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10 Class of all other persons similarly situated

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

13 SEAN HARTRANFT, on behalf of
14 himself and on behalf of a Class of
15 all other persons similarly situated,

16 Plaintiffs,

17 vs.

18 ENCORE CAPITAL GROUP,
19 INC., a Delaware Corporation; and
20 DOES 1 through 100, inclusive,

21 Defendant.

22 **Case No.:** '18CV1187 BEN RBB

23 **CLASS ACTION**

24 **Assigned For All Purposes To:**
25 **Dept.:**

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

DEMAND FOR JURY TRIAL

1 Plaintiff Sean Hartranft (“Plaintiff”) brings this Class Action Complaint for damages,
2 injunctive relief, and any other available legal or equitable remedies, resulting from the
3 illegal actions of Defendant Encore Capital Group, Inc., (hereinafter, referred to as
4 “Defendant”) in negligently and/or willfully or knowingly contacting Plaintiff on Plaintiff’s
5 cellular telephone, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227,
6 et seq., (“TCPA”), thereby invading Plaintiff’s privacy. Plaintiff alleges as follows upon
7 personal knowledge as to himself and his own acts and experiences, and, as to all other
8 matters, upon information and belief, including investigation conducted by his attorney.

9 **I. INTRODUCTION**

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

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

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

25 *Id.* at § 12; *see also Martin v. Leading Edge Recovery Solutions, LLC*, 2012 WL
26 3292838, at* 4 (N.D. Ill. Aug. 10, 2012) (citing Congressional findings on TCPA’s
27 purpose).

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

4 **JURISDICTION AND VENUE**

5 4. This Court has subject matter jurisdiction over this action pursuant to 28
6 U.S.C. § 1331 because it arises under the laws of the United States and pursuant to 28
7 U.S.C. § 1332(d) because: (i) there are 100 or more class members; (ii) there is an aggregate
8 amount in controversy exceeding **\$5,000,000.00** exclusive of interest and costs; and (iii)
9 because at least one plaintiff and defendant are citizens of different states. This Court has
10 supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

11 5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(1) as
12 the Defendant’s principal place of business is within this judicial district.

13 6. Upon information and belief, Defendant regularly and continuously conducts
14 business in the State of California, and thus, personal jurisdiction is established.

15 **II. PARTIES**

16 7. Plaintiff SEAN HARTRANFT at all relevant times was and is a natural
17 person and a resident of the State of California, County of Orange. Plaintiff is, and at all
18 times mentioned herein was, a “person” as defined by 47 U.S.C. § 153 (39).

19 8. Plaintiff is informed and believes, and thereon allege, that Defendant is, and at
20 all times mentioned herein was, a corporation organized under the laws of Delaware,
21 registered to conduct business in the State of California, and is a “person” as defined by 47
22 U.S.C. § 153 (39).

23 9. Defendant is finance company who purchases portfolios from major banks,
24 credit unions, utility providers, and municipalities, to collect on the debts of individuals.

25 10. Defendant’s website is listed at <https://www.encorecapital.com/>.

26 11. Plaintiff alleges that at all times relevant herein Defendant conducted business
27 in the State of California and in the County of San Diego, and within this judicial district.

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1 **III. FACTUAL BACKGROUND**

2 12. Defendant regularly makes autodialed phone calls with a pre-recorded
3 message to consumers in order to collect debts.

4 13. Upon information and belief, Plaintiff did not provide his number to
5 Defendant or Defendant's agents.

6 14. Plaintiff had an American Express credit card that was automatically
7 converted to Visa card when Costco changed credit cards. The balance from the old card
8 was transferred to the new card along with a new creditor, Defendant.

9 15. From **September 19, 2017** to **October 2, 2017**, Defendant called Plaintiff
10 twenty-four (24) times. Plaintiff did not provide Defendant with a "prior express consent"
11 nor written consent to receive calls to his cellular telephone.

12 16. Defendant made the 24 unwanted autodialed calls to Plaintiff's cellular phone
13 from the numbers 1-800-888-9419 and 1-877-445-4581. Some of these calls occurred
14 multiple times in a day, and sometimes occurring more than once in the same hour.

15 17. These calls were made on the following days:

- 16 (a) September 19, 2017
- 17 (b) September 20, 2017
- 18 (c) September 21, 2017 (4x)
- 19 (d) September 22, 2017 (4x)
- 20 (e) September 25, 2017 (3x)
- 21 (f) September 26, 2017 (3x)
- 22 (g) September 27, 2017 (4x)
- 23 (h) September 28, 2017 (2x)
- 24 (i) October 2, 2017 (2x)

25 18. All of the 24 calls originated from toll-free telephone numbers beginning
26 with a "800" and "877" area code.

27 19. A number of the telephone calls from Defendant went unanswered and
28 Defendant did not leave a voice message.

1 20. Defendant did not have prior express consent nor written consent to place
2 calls to Plaintiff's cellular number and falsely enticed individuals to return Defendant's
3 calls.

4 21. Defendant's calls were not made for emergency purposes, as defined by 47
5 U.S.C. § 227(b)(1)(A).

6 22. Plaintiff was personally affected by Defendant's conduct because Plaintiff
7 was frustrated and distressed that Defendant interrupted Plaintiff with unwanted calls.

8 23. Through Defendant's aforementioned conduct, Plaintiff suffered an invasion
9 of a legally protected interest in privacy, which is specifically addressed and protected by
10 California privacy law and the TCPA. Defendant's calls forced Plaintiff and other similarly
11 situated class members to live without the utility of their cellular phones by occupying their
12 cellular telephone with one or more unwanted calls, causing a nuisance and lost time.

13 24. Plaintiff is informed and believes and here upon alleges, that the calls were
14 made by Defendant and/or Defendant's agent(s), with Defendant's permission, knowledge,
15 control and for Defendant's benefit.

16 25. Through the aforementioned conduct, Defendant or its agent(s) has violated
17 47 U.S.C. § 227(b)(1).

18 **IV. CLASS ALLEGATIONS**

19 26. Plaintiff brings this action on behalf of himself and all others similarly situated
20 as a class action pursuant to Federal Rules of Civil Procedure, Rule 23(c). Plaintiff seeks to
21 represent a Class composed of and defined as:

22 **All persons within the United States who received any telephone call**
23 **from Defendant or its agent/s and/or employee/s, not sent for**
24 **emergency purposes, to said person's cellular telephone within the**
25 **four years prior to the filing of this Complaint.**

26 27. The above Classes and Sub-Classes may be referred to herein by the state sub-
27 class or collectively as the "Class." Excluded from the Class are Defendant, its affiliates,
28 subsidiaries, parents, successors, predecessors, any entity in which Defendant or its parents
have a controlling interest; Defendant's current and former employees, officers and

1 directors; the Judge(s) and/or Magistrate(s) assigned to this case; any person who properly
2 obtains exclusion from the Class; any person whose claims have been finally adjudicated on
3 the merits or otherwise released; and the parties' counsel in this litigation. Plaintiff reserves
4 the right to modify, change, or expand the Class definitions based upon discovery and
5 further investigation.

6 **A. Numerosity**

7 28. Upon information and belief, the Class is so numerous that joinder of all
8 members is impracticable. While the exact number and identities of individual members of
9 the Class are unknown at this time, such information being in the sole possession of
10 Defendant and obtainable by Plaintiff only through the discovery process, Plaintiff believes,
11 and on that basis alleges, that thousands of Class members have been subjected to the
12 conduct by Defendant herein alleged.

13 **B. Commonality**

14 29. There are questions of law and fact common to each Class predominating over
15 any questions affecting only individual Class Members. These common questions of law
16 and fact include, without limitation:

- 17 (a) Whether Defendant engaged in the conduct alleged herein;
18 (b) Whether, within the four years prior to the filing of this Complaint,
19 Defendant or their agents initiated any telephonic communications to the
20 Class (other than a message made for emergency purposes or made with
21 the prior express consent of the called party);
22 (c) Whether Defendant can meet its burden of showing Defendant obtained
23 prior express written consent;
24 (d) Whether Defendant's conduct was knowing and/or willful;
25 (e) Whether Plaintiff and the Class members were damaged thereby, and
26 the extent of damages for such violation; and
27 (f) Whether Defendant and their agents should be enjoined from engaging
28 in such conduct in the future.

1 There are common answers to these questions which further demonstrate that class
2 treatment is appropriate in this case.

3 **C. Typicality**

4 30. All of Plaintiff's claims are typical of the claims of the Class since Plaintiff
5 and all Class members were injured in the same manner by Defendant's uniform course of
6 conduct described herein. Plaintiff and all Class members have the same claims against
7 Defendant relating to the conduct alleged herein, and the same events giving rise to
8 Plaintiff's claims for relief are identical to those giving rise to the claims of all Class
9 members. Plaintiff and the members of the Class have all suffered irreparable harm as a
10 result of Defendant's unlawful and wrongful conduct. Absent a class action, the Class will
11 continue to face the potential for irreparable harm. In addition, these violations of law will
12 be allowed to proceed without remedy and Defendant will likely continue such illegal
13 conduct. Because of the size of the individual Class member's claims, few, if any, Class
14 members could afford to seek legal redress for the wrongs complained of herein.

15 **D. Adequacy of Representation**

16 31. Plaintiff is an adequate representative for the Class because his interests do not
17 conflict with the interests of the Class that they seeks to represent; Plaintiff has retained
18 counsel competent and highly experienced in complex class action and consumer fraud
19 litigation to prosecute this action vigorously. The interests of the Class will be fairly and
20 adequately protected by Plaintiff and his counsel.

21 **E. Superiority of Class Action**

22 32. A class action is superior to all other available means of fair and efficient
23 adjudication of the claims of Plaintiff and all Class members. The injury suffered by each
24 individual Class member is relatively small in comparison to the burden and expense of
25 individual prosecution of the complex and extensive litigation necessitated by Defendant's
26 conduct. It would be virtually impossible for members of the Class individually to redress
27 effectively the wrongs done to them by Defendant. Even if Class members could afford
28 such individual litigation, the court system could not. Individualized litigation presents a

1 potential for inconsistent or contradictory judgments. Individualized litigation increases the
2 delay and expense to all parties, and to the court system, presented by the complex legal and
3 factual issues of the case. By contrast, the class action device presents far fewer
4 management difficulties, and provides the benefits of single adjudication, an economy of
5 scale, and comprehensive supervision by a single court. Upon information and belief,
6 members of the Class can be readily identified and notified based on, inter alia, the records
7 (including databases, etc.) Defendant maintains regarding the consumers such as Plaintiff
8 and the Class Members that Defendant has contacted. Plaintiff knows of no difficulty to be
9 encountered in the management of this action that would preclude its maintenance as a class
10 action.

11 33. Given that Defendant has engaged in a common course of conduct as to
12 Plaintiff and the Class, similar or identical injuries and common law and statutory violations
13 are involved and common questions far outweigh any potential individual questions.

14 34. The Class is defined in terms of objective characteristics and common
15 transactional facts.

16 35. Plaintiff reserves the right to revise the above Class definitions based on facts
17 adduced in discovery.

18 36. Class Plaintiff contemplates the eventual issuance of notice to the proposed
19 Class Members of each of the Plaintiff Classes that would set forth the subject and nature of
20 the instant action. The Defendant's own business records can be utilized for assistance in
21 the preparation and issuance of the contemplated notices.

22 37. Defendant has acted or refused to act on grounds generally applicable to
23 Plaintiff and the other members of the Class, thereby making appropriate final injunctive
24 relief and declaratory relief, as described below, with respect to the Class as a whole.

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1 **FIRST CAUSE OF ACTION**
2 **NEGLIGENT VIOLATIONS OF THE TCPA**

3 [47 U.S.C. §§ 227 *et seq.*]

4 **(Against ENCORE CAPITAL GROUP, INC. and DOES 1 through 100, Inclusive)**

5 38. Plaintiff incorporates by reference all of the above paragraphs of this
6 Complaint as though fully stated herein.

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

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

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

15 **SECOND CAUSE OF ACTION**
16 **KNOWING AND/OR WILLFUL VIOLATIONS OF THE TCPA**

17 [47 U.S.C. §§ 227 *et seq.*]

18 **(Against ENCORE CAPITAL GROUP, INC. and DOES 1 through 100, Inclusive)**

19 42. Plaintiff incorporates by reference all of the above paragraphs of this
20 Complaint as though fully stated herein.

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

24 44. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. §
25 227, *et seq.*, Plaintiff and the Class are entitled to an award of \$1,500.00 in statutory
26 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C.
27 § 227(b)(3)(C).

1 45. Plaintiff and the Class are also entitled to and seek injunctive relief prohibiting
2 such conduct in the future.

3 **PRAYER**

4 **WHEREFORE, PLAINTIFF DEMANDS A JURY TRIAL** and prays for judgment as
5 follows:

6 **ON THE FIRST CAUSE OF ACTION:**

- 7 (a) **\$500.00** in statutory damages for each and every violation pursuant to
8 47 U.S.C. § 227(b)(3)(B);
- 9 (b) Injunctive relief pursuant to 47 U.S.C. § 227(b)(3)(A); and
- 10 (c) For Certification of the Classes defined herein, or such other Classes
11 and/or subclasses as the Court will certify.

12 **ON THE SECOND CAUSE OF ACTION:**

- 13 (a) **\$1,500.00** in statutory damages for each and every violation pursuant to
14 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C);
- 15 (b) Injunctive relief pursuant to 47 U.S.C. § 227(b)(3)(A); and
- 16 (c) For Certification of the Classes defined herein, or such other Classes
17 and/or subclasses as the Court will certify.

18 **ON ALL CAUSES OF ACTION:**

- 19 (a) For an award of reasonable attorneys’ fees to Plaintiff and the Class
20 Members pursuant to California Code of Civil Procedure § 1021.5,
21 and/or other applicable law;
- 22 (b) For an award of costs of suit to Plaintiff and the Class Members
23 pursuant to applicable law; and
- 24 (c) For such further relief as this Court may deem just and proper.

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1 Dated: June 6, 2018

QUINTILONE & ASSOCIATES

2
3 By: /s/ Richard E. Quintilone II, Esq.

4 RICHARD E. QUINTILONE II,
5 GEORGE A. ALOUPAS
6 Attorney for Plaintiff SEAN
7 HARTRANFT, on behalf of himself and on
8 behalf of a Class of all other persons
9 similarly situated

DEMAND FOR JURY TRIAL

10 Plaintiff hereby demands trial of the claims by jury to the extent authorized by
11 law.

12 Dated: June 6, 2018

QUINTILONE & ASSOCIATES

13
14
15 By: /s/ Richard E. Quintilone II, Esq.

16 RICHARD E. QUINTILONE II,
17 GEORGE A. ALOUPAS
18 Attorney for Plaintiff SEAN
19 HARTRANFT, on behalf of himself and on
20 behalf of a Class of all other persons
21 similarly situated
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CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

SEAN HARTRANFT, on behalf of himself and on behalf of a Class of all other persons similarly situated,

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

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

Richard E. Quintilone II (SBN 200995) QUINTILONE & ASSOCIATES 22974 El Toro Road, Suite 100, Lake Forest, CA 92630; (949) 458-9675

DEFENDANTS

ENCORE CAPITAL GROUP, INC., a Delaware Corporation; and DOES 1 through 100, inclusive,

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

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

Attorneys (If Known)

18CV1187 BEN RBB

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, 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): Telephone Consumer Protection Act, 47 U.S.C. Section 227, et seq.

Brief description of cause: Violations of the Telephone Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

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

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

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE 06/06/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Richard E. Quintilone II, Esq.

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: [California Man Sues Encore Capital Group Over Unwanted Robocalls](#)
