketing methods is using an autodialer system.

13 4. In Plaintiff’s case, Defendant placed 19 unsolicited, autodialed calls to her cellular  
14 phone, despite Plaintiff having her phone number registered with the National Do Not Call registry  
15 to prevent such calls, and despite Plaintiff’s clear request for the telemarketing calls to stop.

16 5. In response to these calls, Plaintiff files this lawsuit seeking injunctive relief,  
17 requiring Defendant to cease placing unsolicited calls to consumers’ cellular telephone numbers  
18 using an automatic telephone dialing system without consent and otherwise calling telephone  
19 numbers registered on the DNC, as well as an award of statutory damages to the members of the  
20 Classes and costs.

21 **PARTIES**

22 6. Plaintiff Fellows is an Erie, Pennsylvania resident.

23 7. Defendant Bridgepoint is a Delaware corporation headquartered in San Diego,  
24 California. Defendant Bridgepoint conducts business throughout this District, the State of  
25 California, and throughout the United States.

26 ///

27 \_\_\_\_\_  
28 <sup>1</sup> <http://bridgepointeducation.com/aboutus/mission.htm>

**JURISDICTION AND VENUE**

1  
2 8. This Court has federal question subject matter jurisdiction over this action under 28  
3 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C. §227  
4 (“TCPA”).

5 9. This Court has personal jurisdiction over Defendant and venue is proper in this  
6 District under 28 U.S.C. § 1391(b) because Defendant Bridgepoint is headquartered in this District,  
7 and because the wrongful conduct giving rise to this case was directed from this District.

8 **COMMON ALLEGATIONS**

9 **Bridgepoint makes telemarketing calls to consumers to promote the University of the Rockies**  
10 **and Ashford University**

11 10. Bridgepoint uses a variety of methods to generate leads for prospective students for  
12 their universities.<sup>2</sup>

13 11. Bridgepoint employs telemarketers a/k/a enrollment counselors, to call these leads to  
14 solicit them to enroll in one of their for-profit universities.

15 12. Bridgepoint owns and operates a call center where they use “call campaigns” and run  
16 “dialer jobs on new and existing student populations” to enroll new students in Ashford University  
17 and/or the University of the Rockies.<sup>3</sup>

18 13. Bridgepoint places great pressure upon its “enrollment counselors” to enroll students  
19 based on sales goals and metrics. There are numerous complaints online regarding Bridgepoint’s  
20 questionable recruiting tactics posted by current and former Bridgepoint employees about the  
21 pressure that is placed upon them to reach these sales quotas.<sup>4, 5</sup>

22 ///

23 ///

24  
25 \_\_\_\_\_

26 <sup>2</sup> <https://bridgepointeducation.jobs/san-diego-ca/senior-manager-digital-marketing/FD260E5FF37043D4B9A150B999BBA424/job/>

27 <sup>3</sup> <https://bridgepointeducation.jobs/san-diego-ca/contact-center-analyst/4C773E66CE984FABAEAD7AD920CC77D9/job/>

28 <sup>4</sup> <https://bridgepointeducation.jobs/san-diego-ca/senior-manager-digital-marketing/FD260E5FF37043D4B9A150B999BBA424/job/>

<sup>5</sup> <https://www.courthousenews.com/wp-content/uploads/2017/11/Ashford-Bridgepoint-COMPLAINT-Calif.pdf>

1 **Bridgepoint Calls Consumers Using an Autodialer Without Consent**

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

7 15. Yet in violation of this rule, Defendant fails to obtain any express written consent  
8 prior to making autodialed solicitation calls to cellular telephone numbers such as Plaintiff’s.

9 16. In placing the calls that form the basis of this Complaint, Defendant utilized an  
10 automatic telephone dialing system (“ATDS” or “autodialer”) in violation of the TCPA.  
11 Specifically, the hardware and software used by Defendant has the capacity to generate and store  
12 random numbers, and/or receive and store lists of telephone numbers, and to dial such numbers, *en*  
13 *masse*, in an automated fashion without human intervention. Defendant’s automated dialing  
14 equipment also is, or includes features substantially similar to, a predictive dialer, meaning that it is  
15 capable of making numerous phone calls simultaneously and automatically connecting answered  
16 calls to then available callers and disconnecting the rest (all without human intervention).

17 17. Bridgepoint expressly admits it contacts consumers using an autodialer, including in  
18 job postings.<sup>6, 7</sup>

19 18. It is no surprise that consumers have complained about the incessant and unyielding  
20 calls from Bridgepoint:

- 21 • “For the past 2 weeks they have been spamming me with calls from different numbers that  
22 are local to me. I’m talking 4 calls a day with 0 messages. How do I know it’s them? I called  
23 back one day and sure enough it was University of the Rockies. I find it hard to believe that  
24 a respected institution would stoop so low as to spam call someone that is not interested.”<sup>8</sup>

25  
26  
27 <sup>6</sup> [https://bridgepointeducation3.wd5.myworkdayjobs-impl.com/Bridgepoint\\_External/job/San-Diego-CA/Student-Inquiry-Coordinator\\_R18-0171-2](https://bridgepointeducation3.wd5.myworkdayjobs-impl.com/Bridgepoint_External/job/San-Diego-CA/Student-Inquiry-Coordinator_R18-0171-2)

28 <sup>7</sup> <https://www.ziprecruiter.com/c/Bridgepoint-Education/Job/Contact-Center-Analyst/-in-San-Diego,CA?ojob=f2906af22a8bb3fd2d56db273923003b>

<sup>8</sup> [https://www.facebook.com/pg/UniversityoftheRockies/reviews/?ref=page\\_internal](https://www.facebook.com/pg/UniversityoftheRockies/reviews/?ref=page_internal)

- 1 • “They [have] called me multiple times even after I asked them to take my number away[.]”<sup>9</sup>
- 2 • “I got rocky mtn....they thanked me for selecting them for my edu., even though I did not
- 3 solicit them...”<sup>10</sup>
- 4 • “They call me and when i answer they hang up”<sup>11</sup>
- 5 • “Calls multiple times a week and leaves no message.”<sup>12</sup>“The number keeps calling me each
- 6 week.”<sup>13</sup>

### 7 PLAINTIFF’S ALLEGATIONS

#### 8 **Bridgepoint Repeatedly Called Plaintiff’s Cell Phone Number Without Plaintiff’s Consent,**

#### 9 **Despite Plaintiff Registering Her Phone Number on the DNC and Despite Plaintiff Requesting**

#### 10 **For the Calls To Stop**

11

12 19. On October 1, 2015, Plaintiff registered her cellular telephone number on the

13 National Do Not Call Registry.

14 20. On December 5, 2016 at 4:58 pm, Plaintiff received an autodialed phone call from

15 Defendant using phone number 844-860-6556 to her cellular phone.

16 21. Again on December 5, 2016 at 4:59 pm, just one minute after the previous call,

17 Plaintiff received an autodialed call from Defendant to her cellular phone, this time using phone

18 number 866-621-0124.

19 22. Plaintiff received a third call on December 5, 2016 from Defendant using an

20 autodialer at 6:19 pm, using phone number 240-745-4300.

21 23. None of the December 5, 2016 calls were answered.

22 24. On December 6, 2016 at 12:22 pm, Plaintiff called Defendant at phone number 240-

23 745-4300 to find out who was calling her. The call was answered and the company identified itself

24 as being the University of the Rockies.

25

26

---

27 <sup>9</sup> *id*

<sup>10</sup> <https://800notes.com/Phone.aspx/1-844-860-6556>

28 <sup>11</sup> *id*

<sup>12</sup> *id*

<sup>13</sup> <http://numberrecords.com/8666210124.tel>

1           25.     Plaintiff received a fourth call on December 6, 2016 at 2:31pm from Defendant using  
2 phone number 240-745-4300.

3           26.     Additional calls came in from Defendant on December 8, 2016 at 1:26 pm and  
4 December 12, 2016 at 10:51 am. For both calls, Defendant called using phone number 866-621-  
5 0124.

6           27.     Plaintiff received yet another call from Defendant to her cellular phone on December  
7 14, 2016 at 11:06 am. During this call, Defendant left a voicemail stating, “This is Julie with  
8 University of the Rockies. I can be reached at 866-621-0124 extension 15515.”

9           28.     On December 16, 2016 at 4:02 pm, Plaintiff received an autodialed call on her  
10 cellular phone from Defendant using phone number 866-621-0124. Plaintiff answered this call,  
11 noting that there was a significant pause upon answering before a live agent named Krista began to  
12 speak. A notable pause before a live agent is indicative of a call being made by an autodialer. The  
13 plaintiff told Krista that she wanted the calls stopped and repeated her cell phone number so there  
14 would be no confusion about which number Defendant should stop calling.

15           29.     Despite asking for the calls to stop, Plaintiff received additional unwanted autodialed  
16 calls from Defendant to her cellular phone using phone number 866-621-0124 on the following  
17 dates and times:

- 18       • December 19, 2016 at 11:36 am
- 19       • December 28, 2016 at 4:49 pm
- 20       • December 30, 2016 at 11:30 am
- 21       • January 3, 2017 at 1:46 pm
- 22       • January 12, 2017 at 1:52 pm
- 23       • January 19, 2017 at 4:16 pm
- 24       • February 17, 2017
- 25       • March 13, 2017 at 6:39 pm
- 26       • April 26, 2017 at 2:37 pm
- 27       • June 15, 2017 at 2:00 pm
- 28       • October 13, 2017 at 3:08 pm

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

30. In total, Plaintiff received at least 19 unsolicited, autodialed calls to her cellular phone from Defendant, and at least 11 calls after Plaintiff asked for the calls to stop.

31. Plaintiff does not have a relationship with Bridgepoint, nor has she ever requested that Bridgepoint call her.

32. Simply put, Bridgepoint did not obtain Plaintiff's prior express written consent to place solicitation telephone calls to her on her cellular telephone using an autodialer, or to otherwise call her number that was registered on the DNC.

33. The unauthorized telephone calls made by Bridgepoint, as alleged herein, have harmed Plaintiff in the form of annoyance, nuisance, and invasion of privacy, and disturbed Fellows' use and enjoyment of her phone, in addition to the wear and tear on the phones' hardware (including the phones' battery) and the consumption of memory on the phone.

34. Seeking redress for these injuries, Fellows, on behalf of herself and Classes of similarly situated individuals, brings suit under the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, which prohibits unsolicited autodialed telephone calls to cellular telephones and unsolicited calls to telephone numbers registered on the DNC.

**CLASS ALLEGATIONS**

**Class Treatment Is Appropriate for Plaintiff's TCPA Claims Arising From Calls Made by Defendant**

35. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23(b)(2) and Rule 23(b)(3) on behalf of the following four Classes:

**Autodialed No Consent Class:** All persons in the United States who from four years prior to the filing of this action through the present (1) Defendant (or an agent acting on behalf of Defendant) called, (2) on the person's cellular telephone, (3) using the same equipment used to call Plaintiff, and (4) for whom Defendant claims (a) they obtained prior express written consent in the same manner as Defendant claims they obtained prior express written consent to call Plaintiff, or (b) Defendant did not obtain prior express written consent.

**Autodialed Stop Class:** All persons in the United States who from four years prior to the filing of this action through the present: (1) Defendant (or an agent acting on behalf of Defendant) called, (2) on the person's cellular telephone, (3) using the same equipment used to call Plaintiff, (4) after the person informed Defendant that s/he no longer wished to receive phone calls from Defendant.

1        **Do Not Call Registry Class:** All persons in the United States who from four years  
2 prior to the filing of this action through the present: (1) Defendant (or an agent acting  
3 on behalf of Defendant) called more than one time, (2) within any 12-month period,  
4 (3) where the person's telephone number had been listed on the National Do Not  
5 Call Registry for at least thirty days, (4) for the purpose of selling products and/or  
6 services, and (5) for whom Defendant claims (a) they obtained prior express written  
7 consent in the same manner as Defendant claims they obtained prior express written  
8 consent to call Plaintiff, or (b) Defendant did not obtain prior express written  
9 consent.

6        **Do Not Call Stop Class:** All persons in the United States who from four years prior  
7 to the filing of this action through the present: (1) Defendant (or an agent acting on  
8 behalf of Defendant) called more than one time, (2) within any 12-month period, (3)  
9 for the purpose of selling products and/or services, (4) at least thirty days after the  
10 person had previously informed Defendant to stop calling.

9        36.        The following individuals are excluded from the Classes: (1) any Judge or  
10 Magistrate presiding over this action and members of their families; (2) Defendant, their  
11 subsidiaries, parents, successors, predecessors, and any entity in which Defendant or its parents  
12 have a controlling interest and their current or former employees, officers and directors; (3)  
13 Plaintiff's attorneys; (4) persons who properly execute and file a timely request for exclusion from  
14 the Classes; (5) the legal representatives, successors or assigns of any such excluded persons; and  
15 (6) persons whose claims against Defendant have been fully and finally adjudicated and/or released.  
16 Plaintiff anticipates the need to amend the Class definitions following appropriate discovery.

17        37.        **Numerosity:** On information and belief, there are hundreds, if not thousands of  
18 members of the Classes such that joinder of all members is impracticable.

19        38.        **Commonality and Predominance:** There are many questions of law and fact  
20 common to the claims of Plaintiff and the Classes, and those questions predominate over any  
21 questions that may affect individual members of the Classes. Common questions for the Classes  
22 include, but are not necessarily limited to the following:

- 23                    (a) whether Defendant utilized an automatic telephone dialing system to make calls  
24                    to Plaintiff and the members of the Classes;
- 25                    (b) whether the Defendant systematically made multiple telephone calls to Plaintiff  
26                    and consumers whose telephone numbers were registered with the National Do  
27                    Not Call Registry;
- 28                    (c) whether the Defendant made autodialed telephone calls to Plaintiff and members  
of the Classes without first obtaining prior express written consent to make the  
calls;



1  
2 (d) whether the Defendant made autodialed telephone calls to Plaintiff and members  
of the Classes despite being asked to stop calling;

3  
4 (e) whether the Defendant made telephone calls to Plaintiff and consumers whose  
telephone numbers were registered with the National Do Not Call Registry more  
than 31 days after being asked to stop calling;

5  
6 (f) whether Defendant's conduct constitutes a violation of the TCPA; and

7  
8 (g) whether members of the Classes are entitled to treble damages based on the  
willfulness of Defendant's conduct.

9 39. **Adequate Representation:** Plaintiff will fairly and adequately represent and protect  
10 the interests of the Classes, and has retained counsel competent and experienced in class actions.  
11 Plaintiff has no interests antagonistic to those of the Classes, and the Defendant has no defenses  
12 unique to Plaintiff. Plaintiff and her counsel are committed to vigorously prosecuting this action on  
13 behalf of the members of the Classes, and have the financial resources to do so. Neither Plaintiff nor  
14 her counsel has any interest adverse to the Classes.

15 40. **Appropriateness:** This class action is also appropriate for certification because the  
16 Defendant has acted or refused to act on grounds generally applicable to the Classes and as a whole,  
17 thereby requiring the Court's imposition of uniform relief to ensure compatible standards of conduct  
18 toward the members of the Classes and making final class-wide injunctive relief appropriate.  
19 Defendant's business practices apply to and affect the members of the Classes uniformly, and  
20 Plaintiff's challenge of those practices hinges on Defendant's conduct with respect to the Classes as  
21 wholes, not on facts or law applicable only to Plaintiffs. Additionally, the damages suffered by  
22 individual members of the Classes will likely be small relative to the burden and expense of  
23 individual prosecution of the complex litigation necessitated by Defendant's actions. Thus, it would  
24 be virtually impossible for the members of the Classes to obtain effective relief from Defendant's  
25 misconduct on an individual basis. A class action provides the benefits of single adjudication,  
26 economies of scale, and comprehensive supervision by a single court. Economies of time, effort,  
27 and expense will be fostered and uniformity of decisions will be ensured.

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FIRST CAUSE OF ACTION**  
**Telephone Consumer Protection Act**  
**(Violations of 47 U.S.C. § 227)**  
**(On Behalf of Plaintiff and the Autodialed No Consent Class)**

41. Plaintiff repeats and realleges paragraphs 1 through 40 of this Complaint and incorporates them by reference herein.

42. Defendant and/or their agents made unwanted solicitation telephone calls to cellular telephone numbers belonging to Plaintiff and the other members of the Autodialed No Consent Class using an autodialer.

43. These solicitation telephone calls were made *en masse* without the consent of the Plaintiff and the other members of the Autodialed No Consent Class to receive such solicitation telephone calls.

44. Defendant did not have consent from the Plaintiff to call her.

45. Defendant has, therefore, violated 47 U.S.C. § 227(b)(1)(A)(iii). As a result of Defendant’s conduct, Plaintiff and the other members of the Autodialed No Consent Class are each entitled to between \$500 and \$1,500 for each violation.

**SECOND CAUSE OF ACTION**  
**Telephone Consumer Protection Act**  
**(Violation of 47 U.S.C. § 227)**  
**(On Behalf of Plaintiff and the Autodialed Stop Class)**

46. Plaintiff repeats and realleges paragraphs 1 through 40 of this Complaint and incorporates them by reference herein.

47. Defendant and/or their agents made unwanted solicitation telephone calls to cellular telephone numbers belonging to Plaintiff and the other members of the Autodialed Stop Call Class after being told to stop calling.

48. These solicitation telephone calls were made *en masse*.

49. Defendant has, therefore, violated 47 U.S.C. § 227(b)(1)(A)(iii). As a result of Defendant’s conduct, Plaintiff and the other members of the Autodialed Stop Call Class are each entitled to between \$500 and \$1,500 for each violation.

///

**THIRD CAUSE OF ACTION**  
**Telephone Consumer Protection Act**  
**(Violation of 47 U.S.C. § 227)**  
**(On Behalf of Plaintiff and the Do Not Call Registry Class)**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

50. Plaintiff repeats and realleges the paragraphs 1 through 40 of this Complaint and incorporates them by reference herein.

51. The TCPA’s implementing regulation, 47 C.F.R. § 64.1200(c), provides that “[n]o person or entity shall initiate any telephone solicitation” to “[a] residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the federal government.”

52. 47 C.F.R. § 64.1200(e), provides that § 64.1200(c) and (d) “are applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers.”<sup>14</sup>

53. 47 C.F.R. § 64.1200(d) further provides that “[n]o person or entity shall initiate any call for telemarketing purposes to a residential telephone subscriber unless such person or entity has instituted procedures for maintaining a list of persons who request not to receive telemarketing calls made by or on behalf of that person or entity.”

54. Any “person who has received more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the regulations prescribed under this subsection may” may bring a private action based on a violation of said regulations, which were promulgated to protect telephone subscribers’ privacy rights to avoid receiving telephone solicitations to which they object. 47 U.S.C. § 227(c).

55. Defendant violated 47 C.F.R. § 64.1200(c) by initiating, or causing to be initiated, telephone solicitations to telephone subscribers such as Plaintiff and the Do Not Call Registry Class members who registered their respective telephone numbers on the National Do Not Call Registry, a

---

<sup>14</sup> *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014 (2003) Available at [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-03-153A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-03-153A1.pdf)

1 listing of persons who do not wish to receive telephone solicitations that is maintained by the  
2 federal government.

3 56. Defendant violated 47 U.S.C. § 227(c)(5) because Plaintiff and the Do Not Call  
4 Registry Class received more than one telephone call in a 12-month period made by or on behalf of  
5 Defendant in violation of 47 C.F.R. § 64.1200, as described above. As a result of Defendant’s  
6 conduct as alleged herein, Plaintiff and the Do Not Call Registry Class are entitled to between \$500  
7 and \$1,500 per violation.

8 **FOURTH CAUSE OF ACTION**  
9 **Telephone Consumer Protection Act**  
10 **(Violation of 47 U.S.C. § 227)**  
11 **(On Behalf of Plaintiff and the Do Not Call Registry Stop Class)**

12 57. Plaintiff incorporates by reference paragraphs 1 through 40 of this Complaint and  
13 incorporates them herein by reference.

14 58. Defendant violated 47 C.F.R. §64.1200 by initiating calls for telemarketing purposes  
15 to telephone subscribers such as Plaintiff and the Do Not Call Registry Stop Class who specifically  
16 informed Defendant to stop calling them, and who received two or more additional calls within a  
17 12-month period from Defendant at least thirty (30) days after informing Defendant to stop calling  
18 them.

19 59. Defendant made these calls without instituting procedures that comply with the  
20 regulatory minimum standards for maintaining a list of persons who request not to receive  
21 telemarketing calls from them.

22 60. As a result of Defendant’s unlawful conduct, Plaintiff and the Do Not Call Registry  
23 Stop Class suffered actual damages and, under section 47 U.S.C. § 227(c), Plaintiff and each  
24 member of the Do Not Call Registry Stop Class is each entitled to between \$500 and \$1,500 per  
25 violation.

26 **PRAYER FOR RELIEF**

27 **WHEREFORE**, Plaintiff, individually and on behalf of the Classes, prays for the following  
28 relief:

- 1 a) An order certifying the Classes as defined above; appointing Plaintiff as the representative
- 2 of the Classes; and appointing her attorneys as Class Counsel;
- 3 b) An award of actual and/or statutory damages and costs;
- 4 c) An order declaring that Defendant’s actions, as set out above, violate the TCPA;
- 5 d) An injunction requiring Defendant to cease all unsolicited calling activity, and to otherwise
- 6 protect the interests of the Classes; and
- 7 e) Such further and other relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff requests a jury trial.

Respectfully Submitted,

**ANN FELLOWS**, individually and on behalf  
of those similarly situated individuals

Dated: October 25, 2018

By: /s/ Amanda Benedict

Amanda Benedict  
Law Office of Amanda Benedict  
7710 Hazard Center Drive, Ste E104  
San Diego, CA 92108  
Telephone: (760) 822-1911  
amanda@amandabenedict.com

Stefan Coleman\*  
law@stefancoleman.com  
LAW OFFICES OF STEFAN COLEMAN, P.A.  
201 S. Biscayne Blvd, 28<sup>th</sup> Floor  
Miami, FL 33131  
Telephone: (877) 333-9427  
Facsimile: (888) 498-8946

Avi R. Kaufman\*  
kaufman@kaufmanpa.com  
KAUFMAN P.A.  
400 NW 26<sup>th</sup> Street  
Miami, FL 33127  
Telephone: (305) 469-5881

*Attorneys for Plaintiff and the putative Classes*

*\*Pro Hac Vice motion forthcoming*

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

ANN FELLOWS, individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Amanda Benedict, Law Office of Amanda Benedict, 7710 Hazard Center Drive, Ste E104, San Diego, CA 92108 | (760) 822-1911 amanda@amandabenedict.com

DEFENDANTS

BRIDGEPOINT EDUCATION, INC., a Delaware corporation,

County of Residence of First Listed Defendant San Diego County, CA (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

'18CV2465 AJB 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 (This State, Another State, Foreign Country).

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, HABES CORPUS, 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

Brief description of cause:

Violation of the 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

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

October 23, 2018

s/ Amanda Benedict

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Print

Save As...

Reset

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Bridgepoint Education Accused of Unlawful Telemarketing Practices](#)

---