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

11 KEITH HOBBS, individually and on)
12 behalf of all others similarly situated,)
13 Plaintiff,)

14 vs.)

15 MEDICAL GUARDIAN LLC; and)
16 DOES 1 through 10, inclusive,)
17 Defendant.)

Case No.)

18 **CLASS ACTION**

19 **COMPLAINT FOR VIOLATIONS**
20 **OF:**

- 21 1. NEGLIGENT VIOLATIONS)
22 OF THE TELEPHONE)
23 CONSUMER PROTECTION)
24 ACT [47 U.S.C. §227(b)])
- 25 2. WILLFUL VIOLATIONS)
26 OF THE TELEPHONE)
27 CONSUMER PROTECTION)
28 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

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

27 **NATURE OF THE CASE**

- 28 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, MEDICAL GUARDIAN
3 LLC (“Defendant”), in negligently, knowingly, and/or willfully contacting Plaintiff
4 on Plaintiff’s cellular telephone in violation of the Telephone Consumer Protection
5 Act, 47. U.S.C. § 227 *et seq.* (“TCPA”) and related regulations, specifically the
6 National Do-Not-Call provisions, thereby invading Plaintiff’s privacy.

7 **JURISDICTION & VENUE**

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

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

19 **PARTIES**

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

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

25 6. The above named Defendant, and its subsidiaries and agents, are
26 collectively referred to as “Defendants.” The true names and capacities of the
27 Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are
28 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious

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

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

11 **FACTUAL ALLEGATIONS**

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

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

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

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

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

25 13. During all relevant times, Defendant did not possess Plaintiff's "prior
26 express consent" to receive calls using an automatic telephone dialing system or an
27 artificial or prerecorded voice on its cellular telephones pursuant to *47 U.S.C. §*
28 *227(b)(1)(A)*.

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

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

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

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

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

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

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

23 **CLASS ALLEGATIONS**

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

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.

29 24. The class concerning the National Do-Not-Call violation following
30 revocation of consent and prior business relationship, to the extent they existed
(hereafter "The DNC Revocation Class") is defined as follows:

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

28 28. Plaintiff represents, and is a member of, The DNC Revocation Class,

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

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

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

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

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

1 do not vary between ATDS Class members, and which may be determined without
2 reference to the individual circumstances of any ATDS Class members, include,
3 but are not limited to, the following:

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

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

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

- 26 a. Whether, within the four years prior to the filing of this
27 Complaint, Defendant made any telemarketing/solicitation call
28 (other than a call made for emergency purposes or made with

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

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

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

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

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

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

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

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

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

- 25 a. Whether, within the four years prior to the filing of this
- 26 Complaint, Defendant or its agents placed more than one
- 27 solicitation call to the members of the DNC Class whose
- 28 telephone numbers were on the National Do-Not-Call Registry

1 and who had revoked any prior express consent and any
2 established business relationship with Defendant;

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

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

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

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

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

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

1 non-party Class members to protect their interests.

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

5 **FIRST CAUSE OF ACTION**

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

7 **47 U.S.C. §227(b).**

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

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

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

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

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

20 ///

21
22 **SECOND CAUSE OF ACTION**

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

25 **47 U.S.C. §227(b)**

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

27 49. Plaintiff repeats and incorporates by reference into this cause of action
28 the allegations set forth above at Paragraphs 1-44.

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

47 U.S.C. §227 et seq.

On Behalf of the DNC Class and DNC Revocation Class

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

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

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

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

FIRST CAUSE OF ACTION

Negligent Violations of the Telephone Consumer Protection Act

47 U.S.C. §227(b)

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

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.

JURY DEMAND

1
2 61. Pursuant to the Seventh Amendment to the Constitution of the United
3 States of America, Plaintiff is entitled to, and demands, a trial by jury on all issues
4 so triable.

5 Respectfully Submitted this 1st Day of December, 2017.

6 LAW OFFICES OF TODD M. FRIEDMAN, P.C.

7
8 By: /s/ Cynthia Z. Levin, Esq.
9 Cynthia Z. Levin, Esq.
10 Law Offices of Todd M. Friedman
11 Attorney for Plaintiff
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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

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

DEFENDANTS

MEDICAL GUARDIAN LLC; and DOES 1 through 10, inclusive,

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

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

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

Attorneys (If Known)

(c) Attorneys (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

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):

47 U.S.C. § 227

Brief description of cause:

Violations of the Telephone Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,001.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

12/01/2017 s/Cynthia Z. Levin

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.

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 an appropriate calendar.

17 5462

Address of Plaintiff: 4613 Randall Dr, Columbus, GA 31909

Address of Defendant: 1500 Locust St, Suite 4310, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia, PA (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 [X]

Does this case involve multidistrict litigation possibilities? Yes [] No [X]

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 [X]
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 [X]
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 [X]
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 [X]

CIVIL: (Place [X] 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. [X] All other Federal Question Cases (Please specify) 27 U.S.C. § 227 et seq.

- 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, Cynthia Z. Levin, Esq., counsel of record do hereby certify: [X] 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 \$150,000.00 exclusive of interest and costs; [] Relief other than monetary damages is sought.

DATE: December 1, 2017

Cynthia Z. Levin (Signature)

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: December 1 2017

Cynthia Z. Levin (Signature)

Attorney-at-Law

27050

Attorney I.D.#



**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 others similarly situated :
v. :
MEDICAL GUARDIAN LLC; and :
DOES 1 through 10, inclusive :

CIVIL ACTION
17 5462
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)

December 1, 2017		Plaintiff, Keith Hobbs
Date	Attorney-at-law	Attorney for
(888) 595-9111, ext 618	(866) 633-0228	clevin@attorneysforconsumers.com
Telephone	FAX Number	E-Mail Address

(Civ. 660) 10/02

DEC - 5 2017

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

1150 FIRST AVENUE, SUITE 501

KING OF PRUSSIA, PA 19406

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TODD M. FRIEDMAN, ESQ.*

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WOODLAND HILLS, CA 91367

CYNTHIA Z. LEVIN, ESQ.**

Attorney in charge of PA office

**LICENSED IN PA and NJ

PRINCIPAL OFFICE, CHERRY HILL, NJ

PA MAILING ADDRESS
1150 FIRST AVENUE, SUITE 501
KING OF PRUSSIA, PA 19406

Dated: December 1, 2017

United States District Court Eastern District of Pennsylvania
601 Market Street, Room 2609
Philadelphia, PA 19106-1797

Re: Keith Hobbs, et al. v. Medical Guardian LLC

Dear Filing Clerk:

Please file the enclosed Complaint, Civil Case Cover Sheet, Summons, Designation Form, and Case Tracking Form, as soon as possible. I've also enclosed a check for \$400.00 for filing fees. Please return the conformed copy and a receipt to me via the self-addressed stamped envelope.

Please contact me directly with any questions or concerns.

Thank you,



Cynthia Z. Levin

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Medical Guardian Pegged with Class Action Lawsuit Over Robocalls](#)
