

Kazerouni Law Group, APC
Costa Mesa, California

KAZEROUNI LAW GROUP, APC
Abbas Kazerounian, Esq. (SBN: 249203)
ak@kazlg.com
Jason A. Ibey, Esq. (SBN: 284607)
jason@kazlg.com
245 Fischer Avenue, Suite D1
Costa Mesa, California 92626
Telephone: (800) 400-6808
Facsimile: (800) 520-5523

LAW OFFICE OF DANIEL G. SHAY
Daniel G. Shay (SBN: 250548)
danielshay@tcpafdcpa.com
409 Camino Del Rio South, Suite 101B
San Diego, CA 92108
Telephone: (619) 222-7429
Facsimile: (866) 431-3292

[Additional Attorneys on Signature Page]

Attorneys for Plaintiff,
Margaret A. McKenna

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

**MARGARET A. MCKENNA,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiff,

v.

**VIKING CLIENT SERVICES, LLC
a/k/a VIKING CLIENT
SERVICES, INC. a/k/a VIKING
COLLECTION SERVICE, INC.,**

Defendant.

Case No.: '17CV0012 BEN JMA

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

JURY TRIAL DEMANDED

INTRODUCTION

- 1
- 2 1. MARGARET A. MCKENNA (“Plaintiff” or “Ms. McKenna”) brings this
- 3 class action for damages, injunctive relief, and any other available legal or
- 4 equitable remedies, resulting from the illegal actions of defendant VIKING
- 5 CLIENT SERVICES, LLC a/k/a VIKING CLIENT SERVICES, INC. a/k/a
- 6 VIKING COLLECTION SERVICE, INC. (“Defendant” or “VCS”) in
- 7 negligently and/or intentionally contacting Plaintiff on Plaintiff’s cellular
- 8 telephone, in violation of the Telephone Consumer Protection Act, 47 U.S.C.
- 9 §§ 227 *et seq.*, (“TCPA”), thereby invading Plaintiff’s privacy. Plaintiff
- 10 alleges as follows upon personal knowledge as to herself and her own acts
- 11 and experiences, and, as to all other matters, upon information and belief,
- 12 including investigation conducted by her attorneys.
- 13 2. The TCPA was designed to prevent calls like the ones described within this
- 14 complaint, and to protect the privacy of citizens like Plaintiff. “Voluminous
- 15 consumer complaints about abuses of telephone technology – for example,
- 16 computerized calls dispatched to private homes – prompted Congress to pass
- 17 the TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).
- 18 3. In enacting the TCPA, Congress intended to give consumers a choice as to
- 19 how creditors and telemarketers may call them, and made specific findings
- 20 that “[t]echnologies that might allow consumers to avoid receiving such
- 21 calls are not universally available, are costly, are unlikely to be enforced, or
- 22 place an inordinate burden on the consumer. TCPA, Pub.L. No. 102–243, §
- 23 11. Toward this end, Congress found that:

24 [b]anning such automated or prerecorded telephone calls

25 to the home, except when the receiving party consents to

26 receiving the call or when such calls are necessary in an

27 emergency situation affecting the health and safety of the

28 consumer, is the only effective means of protecting

telephone consumers from this nuisance and privacy

invasion.

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

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

JURISDICTION AND VENUE

5. This Court has federal question jurisdiction because this case arises out of violation of federal law. 47 U.S.C. §227(b); *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740 (2012).

6. Venue is proper in the United States District Court for the Southern District of California pursuant to 18 U.S.C. § 1391(b) because Defendant is subject to personal jurisdiction in the County of San Diego, State of California, as it conducts business there and the unlawful conduct alleged herein occurred in this jurisdiction.

PARTIES

7. Plaintiff is, and at all times mentioned herein was, a citizen and resident of the State of California. Plaintiff is, and at all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153 (39).

8. Plaintiff is informed and believes, and thereon alleges, that Viking Client Services, LLC is a Minnesota limited liability company operating from 7500 Office Ridge Circle, # 100, Eden Prairie, MN 55344. Defendant is, and at all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153 (39).

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1 9. Plaintiff is informed and believes, and thereon alleges, that Viking Client
2 Services, Inc., which is now in “surrender” status, had that address 7500
3 Office Ridge Circle, # 100, Eden Prairie, MN 55344. Viking Client Services,
4 Inc. is, and at all times mentioned herein was, a “person” as defined by 47
5 U.S.C. § 153 (39).

6 10. Plaintiff is informed and believes, and thereon alleges, that Viking
7 Collection Service, Inc. is a dissolved business that had that address 7500
8 Office Ridge Circle, # 100, Eden Prairie, MN 55344. Viking Collection
9 Service, Inc. is, and at all times mentioned herein was, a “person” as defined
10 by 47 U.S.C. § 153 (39).

11 11. Plaintiff is informed and believes, and thereon alleges, that Viking Client
12 Services, Inc. and Viking Collection Service, Inc. and Viking Client
13 Services, LLC are the same entity operating at times under different names.

14 12. Plaintiff is informed and believes, and thereon alleges, that Viking Client
15 Services, Inc. was converted to limited liability status on or about April 1,
16 2016.

17 13. Plaintiff is informed and believes, and thereon alleges, that Cory Kloeckner
18 is the Chief Executive Officer for Defendant.

19 14. Plaintiff alleges that at all times relevant herein Defendant conducted
20 business in the State of California and within this judicial district.

21 **FACTUAL ALLEGATIONS**

22 15. Sometime in or around June 2016, Plaintiff began receiving numerous
23 telephone calls on her cellular telephone ending in “5269” from Defendant
24 where Defendant used an automatic telephone dialing system (“ATDS”) as
25 defined by 47 U.S.C. § 227(a)(1), and an “artificial or prerecorded voice” as
26 prohibited by 47 U.S.C. § 227(b)(1)(A).

27 16. These calls were for purposes of attempting to collect a debt allegedly owed
28 to Citibank, N.A., and were from telephone number 800-488-9241.

- 1 17. On or about July 7, 2016, Plaintiff's attorney sent by mail a cease and desist
2 notice addressed to Citibank, N.A. (P.O. Box 6241, Sioux Falls, SD)
3 expressly revoking any alleged prior express consent, with instructions to
4 cease all calls to Plaintiff.
- 5 18. Citibank, N.A. is the alleged original creditor, who later sold the alleged
6 debt to Icon Equities, LLC, on whose behalf Defendant was attempting to
7 collect the alleged debt by calling Plaintiff's cellular telephone.
- 8 19. On or about October 25, 2016, and also on or about October 28, 2016,
9 Plaintiff's attorney sent by mail a cease and desist notice addressed to
10 Viking Collection Services (7500 Office Ridge Circle, # 100, Eden Prairie,
11 MN 55344) expressly revoking any alleged prior express consent, with
12 instructions to cease all calls to Plaintiff.
- 13 20. By requesting that Citibank, N.A. and VCS cease communications with
14 Plaintiff, Plaintiff revoked any consent, should it have ever existed.
- 15 21. Despite this revocation of any consent, Defendant continued to contact
16 Plaintiff for purposes of seeking to collect an alleged debt, including but not
17 limited to auto-dialing Plaintiff's cellular telephone after July 7, 2016.
- 18 22. On or about October 4, 2016, Viking Client Services, Inc., of 7500 Office
19 Ridge Circle, Eden Prairie, MN 55344, sent Plaintiff, through her attorney, a
20 dunning letter by mail.
- 21 23. On at least some of the calls, a prerecorded voice message was left on
22 Plaintiff's voicemail.
- 23 24. The telephone equipment used by Defendant has the capacity to store or
24 produce telephone numbers to be called, using a random or sequential
25 number generator.
- 26 25. The telephone equipment used by Defendant also has the capacity to, and
27 does, dial telephone numbers stored as a list or in a database without human
28 intervention.

1 26. The telephone number Defendant called was assigned to a cellular telephone
2 service for which Plaintiff incurs a charge for incoming calls pursuant to 47
3 U.S.C. § 227(b)(1).

4 27. These telephone calls were unwanted by Plaintiff.

5 28. Through Defendants' aforementioned conduct, Plaintiff suffered an invasion
6 of a legally protected interest in privacy, which is specifically addressed and
7 protected by the TCPA.

8 29. Plaintiff was personally affected by Defendants' aforementioned conduct
9 because Plaintiff was frustrated and distressed that, Defendants interrupted
10 Plaintiff with an unwanted call using an ATDS and or artificial or
11 prerecorded voice.

12 30. Defendants' call forced Plaintiff and other similarly situated class members
13 to live without the utility of their cellular phones by occupying their cellular
14 telephone with one or more unwanted calls, causing a nuisance, lost time
15 and reduced cell phone battery life.

16 31. The telephone calls constitute calls that were not for emergency purposes as
17 defined by 47 U.S.C. § 227(b)(1)(A)(i).

18 32. Plaintiff did not provide Defendant or its agent prior express consent to
19 receive calls to her cellular telephone, including by means of an ATDS
20 and/or artificial or prerecorded voice message, pursuant to 47 U.S.C. § 227
21 (b)(1)(A).

22 33. These telephone calls by Defendant, or its agent, violated 47 U.S.C. §
23 227(b)(1).

24 **CLASS ACTION ALLEGATIONS**

25 34. Plaintiff brings this action on behalf of herself and on behalf of all others
26 similarly situated (the "Class").

27 35. Plaintiff represents, and is a member of the Class, consisting of:
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1 All persons within the United States who received any
2 telephone call/s from Defendant or its agent/s and/or
3 employee/s to said person's cellular telephone made
4 through the use of any automatic telephone dialing
5 system or with an artificial or prerecorded voice within
6 the four years prior to the filing of the Complaint.

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10 36. Defendant and its employees or agents are excluded from the Class. Plaintiff
11 does not know the number of members in the Class, but believes the Class
12 members number in the several hundreds, if not substantially more. Thus,
13 this matter should be certified as a Class action to assist in the expeditious
14 litigation of this matter.

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20 37. Plaintiff and members of the Class were harmed by the acts of Defendant in
21 at least the following ways: Defendant, either directly or through its agents,
22 illegally contacted Plaintiff and the Class members via their cellular
23 telephones by using an ATDS and/or artificial or prerecorded voice message,
24 thereby causing Plaintiff and the Class members to incur certain cellular
25 telephone charges or reduce cellular telephone time for which Plaintiff and
26 the Class members previously paid, and invading the privacy of said
27 Plaintiff and the Class members. Plaintiff and the Class members were
28 damaged thereby.

38. This suit seeks only damages and injunctive relief for recovery of economic
injury on behalf of the Class, and it expressly is not intended to request any
recovery for personal injury and claims related thereto. Plaintiff reserves the
right to expand the Class definition to seek recovery on behalf of additional
persons as warranted as facts are learned in further investigation and
discovery.

39. The joinder of the Class members is impractical and the disposition of their
claims in the Class action will provide substantial benefits both to the parties

1 and to the court. The Class can be identified through Defendant’s records or
2 Defendant’s agents’ records.

3 40. There is a well-defined community of interest in the questions of law and
4 fact involved affecting the parties to be represented. The questions of law
5 and fact to the Class predominate over questions which may affect
6 individual Class members, including the following:

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

16 41. As a person that received at least one call utilizing an ATDS and/or artificial
17 or prerecorded voice message without Plaintiff’s prior express consent,
18 Plaintiff is asserting claims that are typical of the Class. Plaintiff will fairly
19 and adequately represent and protect the interests of the Class in that
20 Plaintiff has no interests antagonistic to any member of the Class.

21 42. Plaintiff and the members of the Class have all suffered irreparable harm as
22 a result of the Defendant’s unlawful and wrongful conduct. Absent a class
23 action, the Class will continue to face the potential for irreparable harm. In
24 addition, these violations of law will be allowed to proceed without remedy
25 and Defendant will likely continue such illegal conduct. Because of the size
26 of the individual Class member’s claims, few, if any, Class members could
27 afford to seek legal redress for the wrongs complained of herein.
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1 43. Plaintiff has retained counsel experienced in handling class action claims
2 and claims involving violations of the Telephone Consumer Protection Act.

3 44. A class action is a superior method for the fair and efficient adjudication of
4 this controversy. Class-wide damages are essential to induce Defendant to
5 comply with federal and California law. The interest of Class members in
6 individually controlling the prosecution of separate claims against Defendant
7 is small because the maximum statutory damages in an individual action for
8 violation of privacy are minimal. Management of these claims is likely to
9 present significantly fewer difficulties than those presented in many class
10 claims.

11 45. Defendant has acted on grounds generally applicable to the Class, thereby
12 making appropriate final injunctive relief and corresponding declaratory
13 relief with respect to the Class as a whole.

14 **FIRST CAUSE OF ACTION**
15 **NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT**
16 **47 U.S.C. § 227 ET SEQ.**

17 46. Plaintiff incorporates by reference all of the above paragraphs of this Class
18 Action Complaint as though fully stated herein.

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

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

25 49. Plaintiff and the Class are also entitled to and seek injunctive relief
26 prohibiting such conduct in the future.

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**SECOND CAUSE OF ACTION
KNOWING AND/OR WILLFUL VIOLATIONS OF THE
TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. § 227 ET SEQ.**

50. Plaintiff incorporates by reference all of the above paragraphs of this Class Action Complaint as though fully stated herein.

51. 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, et seq.

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

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

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff and the Class members the following relief against Defendant:

**FIRST CAUSE OF ACTION FOR NEGLIGENT VIOLATION OF
THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- As a result of Defendant’s negligent violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks for herself and each Class member \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
- Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

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**SECOND CAUSE OF ACTION FOR KNOWING AND/OR WILLFUL VIOLATIONS OF
THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- As a result of Defendant’s knowing and/or willful violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks for herself and each Class member \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
- Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

TRIAL BY JURY

54. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: January 4, 2017

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: s/ ABBAS KAZEROUNIAN
ABBAS KAZEROUNIAN, ESQ.
AK@KAZLG.COM
ATTORNEYS FOR PLAINTIFF

Additional Plaintiff’s Counsel

HYDE & SWIGART

Joshua B. Swigart, Esq. (SBN: 225557)
josh@westcoastlitigation.com
2221 Camino Del Rio South, Suite 101
San Diego, CA 92108
Telephone: (619) 233-7770
Facsimile: (619) 297-1022

JS 44 (Rev. 12/12)

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

MARAGET A. MCKENNA

DEFENDANTS

VIKING CLIENT SERVICES, LLC a/k/a VIKING CLIENT SERVICES, INC. a/k/a VIKING COLLECTION SERVICE, INC.

(b) County of Residence of First Listed Plaintiff San Diego
(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.

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

Abbas Kazerounian, Esq.
Kazerouni Law Group, APC, 245 Fischer Ave., Suite D1, Costa Mesa, CA 92626; Phone 800-400-6808

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 (Excludes 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 <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical 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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <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"/> 375 False Claims Act <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"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<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	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

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 et seq.

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 01/04/2017 SIGNATURE OF ATTORNEY OF RECORD: /s/ Abbas Kazerounian

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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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: [Viking Client Services Pillaged with TPCA Class Action](#)
