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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 JOSHUA GAMEZ, individually, and on
behalf of all others similarly situated,

12 Plaintiff,

13 vs.

14 RAYMOND JAMES FINANCIAL, INC.,
15 a Florida corporation; and DOES 1-10,
Inclusive,

16 Defendants.
17

Case No.: 2:17-CV-00141

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

1 Plaintiff Joshua Gamez, on behalf of himself and all others similarly situated,
2 alleges the following upon information and belief based upon investigation of counsel,
3 except to his own acts, which he alleges upon personal knowledge.

4 **I. PARTIES**

5 1. Plaintiff Joshua Gamez is a resident of this District.

6 2. Plaintiff is informed and believes, and upon such information and belief
7 alleges, that Defendant Raymond James Financial, Inc. is a Florida corporation that
8 does business in California. The true names and capacities of the Defendants sued
9 herein as DOES 1 through 10, inclusive, are currently unknown to Plaintiff, who
10 therefore sues such Defendants by fictitious names. Each of the Defendants designated
11 herein as a DOE is legally responsible for the unlawful acts alleged herein. Plaintiff
12 will seek leave of Court to amend this Complaint to reflect the true names and
13 capacities of the DOE Defendants when such identities become known.

14 3. At all relevant times, each and every Defendant was acting as an agent
15 and/or employee of each of the other Defendants and was acting within the course
16 and/or scope of said agency and/or employment with the full knowledge and consent of
17 each of the Defendants. Each of the acts and/or omissions complained of herein were
18 alleged and made known to, and ratified by, each of the other Defendants (Raymond
19 James Financial, Inc. and Doe Defendants will hereafter collectively be referred to as
20 “Defendant”).

21 **II. JURISDICTION AND VENUE**

22 4. A Court has diversity jurisdiction over this class action pursuant to 28
23 U.S.C. § 1332 as amended by the Class Action Fairness Act of 2005 because the
24 amount in controversy exceeds \$5,000,000, exclusive of interest and costs, and is a
25 class action in which some members of the class are citizens of different states than the
26 Defendant. *See* 28 U.S.C. §1332(d)(2)(A).

27 5. This Court also has personal jurisdiction over Defendant because
28 Defendant currently does business in this state.

1 (3). This action satisfies the numerosity, typicality, adequacy, predominance and
2 superiority requirements of those provisions.

3 13. [Fed. R. Civ. P. 23(a)(1)]: The Class is so numerous that the individual
4 joinder of all of its members is impractical. While the exact number and identities of
5 Class members are unknown to Plaintiff at this time and can only be ascertained
6 through appropriate discovery, Plaintiff is informed and believes the Class includes
7 hundreds of thousands of members. The Class may be ascertained by the records
8 maintained by Defendant.

9 14. [Fed. R. Civ. P. 23(a)(2)]: Common questions of fact and law exist as to all
10 members of the Class which predominate over any questions affecting only individual
11 members of the Class. These common legal and factual questions, which do not vary
12 from class member to class member, and which may be determined without reference to
13 the individual circumstances of any class member, include, but are not limited to, the
14 following::

- 15 (a) Whether Defendant intentionally records telephone calls;
- 16 (b) Whether Defendant discloses its intentional recording of telephone
17 communications; and
- 18 (c) Whether Defendant's conduct constitutes a violation of California
19 Penal Code section 632.7.

20 15. [Fed. R. Civ. P. 23(a)(3)]: Plaintiff's claims are typical of the claims of the
21 members of the Class. Plaintiff and all members of the Class have been subjected to
22 Defendant's common course of unlawful conduct as complained of herein and are
23 entitled to the same statutory damages based on Defendant's wrongful conduct as
24 alleged herein.

25 16. [Fed. R. Civ. P. 23(a)(4)]: Plaintiff will fairly and adequately protect the
26 interests of the members of the Class. Plaintiff has retained attorneys experienced in the
27 prosecution of class actions.

28 17. [Fed. R. Civ. P. 23(b)(3)]: A class action is superior to other available

1 methods of fair and efficient adjudication of this controversy, since individual litigation
2 of the claims of all Class members is impracticable. Even if every Class member could
3 afford individual litigation, the court system could not. It would be unduly burdensome
4 to the courts in which individual litigation of numerous issues would proceed.
5 Individualized litigation would also present the potential for varying, inconsistent, or
6 contradictory judgments and would magnify the delay and expense to all parties and to
7 the court system resulting from multiple trials of the same complex factual issues. By
8 contrast, the conduct of this action as a class action, with respect to some or all of the
9 issues presented herein, presents fewer management difficulties, conserves the
10 resources of the parties and of the court system, and protects the rights of each Class
11 member.

12 18. [Fed. R. Civ. P. 23(b)(1)(A)]: The prosecution of separate actions by
13 hundreds of thousands of individual Class members would create the risk of
14 inconsistent or varying adjudications with respect to, among other things, the need for
15 and the nature of proper notice, which Defendant must provide to all Class members.

16 19. [Fed. R. Civ. P. 23(b)(1)(B)]: The prosecution of separate actions by
17 individual class members would create a risk of adjudications with respect to them that
18 would, as a practical matter, be dispositive of the interests of the other Class members
19 not parties to such adjudications or that would substantially impair or impede the ability
20 of such non-party Class members to protect their interests.

21 20. [Fed. R. Civ. P. 23(b)(2)]: Defendant has acted or refused to act in respects
22 generally applicable to the Class, thereby making appropriate final injunctive relief with
23 regard to the members of the Class as a whole.

24 **V. CAUSE OF ACTION**

25 **Penal Code § 632.7**

26 **(By Class Against All Defendants)**

27 21. Plaintiff incorporates by this reference the allegations contained in the
28 preceding paragraphs above as if fully set forth herein.

Dated: January 6, 2017

PACIFIC TRIAL ATTORNEYS, APC

By: /s/Scott J. Ferrell

Scott J. Ferrell

Attorney for Plaintiff

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all claims and causes of action so triable in this lawsuit.

Dated: January 6, 2017

PACIFIC TRIAL ATTORNEYS, APC

By: /s/Scott J. Ferrell

Scott J. Ferrell

Attorney for Plaintiff

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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Says Raymond James Financial Recorded Calls Without Consent](#)
