UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

GORSS MOTELS, INC., a Connecticut)
corporation, individually and as the)
representative of a class of similarly-)
situated persons,)
-)
Plaintiff,)
) Civil Action No.
v.)
) CLASS ACTION
AMERICAN TEX-CHEM CORPORATION,)
a California corporation, and JOHN DOES)
1-5,)
)
Defendants.)

CLASS ACTION COMPLAINT

Plaintiff, GORSS MOTELS, INC. ("Plaintiff"), brings this action on behalf of itself and all others similarly situated, through its attorneys, and except as to those allegations pertaining to Plaintiff or its attorneys, which allegations are based upon personal knowledge, alleges the following upon information and belief against Defendants, AMERICAN TEX-CHEM CORPORATION and JOHN DOES 1-5 ("Defendants"):

PRELIMINARY STATEMENT

- 1. This case challenges Defendants' practice of sending unsolicited facsimiles.
- 2. The federal Telephone Consumer Protection Act of 1991, as amended by the Junk Fax Prevention Act of 2005, 47 USC § 227 ("JFPA" or the "Act"), and the regulations promulgated under the Act, prohibit a person or entity from faxing or having an agent fax advertisements without the recipient's prior express invitation or permission. The JFPA provides a private right of action and provides statutory damages of \$500 per violation. Upon information and belief, Defendants have sent facsimile transmissions of unsolicited advertisements to

Plaintiff and the Class in violation of the JFPA, including, but not limited to, the facsimile transmission of twenty-four (24) unsolicited advertisements on or about June 11, 26, 2013, September 18, 2013, October 4, 2013, November 26, 2013, January 8, 17, 22, 2014, February 5, 10, 2014, March 4, 5, 18, 2014, April 2, 8, 10, 29, 2014, May 6 (2), 15, 28, 2014, June 4, 10, 2014 and July 15, 2014 ("the Faxes"), true and correct copies of which are attached hereto as Group Exhibit A, and made a part hereof. The Faxes describe the commercial availability or quality of Defendants' products, goods and services. Plaintiff is informed and believes, and upon such information and belief avers, that Defendants have sent, and continue to send, unsolicited advertisements via facsimile transmission in violation of the JFPA, including but not limited to those advertisements sent to Plaintiff.

- 3. Unsolicited faxes damage their recipients. A junk fax recipient loses the use of its fax machine, paper, and ink toner. An unsolicited fax wastes the recipient's valuable time that would have been spent on something else. A junk fax interrupts the recipient's privacy. Unsolicited faxes prevent fax machines from receiving authorized faxes, prevent their use for authorized outgoing faxes, cause undue wear and tear on the recipients' fax machines, and require additional labor to attempt to discern the source and purpose of the unsolicited message.
- 4. On behalf of itself and all others similarly situated, Plaintiff brings this case as a class action asserting claims against Defendants under the JFPA. Plaintiff seeks to certify a class including faxes sent to Plaintiff and other advertisements sent without proper opt-out language or without prior express invitation or permission, whether sent to Plaintiff or not.
- 5. Plaintiff is informed and believes, and upon such information and belief avers, that this action is based upon a common nucleus of operative facts because the facsimile transmissions at issue were and are being done in the same or similar manner. This action is

based on the same legal theory, namely liability under the JFPA. This action seeks relief expressly authorized by the JFPA: (i) injunctive relief enjoining Defendants, their employees, agents, representatives, contractors, affiliates, and all persons and entities acting in concert with them, from sending unsolicited advertisements in violation of the JFPA; and (ii) an award of statutory damages in the minimum amount of \$500 for each violation of the JFPA, and to have such damages trebled, as provided by § 227(b)(3) of the Act.

JURISDICTION AND VENUE

- 6. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 and 47 U.S.C. § 227.
- 7. This court has personal jurisdiction over Defendants because Defendants transact business within this judicial district, have made contacts within this judicial district, and/or have committed tortious acts within this judicial district.

PARTIES

- 8. Plaintiff, GORSS MOTELS, INC., is a Connecticut corporation.
- 9. On information and belief, Defendant AMERICAN TEX-CHEM CORPORATION is a California corporation.
- 10. JOHN DOES 1-5 will be identified through discovery, but are not presently known.

FACTS

11. On information and belief, on or about June 11, 26, 2013, September 18, 2013, October 4, 2013, November 26, 2013, January 8, 17, 22, 2014, February 5, 10, 2014, March 4, 5, 18, 2014, April 2, 8, 10, 29, 2014, May 6, 15, 28, 2014, June 4, 10, 2014 and July 15, 2014, Defendants used a telephone facsimile machine, computer, or other device to send a total of

twenty-four (24) unsolicited facsimiles to Plaintiff. Copies of the facsimiles are attached hereto as Group Exhibit A.

- 12. On information and belief, Defendants received some or all of the revenues from the sale of the products, goods and services advertised on Group Exhibit A, and Defendants profit and benefit from the sale of the products, goods and services advertised on Group Exhibit A.
- 13. Plaintiff did not give prior express invitation or permission to Defendants to send the faxes.
- 14. On information and belief, Defendants faxed the same and other unsolicited facsimiles with opt-out language identical or substantially similar to the opt-out language of the fax advertisements attached hereto as Group Exhibit A to Plaintiff and at least 40 other recipients or sent the same and other advertisements by fax with the required opt-out language but without first receiving the recipients' express invitation or permission and without having an established business relationship as defined by the TCPA and its regulations.
- 15. There is no reasonable means for Plaintiff (or any other class member) to avoid receiving unauthorized faxes. Fax machines are left on and ready to receive the urgent communications their owners desire to receive.
- 16. Defendants' facsimiles attached as Exhibit A do not display a proper opt-out notice as required by 47 C.F.R. § 64.1200.

CLASS ACTION ALLEGATIONS

17. In accordance with Fed. R. Civ. P. 23(b)(1), (b)(2) and (b)(3), Plaintiff brings this class action pursuant to the JFPA, on behalf of the following class of persons:

All persons who (1) on or after four years prior to the filing of this action, (2) were sent telephone facsimile messages of

material advertising the commercial availability or quality of any property, goods, or services by or on behalf of Defendants, (3) from whom Defendants did not obtain "prior express invitation or permission" to send fax advertisements, or (4) with whom Defendants did not have an established business relationship, and/or (5) which contained an opt-out notice that is identical or substantially similar to the opt-out notice contained in the fax advertisements Defendants sent to Plaintiff, which are attached hereto as Exhibit A.

Excluded from the Class are the Defendants, their employees, agents and members of the Judiciary. Plaintiff seeks to certify a class that includes but is not limited to the fax advertisements sent to Plaintiff. Plaintiff reserves the right to amend the class definition upon completion of class certification discovery.

- 18. <u>Class Size (Fed. R. Civ. P. 23(a)(1))</u>: Plaintiff is informed and believes, and upon such information and belief avers, that the number of persons and entities of the Plaintiff Class is numerous and joinder of all members is impracticable. Plaintiff is informed and believes, and upon such information and belief avers, that the number of class members is at least forty.
- 19. <u>Commonality (Fed. R. Civ. P. 23 (a) (2))</u>: Common questions of law and fact apply to the claims of all class members. Common material questions of fact and law include, but are not limited to, the following:
 - (a) Whether the Defendants sent unsolicited fax advertisements:
 - (b) Whether Defendants' faxes sent to other persons, not the Plaintiff, constitute advertisements;
 - (c) Whether the Defendants' faxes advertised the commercial availability or quality of property, goods, or services;

- (d) The manner and method the Defendants used to compile or obtain the list of fax numbers to which they sent Exhibit A, other unsolicited faxed advertisements or other advertisements without the required opt-out language;
- (e) Whether the Defendants faxed advertisements without first obtaining the recipient's prior invitation or permission;
 - (f) Whether the Defendants sent the faxed advertisements knowingly;
- (g) Whether the Defendants violated the provisions of 47 U.S.C. § 227 and the regulations promulgated thereunder;
- (h) Whether the faxes contain an "opt-out notice" that complies with the requirements of $\S(b)(1)(C)(iii)$ of the Act, and the regulations promulgated thereunder, and the effect of the failure to comply with such requirements;
- (i) Whether the Defendants should be enjoined from faxing advertisements in the future;
- (j) Whether the Plaintiff and the other members of the class are entitled to statutory damages; and
 - (k) Whether the Court should award treble damages.
- 20. Typicality (Fed. R. Civ. P. 23 (a) (3)): The Plaintiff's claims are typical of the claims of all class members. The Plaintiff received the same or similar faxes as the faxes sent by or on behalf of the Defendants advertising products, goods and services of the Defendants during the Class Period. The Plaintiff is making the same claims and seeking the same relief for itself and all class members based upon the same federal statute. The Defendants have acted in the same or in a similar manner with respect to the Plaintiff and all the class members by sending

6

Plaintiff and each member of the class the same or similar faxes or faxes which did not contain the proper opt-out language or were sent without prior express invitation or permission.

- 21. <u>Fair and Adequate Representation (Fed. R. Civ. P. 23 (a) (4)):</u> The Plaintiff will fairly and adequately represent and protect the interests of the class. It is interested in this matter, has no conflicts, and has retained experienced class counsel to represent the class.
- 22. Need for Consistent Standards and Practical Effect of Adjudication (Fed. R. Civ. P. 23 (b) (1)): Class certification is appropriate because the prosecution of individual actions by class members would: (a) create the risk of inconsistent adjudications that could establish incompatible standards of conduct for the Defendants, and/or (b) as a practical matter, adjudication of the Plaintiff's claims will be dispositive of the interests of class members who are not parties.
- 23. Common Conduct (Fed. R. Civ. P. 23 (b) (2)): Class certification is also appropriate because the Defendants have acted in the same or similar manner with respect to all class members thereby making injunctive and declaratory relief appropriate. The Plaintiff demands such relief as authorized by 47 U.S.C. § 227.
- 24. <u>Predominance and Superiority (Fed. R. Civ. P. 23 (b) (3))</u>: Common questions of law and fact predominate over any questions affecting only individual members, and a class action is superior to other methods for the fair and efficient adjudication of the controversy because:
 - (a) Proof of the claims of the Plaintiff will also prove the claims of the class without the need for separate or individualized proceedings;

- (b) Evidence regarding defenses or any exceptions to liability that the Defendants may assert and attempt to prove will come from the Defendants' records and will not require individualized or separate inquiries or proceedings;
- (c) The Defendants have acted and are continuing to act pursuant to common policies or practices in the same or similar manner with respect to all class members;
- (d) The amount likely to be recovered by individual class members does not support individual litigation. A class action will permit a large number of relatively small claims involving virtually identical facts and legal issues to be resolved efficiently in one proceeding based upon common proofs; and
 - (e) This case is inherently manageable as a class action in that:
 - (i) The Defendants identified persons to receive the fax transmissions and it is believed that the Defendants' and/or Defendants' agents' computers and business records will enable the Plaintiff to readily identify class members and establish liability and damages;
 - (ii) Liability and damages can be established for the Plaintiff and the class with the same common proofs;
 - (iii) Statutory damages are provided for in the statute and are the same for all class members and can be calculated in the same or a similar manner;
 - (iv) A class action will result in an orderly and expeditious administration of claims and it will foster economics of time, effort and expense;
 - (v) A class action will contribute to uniformity of decisions concerning the Defendants' practices; and

(vi) As a practical matter, the claims of the class are likely to go unaddressed absent class certification.

Claim for Relief for Violation of the JFPA, 47 U.S.C. § 227 et seq.

- 25. The JFPA makes it unlawful for any person to "use any telephone facsimile machine, computer or other device to send, to a telephone facsimile machine, an unsolicited advertisement" 47 U.S.C. § 227(b)(1)(C).
- 26. The JFPA defines "unsolicited advertisement" as "any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission, in writing or otherwise." 47 U.S.C. § 227 (a) (5).
- 27. **Opt-Out Notice Requirements.** The JFPA strengthened the prohibitions against the sending of unsolicited advertisements by requiring, in § (b)(1)(C)(iii) of the Act, that senders of faxed advertisements place a clear and conspicuous notice on the first page of the transmission that contains the following among other things (hereinafter collectively the "Opt-Out Notice Requirements"):
 - (1) A statement that the recipient is legally entitled to opt-out of receiving future faxed advertisements knowing that he or she has the legal right to request an opt-out gives impetus for recipients to make such a request, if desired;
 - (2) A statement that the sender must honor a recipient's opt-out request within 30 days and the sender's failure to do so is unlawful thereby encouraging recipients to opt-out, if they did not want future faxes, by advising them that their opt-out requests will have legal "teeth";

- (3) A statement advising the recipient that he or she may opt-out with respect to all of his or her facsimile telephone numbers and not just the ones that receive a faxed advertisement from the sender thereby instructing a recipient on how to make a valid opt-out request for all of his or her fax machines;
 - (4) The opt-out language must be conspicuous.

The requirement of (1) above is incorporated from § (b)(D)(ii) of the Act. The requirement of (2) above is incorporated from § (b)(D)(ii) of the Act and the rules and regulations of the Federal Communications Commission (the "FCC") in ¶ 31 of its 2006 Report and Order (*In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act, Junk Prevention Act of 2005*, 21 F.C.C.R. 3787, 2006 WL 901720, which rules and regulations took effect on August 1, 2006). The requirements of (3) above are contained in § (b)(2)(E) of the Act and incorporated into the Opt-Out Notice Requirements via § (b)(2)(D)(ii). Compliance with the Opt-Out Notice Requirements is neither difficult nor costly. The Opt-Out Notice Requirements are important consumer protections bestowed by Congress upon the owners of the telephone lines and fax machines giving them the right, and means, to stop unwanted faxed advertisements.

- 28. **2006 FCC Report and Order.** The JFPA, in § (b)(2) of the Act, directed the FCC to implement regulations regarding the JFPA, including the JFPA's Opt-Out Notice Requirements and the FCC did so in its 2006 Report and Order, which in addition provides among other things:
 - A. The definition of, and the requirements for, an established business relationship for purposes of the first of the three prongs of an exemption to liability under (b)(1)(C)(i) of the Act and provides that the lack of an "established business"

relationship" precludes the ability to invoke the exemption contained in $\S(b)(1)(C)$ of the Act (See 2006 Report and Order $\P\P$ 8-12 and 17-20);

- B. The required means by which a recipient's facsimile telephone number must be obtained for purposes of the second of the three prongs of the exemption under \S (b)(1)(C)(ii) of the Act and provides that the failure to comply with these requirements precludes the ability to invoke the exemption contained in \S (b)(1)(C) of the Act (*See* 2006 Report and Order \P 13-16);
- C. The things that must be done in order to comply with the Opt-Out Notice Requirements for the purposes of the third of the three prongs of the exemption under \S (b)(1)(C)(iii) of the Act and provides that the failure to comply with these requirements precludes the ability to invoke the exemption contained in \S (b)(1)(C) of the Act (*See* 2006 Report and Order \P 24-34);
- D. The failure of a sender to comply with the Opt-Out Notice Requirements precludes the sender from claiming that a recipient gave "prior express invitation or permission" to receive the sender's fax (See Report and Order ¶ 48).

As a result thereof, a sender of a faxed advertisement who fails to comply with the Opt-Out Notice Requirements has, by definition, transmitted an unsolicited advertisement under the JFPA. This is because such a sender can neither claim that the recipients of the faxed advertisement gave "prior express invitation or permission" to receive the fax nor can the sender claim the exemption from liability contained in \S (b)(C)(1) of the Act.

29. **The Faxes**. On or about June 11, 26, 2013, September 18, 2013, October 4, 2013, November 26, 2013, January 8, 17, 22, 2014, February 5, 10, 2014, March 4, 5, 18, 2014, April 2, 8, 10, 29, 2014, May 6 (2), 15, 28, 2014, June 4, 10, 2014 and July 15, 2014, Defendants sent

twenty-four (24) advertisements via facsimile transmission from telephone facsimile machines, computers, or other devices to the telephone lines and facsimile machines of Plaintiff and members of the Plaintiff Class. The Faxes constituted advertisements under the Act. Defendants failed to comply with the Opt-Out Requirements in connection with the Faxes. The Faxes were transmitted to persons or entities without their prior express invitation or permission and/or Defendants are precluded from asserting any prior express invitation or permission or that Defendants had an established business relationship with Plaintiff and other members of the class, because of the failure to comply with the Opt-Out Notice Requirements. By virtue thereof, Defendants violated the JFPA and the regulations promulgated thereunder by sending the Faxes via facsimile transmission to Plaintiff and members of the Class. Plaintiff seeks to certify a class which includes these faxes and all others sent during the four years prior to the filing of this case through the present.

30. **Defendants' Other Violations.** Plaintiff is informed and believes, and upon such information and belief avers, that during the period preceding four years of the filing of this Complaint and repeatedly thereafter, Defendants have sent via facsimile transmission from telephone facsimile machines, computers, or other devices to telephone facsimile machines of members of the Plaintiff Class other faxes that constitute advertisements under the JFPA that were transmitted to persons or entities without their prior express invitation or permission (and/or that Defendants are precluded from asserting any prior express invitation or permission or that Defendants had an established business relationship because of the failure to comply with the Opt-Out Notice Requirements in connection with such transmissions). By virtue thereof, Defendants violated the JFPA and the regulations promulgated thereunder. Plaintiff is informed and believes, and upon such information and belief avers, that Defendants may be continuing to

send unsolicited advertisements via facsimile transmission in violation of the JFPA and the regulations promulgated thereunder, and absent intervention by this Court, will do so in the future.

- 31. The TCPA/JFPA provides a private right of action to bring this action on behalf of Plaintiff and the Plaintiff Class to redress Defendants' violations of the Act, and provides for statutory damages. 47 U.S.C. § 227(b)(3). The Act also provides that injunctive relief is appropriate. *Id.*
- 32. The JFPA is a strict liability statute, so the Defendants are liable to the Plaintiff and the other class members even if their actions were only negligent.
- 33. The Defendants knew or should have known that (a) the Plaintiff and the other class members had not given prior express invitation or permission for the Defendants or anybody else to fax advertisements about the Defendants' products, goods or services; (b) the Plaintiff and the other class members did not have an established business relationship; (c) Defendants transmitted advertisements; (d) the Faxes did not contain the required Opt-Out Notice; and (e) Defendants' transmission of advertisements that did not contain the required opt-out notice or were sent without prior express invitation or permission was unlawful.
- 34. The Defendants' actions caused damages to the Plaintiff and the other class members. Receiving the Defendants' junk faxes caused Plaintiff and the other recipients to lose paper and toner consumed in the printing of the Defendants' faxes. Moreover, the Defendants' faxes used the Plaintiff's and the other class members' telephone lines and fax machine. The Defendants' faxes cost the Plaintiff and the other class members time, as the Plaintiff and the other class members and their employees wasted their time receiving, reviewing and routing the Defendants' unauthorized faxes. That time otherwise would have been spent on the Plaintiff's

and the other class members' business activities. The Defendants' faxes unlawfully interrupted

the Plaintiff's and other class members' privacy interests in being left alone.

WHEREFORE, Plaintiff, GORSS MOTELS, INC., individually and on behalf of all

others similarly situated, demands judgment in its favor and against Defendants, AMERICAN

TEX-CHEM CORPORATION, and JOHN DOES 1-5, jointly and severally, as follows:

A. That the Court adjudge and decree that the present case may be properly

maintained as a class action, appoint the Plaintiff as the representative of the class, and appoint

the Plaintiff's counsel as counsel for the class;

B. That the Court award actual monetary loss from such violations or the sum of five

hundred dollars (\$500.00) for each violation, whichever is greater, and that the Court award

treble damages of \$1,500.00 if the violations are deemed "willful or knowing";

C. That Court enjoin the Defendants from additional violations; and

D. That the Court award pre-judgment interest, costs, and such further relief as the

Court may deem just and proper.

Respectfully submitted,

GORSS MOTELS, INC., individually and as the representative of a class of similarly-situated

persons,

By: s/Aytan Y. Bellin

Aytan Y. Bellin ct28454

BELLIN & ASSOCIATES LLC

85 Miles Avenue

White Plains, NY 10606

Telephone: 914-358-5345

Aytan.Bellin@bellinlaw.com

And:

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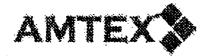
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Brian J. Wanca (pro hac vice to be submitted)
ANDERSON + WANCA
3701 Algonquin Road, Suite 500
Rolling Meadows, IL 60008
Telephone: 847-368-1500
bwanca@andersonwanca.com

EXHIBIT A

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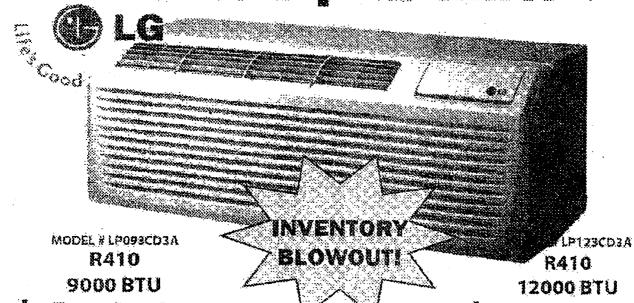
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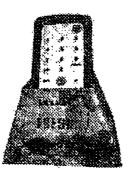


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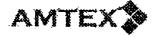
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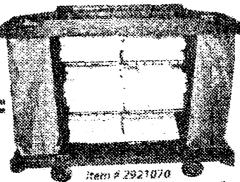


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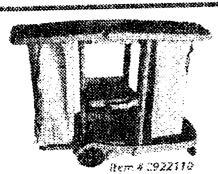


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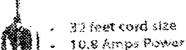
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Features & Benefits

- · For old mattresses to look like new
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Description	Description Size Heavy		With Zipper
Andrew Control of the		tem#	item#
Full XL	54'x 80"	1611725	1610625
Queen	601 x 801	1611730	1510630
King	78" x 80"	1611735	1610540
Cal King	72" x 84"	1611740	1610650

*Minimum IC per.

Hair Dryer

60

14.95/**



han # 5304020 (#/ 5pc4020 # 17.90/*

Rainbreeze® Amenity Collection

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Description	ltem	Cs Pk	Price/ Cs
Soup # 34	2302015	1000	\$25.4E
Soup 4%	2392075	1000	\$34.90
Sosp#1.5	2302035	330	\$29.00
Concideous Shimpou Packets * d	2302035	200	\$30.80

Hers 25-1020

Sanitaire Commercial Vacuum

\$98,^{90/ea.} item# 2970010 with minimum of \$500.10 combined orders



4-Cup & 1-Cup Coffee Makers Auto Shut Off

Buy 20 cases Welcome Get 1 Case **Tallet Paper**

2-Piy FOR PHON \$21.16 m latroductory - 8.00

Item # 2710425

Facial Tissue



Item # 2715065 Per case of 30



Mir Imum 18 cases 480/Ca

S 26.90₋

Buy 6 cases of the same item & get 1 case



*\$2,70/es Herrit 2438510			
Description		item#	Price/Cs
4-Cup Kavhi Coffee Reg	200/Cs	2401030	\$29.48
4-Cup Kavhi Coffee Decai	200/Cs	2402030	\$33.56
1-Cup Kavhi Coffee Reg	200/Cs	2401120	\$24.50
1-Cup Kavhi Coffee Decai	200/Cs	2402120	\$27.50
Economy Condiment Kit	500/Cs	2410040	\$40.29
Deluxe Condinient Kit	500/Cs	2410050	\$45.39
Deluxe Condiment Kit	500/Cs	2410060	\$49.47

Buy 10 cases of Cups &





Individually Wrapped 9 oz 1000/Cs

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You \$13.16/Cs Item # 2710425 **Facial Tissue**



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Hotel Heavy Duty Premium Ironing Board



\$16.22/ea Item # 4909010



Nudel. Single Liberhore \$14.90/** Hotel Phone P Series Single Line Phone

15.90/ea \$17,90/ea w/speaker Herman House

Glass Carafe



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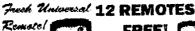
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\$98.90/ea.*

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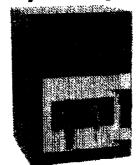
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Hatel Phone P Series Single Linu Phone 5.90/ea

\$17.90/## W/spesker tem# 5904020





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programming



* All himum 50 PC5

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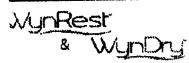
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Item # 2710425

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Hotel Heavy Duty Premium Ironing Board



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5.90/em

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Unwerse Remote . notes with any TV site programming items 353 5020



• Minmum 50 PC3



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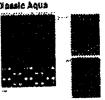




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Hotel Heavy Duty Premium Ironing Board THE RESIDENCE OF THE PARTY OF T



item #4002130



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Hotel Phone P Series Single Line Phone 5.90/ea

90/ea w/speaker em 4 3 904020



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m \$ 24 19010 um të PC



with minimum: \$1,000.00 order for all items excluding electronics/ refrigerators/microwaves/ mattresses/air conditioning



index with Philips Magnes on TV (Cooks 5 035 025



\$2.20



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\$98.90/ea.*

tern# 2970010 * Price valid with minimum of \$500,00 combined orders

Make-Up Remover Wipes



Item # 2235010 \$34.90/ case

Infinity Air Conditioner 42" PTAC with Digital Control Board



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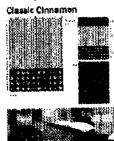




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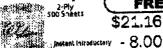
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Your \$ 13.16/Cs tem # 2710425

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Buy 20 cases GET 1 CASE

Facial Tissue

Per case of 30

Item# 27:5065

Hotel Heavy Duty Premium Ironing Board Sample of the second second

^{\$}16^{,22}/ea

Item #4002130



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Hotel Phone P Series Single Line Phone 5.90/ea

\$1.7.90/ea w/speaker

Glass Carafe



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25 FREE TV Remotes



"With minimum \$1,000.00 order for all items excluding electronics;" rafigerators/microwaves/ mattresses/air conditioning

Magris, 64 TV

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tem# 2976010 Promisalid with minimum of \$500 " combined orders

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Item # 2235010 \$34.90/ case 500/case

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Item # 3231010-CL

17 x 16 HD Charles 2009/cs. \$ 12.83 /ss 211120-CR, BK	s 18	22 HD //black 00/00. .90 /ca 211140-CR	5 18.	27 (FD 18 18 18 18 18 18 18 18 18 18	Iten
33.24		27.40	187 1.2 mtc.	40×41	HD

43-55 gal, 12 m c.

\$ 21.90

item# 3231410-CL

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> 40 x 48 HD Blask 40-58 get, 26 mls. \$24.29°c Item# 3231420-9H



dair Dryer Wall Mount



\$14.95/ea tem # 2501 010



Single Line item# 3904020 117.90/M

Single Line Phone Item # 3909020 \$14.90'**

Rain Breeze® Amenities Collection

33 x 40 HD 9144k 33 gal, 15 mio

\$ 18.90 %

I:em # 3231020-BK



\$ 20.98'/

He #3221020-BK, CL

BUY 10 CASES Get 1 Case FREE of same ite

item#	Description	Case Pack	Price/ cs
2302015	Face & Body Bar Scap #0.5	2000 נ	\$25 <i>A</i> 2
2302025	Face & Body Bar Scap #0.75	1000	00,26\$
2302035	Face & Body Bar Scap #1.5	500	533.90
2302055	Conditioning Shampoo -Packet 0.4 oz	500	\$30.50

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\$98.90/em.* item# 2970010 * Price vaild with minimum : \$500. combined orders

TV Remotes



Marie with Finities'
Magnerous TV
item#3923023



Works with RCA! GET Reme 1971CB3

Hamilton Beach Wall Mount Hair Dryer-8250



\$18,99 each

Item # 4010160

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Welcome Toilet Paper 2-Ply ~500 Sheets



349 Price \$21.16 - 8.00

Item # 2710425

\$13.16/Cs

Facial Tissue



\$10.10/cs Per case of 30

item # 2715065

Plastic Cup: Individually Wrapped 9 07.

1000 pcs Item # 2501010 \$24.90/cs



Enello Insulated Cups Wrapped

9 az. 450 pcs item # 2505070-ER

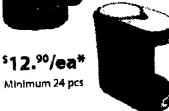


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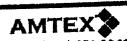
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COFFEE MAKERS

Coffee BUY 6 CASES of the same item **GET 1 CASE** FREE

	Marin.	V. 04.44	
Description		item#	Price/Cs
4-Cup Kavhi Coffee Reg	200/Cs	2401030	\$29.48
4-Cup Kevhi Coffee Decaf	200/Cs	2402030	\$33.56
1-Cup Kavhi Coffee Reg	200/Cs	2401120	\$24.50
1-Cup Kavhi Coffee Decaf	200/Cs	2402120	\$27.50
Economy Condiment Kit	500/C.5	2410040	\$40.29
Deluxe Condiment Kit	500/Cs	2410050	\$45.39
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Buy 20 cases GET 1 CASE FREE!

Suo Sheets \$21.16 nt intraductory - 8,00

> You \$13.16/Cs item # 2710425

\$10.10/Cs

Per case of 30

Hotel Heavy Duty Premium Ironing Board

\$16.22/ea

item #4002130



14.90/**



Hotel Phone P Series Single Line Phone 5 90/ea

\$17.90 es w/speaker terr#3504020





Item # 3501C40 - 9L or 8G

Depository Safe w/ Combination Lock



\$197.°0/ea.



With with RCA/45 TV



Masing of TV Masing of TV





Sanitaire Vacuum

\$98.^{90/ea.*}

tem# 2970010 · price valid with minimum of 5500.00 combined orders

Wall Mount Bracket w/ Lock

tem # 3930002

for 27-42" LCDTV



2 paolocks

519.90/ea.

price includes

As Low As \$459.00 Call for Details

Item # 3501200

Item # 4130050

infinity Air Conditioner 42" PTAC with Digital Control Board



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Rubber **Suction Stopper**



39¢/ea*

Item # 3401230

Low As \$790

\$ 20.90'/11

1-4m #3221020-BK, CL

Liners

Λs

\$ 18.90 % 23 38 10 m o \$ 24.90 ...

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tiem # 3231020-9

20 x 22 HD S 18.90 /L item # 3211140-BK

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24 x 34 HD \$ 12.90 Hem # 3211170-BK, CL

40-55 gal, 32 mis

824.29° c.

tem# 3231420-6#

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ice Bucket Line

Ainmum 100 pcs

Hair Dryer Wall Mount



4⁹⁵/ea

Item # 2501010



P Series Single Line

Item# 3904020 51700/00



Phone tem # 3909020 \$1490/es



Item # 393000

Wall Mount Bracket w/ Lock

for 27-42" LCD TV

Item # 3501040 - BL or BG

Amtex Electronic Safe

17" LED Display \$79^{90/ss.}

> \$19^{90/ea.} price includes 2 padlocks



Hein # 3231010-Cl

Depository Safe w/Combination Lock

43:88 gal, 12 m.s.

\$ 21.00%

Herr# 3231410-C

\$1 9790/ea.

tem# 3501200

Infinity Air Conditioner 42" PTAC with Digital Control Board



Irem # 4130060

WARRANTY Gerte& Lebo 5 Compresso

Sanitaire Vacuun \$9890/ea.*

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Universitätinets works whice say TV shire and gramming thank 3532020

kewith #CA/6871 Imme 333565

Wents wer FH it ca Magnerou TV temp 3895 625

\$720/ea*

Commission of V keme 39) 1 201 THE WALL SO

Hamilton Beach Wall

Mount Hair Dryer-8250

518⁹⁹ each Item # 4010160

BUY 20 CASES GET 1 CASE

FREE

Welcome Toilet



Paper 2-Ply ®9 ₹100 \$21.16 0,8 - Victoriorian treater

Item # 2710425

Facial Tissue



10/Cs

Per case of 30 item # 2715065

BUY 11 Get 1 FREE

33

4-Cups & 1-Cup **COFFEE MAKERS Auto Shut-Off**



*Min:mum 24 pcs

Coffee BUY 6 CASES of the same item **GET 1 CASE** FREE!



Description		Item#	Price/Cs
4-Cup Kavhi Coffee Reg	200/Cs	2401030	\$29.48
4-Cup Kavhl Coffee Decaf	200/Cs	24G2O3O	\$33.56
1-Cup Kavhl Coffee Reg	200/Cs	2401120	\$24.50
1-Cup Kavhi Coffee Dacaf	200/Cs	2402120	\$27.50
Economy Condiment Kit	500/Cs	2410040	\$40.29
Deluxe Condiment Kit	500/Cs	2410050	\$45,39
Deluxe Condiment Kit w/	500/Cs	2410060	\$49.47

Plastic Cup: individually Wrapped

9 pz. 1000 pcs ttem # 2501010 \$2490/c

BUY 10 CASE Get 1 Case

Enello Insulated Cups Individually Wrapped

450 pcs tem # 2505070-BR

\$26⁹⁰/cs

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Sanitaire

tern# 2970010

Wall Mount Bracket w/ Lock for 27-42" LCDTV



item # 3930002

519.90/ea. price includes 2 padlocks

42" PTAC with Digital Control Board



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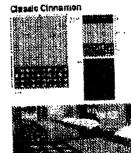
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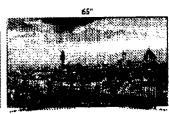
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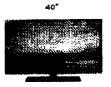




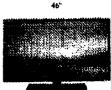
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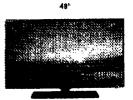
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HG22NA470BFXZA











HG46NC670DFXZA





























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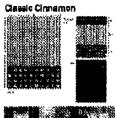
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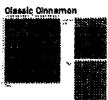
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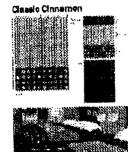
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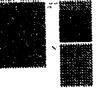


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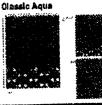
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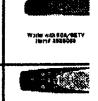


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price includes 2 padlocks

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Item # 4130060

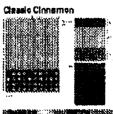


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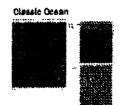
Decorative Top of Bedding Program



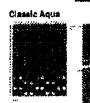


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Case 3:17-cv-00485 C Pocume ot 12 R S $He E^{3}/23/17$ Page 1 of 2

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.)

the civil docket sheet. (SEE INS	STRUCTIONS ON NEXT PAGE	LOF THIS FORM.)					
I. (a) PLAINTIFFS				DEFENDANTS			
GORSS MOTELS, INC.				AMERICAN TEX-CHEM CORPORATION, a California corporation,			
•				and JOHN DOES 1-5.			
a .							
(b) County of Residence of	<u></u>	liddlesex		County of Residence	of First Listed Defendant		
(EX	KCEPT IN U.S. PLAINTIFF CA	SES)		NOTE	(IN U.S. PLAINTIFF CASES O		
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(c) Attorneys (Firm Name, A Bellin & Associates LLC	Address, and Telephone Number 914-358-5345	r)		Attorneys (If Known)			
85 Miles Avenue White F							
II. BASIS OF JURISDI	ICTION (Place an "X"	in One Box Only)	III. CI	TIZENSHIP OF P	RINCIPAL PARTIES	(Place an "X" in One Box for Plaintiff)	
- 1 110 0				(For Diversity Cases Only)		and One Box for Defendant)	
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□ 120 Marine	□ 310 Airplane	☐ 365 Personal Injury ·		of Property 21 USC 881	☐ 423 Withdrawal	☐ 400 State Reapportionment	
☐ 130 Miller Act	☐ 315 Airplane Product	Product Liability	√ □ 69	00 Other	28 USC 157	☐ 410 Antitrust	
☐ 140 Negotiable Instrument☐ 150 Recovery of Overpayment☐	Liability ☐ 320 Assault, Libel &	☐ 367 Health Care/ Pharmaceutical			PROPERTY RIGHTS	☐ 430 Banks and Banking ☐ 450 Commerce	
& Enforcement of Judgment		Personal Injury			□ 820 Copyrights	☐ 460 Deportation	
☐ 151 Medicare Act	☐ 330 Federal Employers'	Product Liability			□ 830 Patent	☐ 470 Racketeer Influenced and	
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(Excl. Veterans)	☐ 345 Marine Product	Liability		LABOR	SOCIAL SECURITY	☐ 490 Cable/Sat TV	
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☐ 190 Other Contract	Product Liability	☐ 380 Other Personal		0 Railway Labor Act	☐ 864 SSID Title XVI	☐ 891 Agricultural Acts	
☐ 195 Contract Product Liability	☐ 360 Other Personal	Property Damage		1 Family and Medical	□ 865 RSI (405(g))	☐ 893 Environmental Matters	
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☐ 210 Land Condemnation☐ 220 Foreclosure	☐ 440 Other Civil Rights ☐ 441 Voting	☐ 510 Motions to Vacat Sentence	te		☐ 870 Taxes (U.S. Plaintiff or Defendant)	Act/Review or Appeal of Agency Decision	
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☐ 240 Torts to Land	☐ 443 Housing/	☐ 530 General			26 USC 7609	State Statutes	
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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.C.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; 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 clerks 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 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. (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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

- 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 dollar amount (in thousands of dollars) 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: <u>American Tex-Chem Corporation Hit with TCPA Junk Fax Lawsuit</u>