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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

18 768

KEITH HOBBS, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

CONNECT AMERICA.COM, LLC
AKA MEDICAL ALERT; and DOES 1
through 10, inclusive,

Defendant.

) Case No. **18 768**
)
) **CLASS ACTION**
)
) **COMPLAINT FOR VIOLATIONS**
) **OF:**
)
) 1. NEGLIGENT VIOLATIONS
) OF THE TELEPHONE
) CONSUMER PROTECTION
) ACT [47 U.S.C. §227(b)]
) 2. WILLFUL VIOLATIONS
) OF THE TELEPHONE
) CONSUMER PROTECTION
) ACT [47 U.S.C. §227(b)]
) 3. NEGLIGENT VIOLATIONS
) OF THE TELEPHONE
) CONSUMER PROTECTION
) ACT [47 U.S.C. §227(c)]
) 4. WILLFUL VIOLATIONS
) OF THE TELEPHONE
) CONSUMER PROTECTION
) ACT [47 U.S.C. §227(c)]

DEMAND FOR JURY TRIAL

Plaintiff KEITH HOBBS ("Plaintiff"), individually and on behalf of all
others similarly situated, alleges the following upon information and belief based
upon personal knowledge:

NATURE OF THE CASE

1. Plaintiff brings this action individually and on behalf of all others

1 similarly situated seeking damages and any other available legal or equitable
2 remedies resulting from the illegal actions of Defendant, CONNECT
3 AMERICA.COM, LLC AKA MEDICAL ALERT (“Defendant”), in negligently,
4 knowingly, and/or willfully contacting Plaintiff on Plaintiff’s cellular telephone in
5 violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*
6 (“TCPA”) and related regulations, specifically the National Do-Not-Call
7 provisions, thereby invading Plaintiff’s privacy.

8 JURISDICTION & VENUE

9 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff,
10 a Georgia resident, seeks relief on behalf of a Class, which will result in at least
11 one class member belonging to a different state than that of Defendant, a
12 Pennsylvania company. Plaintiff also seeks up to \$1,500.00 in damages for each
13 call in violation of the TCPA, which, when aggregated among a proposed class in
14 the thousands, exceeds the \$5,000,000.00 threshold for federal court jurisdiction.
15 Therefore, both diversity jurisdiction and the damages threshold under the Class
16 Action Fairness Act of 2005 (“CAFA”) are present, and this Court has jurisdiction.

17 3. Venue is proper in the United States District Court for the Eastern
18 District of Pennsylvania pursuant to 28 U.S.C. § 1391(b)(1) because Defendant
19 resides in this District.

20 PARTIES

21 4. Plaintiff, KEITH HOBBS (“Plaintiff”), is a natural person, and is a
22 “person” as defined by 47 U.S.C. § 153 (39).

23 5. Defendant, CONNECT AMERICA.COM, LLC AKA MEDICAL
24 ALERT (“Defendant”), is an entity in the business of giving medical alerts, and is
25 a “person” as defined by 47 U.S.C. § 153 (39).

26 6. The above named Defendant, and its subsidiaries and agents, are
27 collectively referred to as “Defendants.” The true names and capacities of the
28 Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are

1 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious
2 names. Each of the Defendants designated herein as a DOE is legally responsible
3 for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend the
4 Complaint to reflect the true names and capacities of the DOE Defendants when
5 such identities become known.

6 7. Plaintiff is informed and believes that at all relevant times, each and
7 every Defendant was acting as an agent and/or employee of each of the other
8 Defendants and was acting within the course and scope of said agency and/or
9 employment with the full knowledge and consent of each of the other Defendants.
10 Plaintiff is informed and believes that each of the acts and/or omissions complained
11 of herein was made known to, and ratified by, each of the other Defendants.

12 **FACTUAL ALLEGATIONS**

13 8. Beginning on or about June 13, 2017 and continuing through on or
14 about July 20, 2017, Defendant contacted Plaintiff on Plaintiff's cellular telephone
15 number ending in -7558 in an attempt to solicit Plaintiff to purchase Defendant's
16 services or products.

17 9. Defendant used an "automatic telephone dialing system" as defined
18 by 47 U.S.C. § 227(a)(1) to place its calls to Plaintiff seeking to solicit its services.

19 10. Defendant contacted or attempted to contact Plaintiff from telephone
20 numbers belonging to Defendant, including without limitation (561) 220-9418.

21 11. Defendant's calls constituted calls that were not for emergency
22 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

23 12. Defendant's calls were placed to a telephone number assigned to a
24 cellular telephone service for which Plaintiff incurs a charge for incoming calls
25 pursuant to 47 U.S.C. § 227(b)(1).

26 13. During all relevant times, Defendant did not possess Plaintiff's "prior
27 express consent" to receive calls using an automatic telephone dialing system or an
28 artificial or prerecorded voice on its cellular telephones pursuant to 47 U.S.C. §

1 227(b)(1)(A).

2 14. Furthermore, Plaintiff's cellular telephone number ending in -7558
3 has been on the National Do-Not-Call Registry since at least on or about March 23,
4 2017, or in any case, well over thirty (30) days prior to Defendant's initial calls.

5 15. Defendant placed multiple calls soliciting its business to Plaintiff on
6 its cellular telephones beginning in or around June of 2017 and continued until in
7 or around July of 2017.

8 16. Such calls constitute solicitation calls pursuant to 47 C.F.R. §
9 64.1200(c)(2) as they were attempts to promote or sell Defendant's services.

10 17. Plaintiff received numerous solicitation calls from Defendant within a
11 12-month period.

12 18. Plaintiff requested for Defendant to stop calling Plaintiff during one
13 of the initial calls from Defendant, thus revoking any prior express consent that had
14 existed and terminating any established business relationship that had existed, as
15 defined under 16 C.F.R. 310.4(b)(1)(iii)(B).

16 19. Despite this, Defendant continued to call Plaintiff in an attempt to
17 solicit its services and in violation of the National Do-Not-Call provisions of the
18 TCPA.

19 20. Upon information and belief, and based on Plaintiff's experiences of
20 being called by Defendant after requesting they stop calling, and at all relevant
21 times, Defendant failed to establish and implement reasonable practices and
22 procedures to effectively prevent telephone solicitations in violation of the
23 regulations prescribed under 47 U.S.C. § 227(c)(5).

24 **CLASS ALLEGATIONS**

25 21. Plaintiff brings this action individually and on behalf of all others
26 similarly situated, as a member the four proposed classes (hereafter, jointly, "The
27 Classes"). The class concerning the ATDS claim for no prior express consent
28 (hereafter "The ATDS Class") is defined as follows:

1 All persons within the United States who received any
2 solicitation/telemarketing telephone calls from
3 Defendant to said person's cellular telephone made
4 through the use of any automatic telephone dialing
5 system or an artificial or prerecorded voice and such
6 person had not previously consented to receiving such
7 calls within the four years prior to the filing of this
8 Complaint

9 22. The class concerning the ATDS claim for revocation of consent, to the
10 extent prior consent existed (hereafter "The ATDS Revocation Class") is defined
11 as follows:

12 All persons within the United States who received any
13 solicitation/telemarketing telephone calls from
14 Defendant to said person's cellular telephone made
15 through the use of any automatic telephone dialing
16 system or an artificial or prerecorded voice and such
17 person had revoked any prior express consent to receive
18 such calls prior to the calls within the four years prior to
19 the filing of this Complaint.

20 23. The class concerning the National Do-Not-Call violation (hereafter
21 "The DNC Class") is defined as follows:

22 All persons within the United States registered on the
23 National Do-Not-Call Registry for at least 30 days, who
24 had not granted Defendant prior express consent nor had
25 a prior established business relationship, who received
26 more than one call made by or on behalf of Defendant
27 that promoted Defendant's products or services, within
28 any twelve-month period, within four years prior to the
filing of the complaint.

24. The class concerning the National Do-Not-Call violation following
revocation of consent and prior business relationship, to the extent they existed

1 (hereafter “The DNC Revocation Class”) is defined as follows:

2 All persons within the United States registered on the
3 National Do-Not-Call Registry for at least 30 days, who
4 received more than one call made by or on behalf of
5 Defendant that promoted Defendant’s products or
6 services, after having revoked consent and any prior
7 established business relationship, within any twelve-
8 month period, within four years prior to the filing of the
9 complaint.

9 25. Plaintiff represents, and is a member of, The ATDS Class, consisting
10 of all persons within the United States who received any solicitation telephone calls
11 from Defendant to said person’s cellular telephone made through the use of any
12 automatic telephone dialing system or an artificial or prerecorded voice and such
13 person had not previously not provided their cellular telephone number to
14 Defendant within the four years prior to the filing of this Complaint.

15 26. Plaintiff represents, and is a member of, The ATDS Revocation Class,
16 consisting of all persons within the United States who received any
17 solicitation/telemarketing telephone calls from Defendant to said person’s cellular
18 telephone made through the use of any automatic telephone dialing system or an
19 artificial or prerecorded voice and such person had revoked any prior express
20 consent to receive such calls prior to the calls within the four years prior to the
21 filing of this Complaint.

22 27. Plaintiff represents, and is a member of, The DNC Class, consisting
23 of all persons within the United States registered on the National Do-Not-Call
24 Registry for at least 30 days, who had not granted Defendant prior express consent
25 nor had a prior established business relationship, who received more than one call
26 made by or on behalf of Defendant that promoted Defendant’s products or services,
27 within any twelve-month period, within four years prior to the filing of the
28 complaint.

1 28. Plaintiff represents, and is a member of, The DNC Revocation Class,
2 consisting of all persons within the United States registered on the National Do-
3 Not-Call Registry for at least 30 days, who received more than one call made by or
4 on behalf of Defendant that promoted Defendant's products or services, after
5 having revoked consent and any prior established business relationship, within any
6 twelve-month period, within four years prior to the filing of the complaint.

7 29. Defendant, their employees and agents are excluded from The
8 Classes. Plaintiff does not know the number of members in The Classes, but
9 believes the Classes members number in the thousands, if not more. Thus, this
10 matter should be certified as a Class Action to assist in the expeditious litigation of
11 the matter.

12 30. The Classes are so numerous that the individual joinder of all of its
13 members is impractical. While the exact number and identities of The Classes
14 members are unknown to Plaintiff at this time and can only be ascertained through
15 appropriate discovery, Plaintiff is informed and believes and thereon alleges that
16 The Classes includes thousands of members. Plaintiff alleges that The Classes
17 members may be ascertained by the records maintained by Defendant.

18 31. Plaintiff and members of The ATDS Class and The ATDS Revocation
19 Class were harmed by the acts of Defendant in at least the following ways:
20 Defendant illegally contacted Plaintiff and ATDS Class members via their cellular
21 telephones thereby causing Plaintiff and ATDS Class and ATDS Revocation Class
22 members to incur certain charges or reduced telephone time for which Plaintiff and
23 ATDS Class and ATDS Revocation Class members had previously paid by having
24 to retrieve or administer messages left by Defendant during those illegal calls, and
25 invading the privacy of said Plaintiff and ATDS Class and ATDS Revocation Class
26 members.

27 32. Common questions of fact and law exist as to all members of The
28 ATDS Class which predominate over any questions affecting only individual

1 members of The ATDS Class. These common legal and factual questions, which
2 do not vary between ATDS Class members, and which may be determined without
3 reference to the individual circumstances of any ATDS Class members, include,
4 but are not limited to, the following:

- 5 a. Whether, within the four years prior to the filing of this
6 Complaint, Defendant made any telemarketing/solicitation call
7 (other than a call made for emergency purposes or made with
8 the prior express consent of the called party) to a ATDS Class
9 member using any automatic telephone dialing system or any
10 artificial or prerecorded voice to any telephone number
11 assigned to a cellular telephone service;
- 12 b. Whether Plaintiff and the ATDS Class members were damaged
13 thereby, and the extent of damages for such violation; and
- 14 c. Whether Defendant and their agents should be enjoined from
15 engaging in such conduct in the future.

16 33. As a person that received numerous telemarketing/solicitation calls
17 from Defendant using an automatic telephone dialing system or an artificial or
18 prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting
19 claims that are typical of The ATDS Class.

20 34. Common questions of fact and law exist as to all members of The
21 ATDS Revocation Class which predominate over any questions affecting only
22 individual members of The ATDS Revocation Class. These common legal and
23 factual questions, which do not vary between ATDS Revocation Class members,
24 and which may be determined without reference to the individual circumstances of
25 any ATDS Revocation Class members, include, but are not limited to, the
26 following:

- 27 a. Whether, within the four years prior to the filing of this
28 Complaint, Defendant made any telemarketing/solicitation call

1 (other than a call made for emergency purposes or made with
2 the prior express consent of the called party) to an ATDS
3 Revocation Class member, who had revoked any prior express
4 consent to be called using an ATDS, using any automatic
5 telephone dialing system or any artificial or prerecorded voice
6 to any telephone number assigned to a cellular telephone
7 service;

8 b. Whether Plaintiff and the ATDS Revocation Class members
9 were damaged thereby, and the extent of damages for such
10 violation; and

11 c. Whether Defendant and their agents should be enjoined from
12 engaging in such conduct in the future.

13 35. As a person that received numerous telemarketing/solicitation calls
14 from Defendant using an automatic telephone dialing system or an artificial or
15 prerecorded voice, after Plaintiff had revoked any prior express consent, Plaintiff
16 is asserting claims that are typical of The ATDS Revocation Class.

17 36. Plaintiff and members of The DNC Class and DNC Revocation Class
18 were harmed by the acts of Defendant in at least the following ways: Defendant
19 illegally contacted Plaintiff and DNC Class and DNC Revocation Class members
20 via their telephones for solicitation purposes, thereby invading the privacy of said
21 Plaintiff and the DNC Class and DNC Revocation Class members whose telephone
22 numbers were on the National Do-Not-Call Registry. Plaintiff and the DNC Class
23 and DNC Revocation Class members were damaged thereby.

24 37. Common questions of fact and law exist as to all members of The
25 DNC Class which predominate over any questions affecting only individual
26 members of The DNC Class. These common legal and factual questions, which do
27 not vary between DNC Class members, and which may be determined without
28 reference to the individual circumstances of any DNC Class members, include, but

1 are not limited to, the following:

- 2 a. Whether, within the four years prior to the filing of this
3 Complaint, Defendant or its agents placed more than one
4 solicitation call to the members of the DNC Class whose
5 telephone numbers were on the National Do-Not-Call Registry
6 and who had not granted prior express consent to Defendant and
7 did not have an established business relationship with
8 Defendant;
- 9 b. Whether Defendant obtained prior express written consent to
10 place solicitation calls to Plaintiff or the DNC Class members'
11 telephones;
- 12 c. Whether Plaintiff and the DNC Class member were damaged
13 thereby, and the extent of damages for such violation; and
- 14 d. Whether Defendant and their agents should be enjoined from
15 engaging in such conduct in the future.

16 38. As a person that received numerous solicitation calls from Defendant
17 within a 12-month period, who had not granted Defendant prior express consent
18 and did not have an established business relationship with Defendant, Plaintiff is
19 asserting claims that are typical of the DNC Class.

20 39. Common questions of fact and law exist as to all members of The
21 DNC Class which predominate over any questions affecting only individual
22 members of The DNC Revocation Class. These common legal and factual
23 questions, which do not vary between DNC Revocation Class members, and which
24 may be determined without reference to the individual circumstances of any DNC
25 Revocation Class members, include, but are not limited to, the following:

- 26 a. Whether, within the four years prior to the filing of this
27 Complaint, Defendant or its agents placed more than one
28 solicitation call to the members of the DNC Class whose

1 telephone numbers were on the National Do-Not-Call Registry
2 and who had revoked any prior express consent and any
3 established business relationship with Defendant;

4 b. Whether Plaintiff and the DNC Class member were damaged
5 thereby, and the extent of damages for such violation; and

6 c. Whether Defendant and their agents should be enjoined from
7 engaging in such conduct in the future.

8 40. As a person that received numerous solicitation calls from Defendant
9 within a 12-month period, who, to the extent one existed, had revoked any prior
10 express consent and any established business relationship with Defendant, Plaintiff
11 is asserting claims that are typical of the DNC Revocation Class.

12 41. Plaintiff will fairly and adequately protect the interests of the members
13 of The Classes. Plaintiff has retained attorneys experienced in the prosecution of
14 class actions.

15 42. A class action is superior to other available methods of fair and
16 efficient adjudication of this controversy, since individual litigation of the claims
17 of all Classes members is impracticable. Even if every Classes member could
18 afford individual litigation, the court system could not. It would be unduly
19 burdensome to the courts in which individual litigation of numerous issues would
20 proceed. Individualized litigation would also present the potential for varying,
21 inconsistent, or contradictory judgments and would magnify the delay and expense
22 to all parties and to the court system resulting from multiple trials of the same
23 complex factual issues. By contrast, the conduct of this action as a class action
24 presents fewer management difficulties, conserves the resources of the parties and
25 of the court system, and protects the rights of each Classes member.

26 43. The prosecution of separate actions by individual Classes members
27 would create a risk of adjudications with respect to them that would, as a practical
28 matter, be dispositive of the interests of the other Classes members not parties to

1 such adjudications or that would substantially impair or impede the ability of such
2 non-party Class members to protect their interests.

3 44. Defendant have acted or refused to act in respects generally applicable
4 to The Classes, thereby making appropriate final and injunctive relief with regard
5 to the members of the Classes as a whole.

6 **FIRST CAUSE OF ACTION**

7 **Negligent Violations of the Telephone Consumer Protection Act**

8 **47 U.S.C. §227(b).**

9 **On Behalf of the ATDS Class and ATDS Revocation Class**

10 45. Plaintiff repeats and incorporates by reference into this cause of action
11 the allegations set forth above at Paragraphs 1-44.

12 46. The foregoing acts and omissions of Defendant constitute numerous
13 and multiple negligent violations of the TCPA, including but not limited to each
14 and every one of the above cited provisions of *47 U.S.C. § 227(b)*, and in particular
15 *47 U.S.C. § 227 (b)(1)(A)*.

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

19 48. Plaintiff and the ATDS Class and ATDS Revocation Class members
20 are also entitled to and seek injunctive relief prohibiting such conduct in the future.

21 ///

22
23 **SECOND CAUSE OF ACTION**

24 **Knowing and/or Willful Violations of the Telephone Consumer Protection**

25 **Act**

26 **47 U.S.C. §227(b)**

27 **On Behalf of the ATDS Class and the ATDS Revocation Class**

28 49. Plaintiff repeats and incorporates by reference into this cause of action

1 the allegations set forth above at Paragraphs 1-44.

2 50. The foregoing acts and omissions of Defendant constitute numerous
3 and multiple knowing and/or willful violations of the TCPA, including but not
4 limited to each and every one of the above cited provisions of *47 U.S.C. § 227(b)*,
5 and in particular *47 U.S.C. § 227 (b)(1)(A)*.

6 51. As a result of Defendant's knowing and/or willful violations of *47*
7 *U.S.C. § 227(b)*, Plaintiff and the ATDS Class and ATDS Revocation Class
8 members are entitled an award of \$1,500.00 in statutory damages, for each and
9 every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

10 52. Plaintiff and the Class members are also entitled to and seek injunctive
11 relief prohibiting such conduct in the future.

12 **THIRD CAUSE OF ACTION**

13 **Negligent Violations of the Telephone Consumer Protection Act**

14 **47 U.S.C. §227(c)**

15 **On Behalf of the DNC Class and the DNC Revocation Class**

16 53. Plaintiff repeats and incorporates by reference into this cause of action
17 the allegations set forth above at Paragraphs 1-44.

18 54. The foregoing acts and omissions of Defendant constitute numerous
19 and multiple negligent violations of the TCPA, including but not limited to each
20 and every one of the above cited provisions of *47 U.S.C. § 227(c)*, and in particular
21 *47 U.S.C. § 227 (c)(5)*.

22 55. As a result of Defendant's negligent violations of *47 U.S.C. § 227(c)*,
23 Plaintiff and the DNC Class and DNC Revocation Class Members are entitled an
24 award of \$500.00 in statutory damages, for each and every violation, pursuant to
25 *47 U.S.C. § 227(c)(5)(B)*.

26 56. Plaintiff and the DNC Class and DNC Revocation Class members are
27 also entitled to and seek injunctive relief prohibiting such conduct in the future.

28 **FOURTH CAUSE OF ACTION**

1 **Knowing and/or Willful Violations of the Telephone Consumer Protection**
2 **Act**

3 **47 U.S.C. §227 et seq.**

4 **On Behalf of the DNC Class and DNC Revocation Class**

5 57. Plaintiff repeats and incorporates by reference into this cause of action
6 the allegations set forth above at Paragraphs 1-44.

7 58. The foregoing acts and omissions of Defendant constitute numerous
8 and multiple knowing and/or willful violations of the TCPA, including but not
9 limited to each and every one of the above cited provisions of *47 U.S.C. § 227(c)*,
10 in particular *47 U.S.C. § 227 (c)(5)*.

11 59. As a result of Defendant's knowing and/or willful violations of *47*
12 *U.S.C. § 227(c)*, Plaintiff and the DNC Class and DNC Revocation Class members
13 are entitled an award of \$1,500.00 in statutory damages, for each and every
14 violation, pursuant to *47 U.S.C. § 227(c)(5)*.

15 60. Plaintiff and the DNC Class and DNC Revocation Class members are
16 also entitled to and seek injunctive relief prohibiting such conduct in the future.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff requests judgment against Defendant for the following:

19 **FIRST CAUSE OF ACTION**

20 **Negligent Violations of the Telephone Consumer Protection Act**

21 **47 U.S.C. §227(b)**

- 22 • As a result of Defendant's negligent violations of *47 U.S.C.*
23 *§227(b)(1)*, Plaintiff and the ATDS Class and ATDS Revocation
24 Class members are entitled to and request \$500 in statutory damages,
25 for each and every violation, pursuant to *47 U.S.C. 227(b)(3)(B)*.
26 • Any and all other relief that the Court deems just and proper.

27 **SECOND CAUSE OF ACTION**

1 **Knowing and/or Willful Violations of the Telephone Consumer Protection**
2 **Act**

3 **47 U.S.C. §227(b)**

- 4 • As a result of Defendant's willful and/or knowing violations of 47
5 *U.S.C. §227(b)(1)*, Plaintiff and the ATDS Class and ATDS
6 Revocation Class members are entitled to and request treble damages,
7 as provided by statute, up to \$1,500, for each and every violation,
8 pursuant to 47 *U.S.C. §227(b)(3)(B)* and 47 *U.S.C. §227(b)(3)(C)*.
9 • Any and all other relief that the Court deems just and proper.

10 **THIRD CAUSE OF ACTION**

11 **Negligent Violations of the Telephone Consumer Protection Act**

12 **47 U.S.C. §227(c)**

- 13 • As a result of Defendant's negligent violations of 47 *U.S.C.*
14 *§227(c)(5)*, Plaintiff and the DNC Class and DNC Revocation Class
15 members are entitled to and request \$500 in statutory damages, for
16 each and every violation, pursuant to 47 *U.S.C. 227(c)(5)*.
17 • Any and all other relief that the Court deems just and proper.

18 **FOURTH CAUSE OF ACTION**

19 **Knowing and/or Willful Violations of the Telephone Consumer Protection**
20 **Act**

21 **47 U.S.C. §227(c)**

- 22 • As a result of Defendant's willful and/or knowing violations of 47
23 *U.S.C. §227(c)(5)*, Plaintiff and the DNC Class and DNC Revocation
24 Class members are entitled to and request treble damages, as provided
25 by statute, up to \$1,500, for each and every violation, pursuant to 47
26 *U.S.C. §227(c)(5)*.
27 • Any and all other relief that the Court deems just and proper.

28 **JURY DEMAND**

JS 44 (Rev. 12/07)

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

KEITH HOBBS, individually and on behalf of all others similarly situated,

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
 Cynthia Z. Levin, Esq.; Law Offices of Todd M. Friedman, P.C.
 1150 First Avenue, Suite 501, King of Prussia, PA 19406

DEFENDANTS

CONNECT AMERICA.COM LLC AKA MEDICAL ALERT; and DOES 1 through 10, inclusive,

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

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

Attorneys (If Known)

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

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 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)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

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
- 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
47 U.S.C. 227(b); 47 U.S.C. 227(c)

VI. CAUSE OF ACTION

Brief description of cause:
violations of telephone consumer protection act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 5,000,000.00
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
02/15/2018

SIGNATURE OF ATTORNEY OF RECORD

FEB 20 2018

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

NIQA

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar

Address of Plaintiff: 4613 Randall Drive, Columbus, Georgia 31909

Address of Defendant: 2193 West Chester Pike, Broomall, PA.19008

18 768

Place of Accident, Incident or Transaction: Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases
(Please specify) Violations of the Telephone Consumer Protection Act

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify) _____
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Conthia Z. Levin, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$100,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: February 15, 2018

Conthia Z. Levin
Attorney-at-Law

27050

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: February 15, 2018

Conthia Z. Levin
Attorney-at-Law

27050

Attorney I.D.#

FEB 20 2018

NIQA

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

KEITH HOBBS, individually and on
behalf of all other similarly situated,

CONNECT AMERICA.COM, LLC
AKA MEDICAL ALERT; and DOES
1 through 10, inclusive,

CIVIL ACTION

18 768

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>February 15, 2018</u>	<u><i>Kevin G. Levin</i></u>	<u>Keith Hobbs</u>
Date	Attorney-at-law	Attorney for
<u>888-595-9111 ext. 618</u>	<u>866-633-0228</u>	<u>clevin@attorneysforconsumers.com</u>
Telephone	FAX Number	E-Mail Address

(Civ. 660) 10/02

FEB 20 2018

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Connect America.com Hit with TCPA Class Action Over Alleged Robocalls](#)
