

The Pride Law Firm

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Attorney for Kyle Miholich

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

Kyle Miholich,
Individually and on Behalf
Of All Others Similarly Situated,

Plaintiffs,

vs.

Manasseh Jordan Ministries, Inc.,
Prophet Manasseh Products, Yakim
Manasseh Jordan; DOES 1-10,
ABC CORPORATIONS 1-10,
ZYZ, LLC's 1-10

Defendants

Civil Case No. '17CV0289 LAB JLB

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

DEMAND FOR JURY TRIAL

INTRODUCTION

1. Kyle Miholich (“Plaintiff”), by and through his attorneys, brings this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of Defendants

MANASSEH JORDAN MINISTRIES, INC.; PROPHET MANASSEH

1 PRODUCTS; and YAKIM MANASSEH JORDAN, hereinafter “Defendants” in
2 negligently or intentionally contacting Plaintiff, multiple times, on Plaintiff’s
3 cellular telephone, in violation of the Telephone Consumer Protection Act, 47 U.S.
4 C. §227 et seq., (“TCPA”), thereby seriously invading Plaintiff’s privacy. Plaintiff
5 alleges as follows, upon personal knowledge as to himself and his own acts and
6 experiences, and, as to all other matters, upon information and belief, including
7 investigation conducted by his attorneys.
8

9
10 2. In enacting the TCPA, Congress intended to give consumers a choice
11 as to how creditors and telemarketers may call them, and made specific findings
12 that “[t]echnologies that might allow consumers to avoid receiving such calls are
13 not universally available, are costly, are unlikely to be enforced, or place an
14 inordinate burden on the consumer. TCPA, Pub.L. No. 102-243, § 11.
15

16 Toward this end, Congress found that

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

21 *Id.* at § 12; *see also* Martin v. Leading Edge Recovery Solutions, LLC, 2012 WL
22 3292838, a*4 (N.D.Ill. Aug. 10, 2012) (citing Congressional findings on TCPA’s
purpose).

23
24 3. Congress also specifically found that “the evidence presented to the
25 Congress indicates that automated or prerecorded calls are a nuisance and an

1 invasion of privacy, regardless of the type of call...” Id. At §§ 12-13. See also,
2 *Mims*, 132 S. Ct. At 744. Plaintiff alleges that each of the multiple calls from
3 Defendants, and their agents, began with a prerecorded message that was dialed by
4 an automatic telephone dialing system (ATDS). Plaintiff never granted Defendants
5 permission to solicit through telemarketing with an ATDS or otherwise.
6

7 4. As Judge Easterbrook of the Seventh Circuit recently explained in a
8 TCPA case regarding calls to a non-debtor similar to this one:

9
10 The Telephone Consumer Protection Act...is well known for
11 It’s provisions limiting junk-fax transmissions. A less-litigated
12 part of the Act curtails the use of automated dialers and
13 prerecorded messages to cell phones, whose subscribers often
14 Are billed by the minute as soon as the call is answered--and
15 Routing a call to voicemail counts as answering the call. An
16 Automated call to a landline phone can be an annoyance; an
17 Automated call to a cell phone adds expense to annoyance.

18 *Soppet v. Enhanced Recovery Co., LLC*, 679 F.3d 637, 638 (7th Cir. 2012).

19 **JURISDICTION AND VENUE**

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

23 6. Venue is proper pursuant to 28 U.S.C. § 1391 for the following
24 reasons: (i) Plaintiff resides in the County of San Diego, State of California which
25 is within this judicial district; (ii) the conduct complained of herein occurred within

1 this judicial district; and, (iii) Defendants conducted business within this judicial
2 district at all times relevant.

3 **PARTIES**

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

8 8. Plaintiff is informed and believes, and thereon alleges, that Defendant
9 Manasseh Jordan Ministries, Inc. is, and at all times mentioned herein was, a
10 corporation whose state of incorporation is in the State of Texas and its principal
11 place of business is in the State of Texas, with an operating address of 310
12 Riverside Drive, New York, NY 10163. It is a purported, unverifiable,
13 unregistered entity controlled and operated by Defendant Yakim Manasseh Jordan
14 with a last known address of 708 3rd Ave., 6th Floor, New York, NY 10163.

15 Throughout the class period, Defendant Yakim Manasseh Jordan has represented
16 that Manasseh Jordan Ministries, Inc. is an active, existing entity by using the
17 name to reserve rights on his website at (<http://www.prophetmanasseh.com/>) and to
18 market, advertise, and sell products and services offered in the pre-recorded
19 messages played during his unlawful telemarketing calls. Similarly, Defendant
20 Yakim Manasseh Jordan has also represented that Prophet Manasseh Products is an
21 active, existing entity by using the name to reserve rights on his website at
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1 (http://www.prophetmanasseh.com/products) and listing a mailing address for such
2 entity of PO Box 3320, New York, NY 10163.

3 9. Defendants Manasseh Jordan Ministries Inc. and Prophet Manasseh
4 Products, are and at all times mentioned herein were a corporation and are a
5 “person,” as defined by 47 U.S.C. § 153 (139).
6

7 10. Plaintiff alleges that at all times relevant herein Defendants conducted
8 business in the State of California and in the County of San Diego, and within this
9 judicial district.
10

11 **FACTUAL ALLEGATIONS**

12 11. At all times relevant, Plaintiff was domiciled in and a citizen of the
13 State of California. Plaintiff is, and at all times mentioned herein was, a “person”
14 as defined by 47 U.S.C. § 153 (39).
15

16 12. On September 2, 2016, Defendants called Plaintiff on Plaintiff’s cell
17 phone number 760-845-5823 from 760-278-7474. This number was spoofed by
18 Defendants to display a number containing the same area code as Plaintiff’s phone.
19

20 13. On September 7, 2016, Defendants called Plaintiff on Plaintiff’s cell
21 phone number 760-845-5823 from 760-266-7128. This number was also spoofed
22 by Defendants to display a number containing the same area code as Plaintiff’s
23 phone.
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1 14. On December 3, 2016, Defendants called Plaintiff on Plaintiff's cell
2 phone number 760-845-5823 from 800-237-3117. This number is owned and
3 operated by Defendants.

4 15. On December 14, 2016, Defendants called Plaintiff on Plaintiff's cell
5 phone number 760-845-5823 from 909-539-1796.

6 16. On December 28, 2016, Defendants called Plaintiff on Plaintiff's cell
7 phone number 760-845-5823 from 678-806-2826.

8 17. On January 11, 2017, Defendants called Plaintiff on Plaintiff's cell
9 phone number 760-845-5823 from 909-539-1632.

10 18. On January 16, 2017, Defendants called Plaintiff on Plaintiff's cell
11 phone number 760-845-5823 from 909-539-1587.

12 19. All Defendants named herein are vicariously liable for the acts and
13 actions of its agents for violating the TCPA. See *Gomez vs. Campbell-Ewald Co.*,
14 768 F.3d 871 (2014), upheld by US Supreme Court on January 20, 2016, 136 S.Ct.
15 663 (2016).

16 20. The harm and injury in this matter is not divorced from the TCPA
17 violations. Rather, it is because of the TCPA violations (repeated illegal
18 solicitation calls to cellular phones with an ATDS and a prerecorded message) that
19 Plaintiff has suffered an invasion of privacy, additional phone charges, lost minutes
20 on phone plan and additional utility bills.
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1 21. Defendants failed to provide Plaintiff a written copy of their do not
2 call policy, even after Plaintiff's express demand.

3 22. At the beginning of each pre-recorded voice message, robo-dialed call
4 to Plaintiff, there was more than a three second delay from the time of answer to
5 when the message began to speak or play.
6

7 23. Plaintiff lost time at work while having to answer the multiple
8 repeated solicitation calls of Defendants and thus Plaintiff has lost income that
9 could have been earned working instead of wasted time on the sale calls in order to
10 ascertain the identity of the telemarketer. This made each illegal telemarketing
11 solicitation call a serious waste of Plaintiff's valuable time. Each Class member
12 also lost time answering Defendant's illegal telemarketing calls and thus each
13 Class member has the same or similar concrete injury.
14
15

16 24. Defendants failed to properly scrub their telemarketing lead lists
17 against the national do not call registry in order to delete and redact protected
18 numbers like Plaintiff's cell phone.
19

20 25. Plaintiff suffered concrete injury as a result of the fact of the
21 solicitation call and not necessarily based on the manner or method in which the
22 call was actually dialed.
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1 26. At all times relevant Defendants purposefully availed themselves of
2 the benefits and protections of California law as well as conducted business in the
3 State of California and in the County of San Diego, within this judicial district.

4 27. At no time has Plaintiff ever provided Defendants with his cellular
5 telephone number.
6

7 28. The calls Defendants placed to Plaintiff's cellular telephone were
8 placed via an "automatic telephone dialing system," ("ATDS") as defined by 47
9 U.S.C. § 227(b)(1)(A). Plaintiff never granted permission to Defendants or their
10 agents to call Plaintiff with an ATDS.
11

12 29. This ATDS has the capacity to store or produce telephone numbers to
13 be dialed, using a random or sequential number generator.
14

15 30. The telephone numbers that Defendants, or their agents, called were
16 assigned to a cellular telephone service for which Plaintiff incurs a charge for
17 incoming calls pursuant to 47 U.S.C. § 227(b)(1) as well as incurred a serious and
18 significant depletion of his phone battery which forced Plaintiff to have to pay for
19 the electricity to recharge his phone. Additionally, Plaintiff could not use his
20 phone while it was being recharged due to the battery depletion suffered by
21 Plaintiff as a legal and proximate cause of Defendants wrong actions.
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1 31. These telephone calls constituted calls that were not for emergency
2 purposes as defined by 47 U.S.C. § 227(b)(1)(A)(i) and said calls were a serious
3 annoyance and invasion of Plaintiff's privacy rights.

4 32. Plaintiff is neither a subscriber nor client of Defendants services, has
5 never contacted Defendants, nor provided Defendants with his personal
6 information or cellular telephone number. Thus, at no time did Plaintiff provide
7 Defendants or their agents with prior express consent to receive unsolicited
8 telephone calls, pursuant to 47 U.S.C. § 227 (b)(1)(A).
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11 33. These telephone calls by Defendants, or its agents, violated 47 U.S.C.
12 § 227(b)(1) and were for the purpose of telemarketing and solicitation of business.

13 **STANDING**

14 34. Standing is proper under Article III of the Constitution of the United
15 States of America because Plaintiff's claims state:
16

- 17 i. A valid injury in fact;
- 18 ii. which is traceable to the conduct of Defendants;
- 19 iii. and is likely to be redressed by a favorable judicial decision.

20
21 See, *Spokeo, Inc. v. Robins*, 578 U.S. ____ (2016) at 6, and *Lujan v. Defenders of*
22 *Wildlife*, 504 U.S. 555 at 560. In order to meet the standard laid out in *Spokeo* and
23 *Lujan*, Plaintiffs must clearly allege facts demonstrating all three prongs above.
24

25 A. The "Injury in Fact" Prong

1 Plaintiff's injury in fact must be both "concrete" and "particularized" in order to
2 satisfy the requirements of Article III of the Constitution, as laid out in *Spokeo*
3 (*Id.*). For an injury to be "concrete" it must be a de facto injury, meaning that it
4 actually exists. In the present case, Plaintiff was called on his cellular phone at
5 least seven (7) times by Defendants. Such calls are a nuisance, an invasion of
6 privacy, and an expense to Plaintiff in multiple ways. *Soppet v. Enhanced*
7 *Recovery Co., LLC*, 679 F.3d 637, 638 (7th Cir. 2012). Defendant's invasion of
8 Plaintiff's right to privacy is further exacerbated by the fact that Plaintiff's phone
9 number, at all times relevant to this litigation, was on the National Do-Not-Call
10 Registry (hereinafter, "DNC Registry"). As well, Plaintiff had no prior business
11 relationship with Defendants prior to receiving the seriously harassing and
12 annoying calls. All of Plaintiff's injuries are concrete and de facto. For an injury to
13 be "particularized" means that the injury must "affect the plaintiff in a personal and
14 individual way." *Spokeo, Inc. v. Robins*, 578 U.S. ____ (2016) at 7. In the instant
15 case, it was Plaintiff's phone that was called and it was Plaintiff himself who
16 answered the calls. It was Plaintiff's personal privacy and peace that was invaded
17 by Defendant's persistent phone calls using an ATDS and a pre-recorded message;
18 despite Plaintiff having no prior business relationship with Defendants and
19 Plaintiff's attempt to avoid the damage by registering his number on the DNC
20 Registry. Finally, Plaintiff alone is responsible to pay the bill on his cellular phone
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1 and to pay the bill for his electric utility company kilowatt-hour power usage. All
2 of these injuries are particularized and specific to Plaintiff, and will be the same
3 injuries suffered by each plaintiff separately.

4 B. The “Traceable to the Conduct of Defendants” Prong

5
6 The second prong required to establish standing at the pleadings phase is that
7 Plaintiff must allege facts to show that his injury is traceable to the conduct of
8 Defendants. In the instant case, this prong is met by the fact that the calls to
9 Plaintiff’s cellular phone and home phone (land line) were placed either by
10 Defendants directly, or by Defendant’s agent at the direction of Defendants.
11

12 C. The “Injury is Likely to be Redressed by a Favorable Judicial Opinion”
13 Prong

14
15 The third prong to establish standing at the pleadings phase requires Plaintiff to
16 allege facts to show that the injury is likely to be redressed by a favorable judicial
17 opinion. In the present case, Plaintiff’s Prayers for Relief include a request for
18 damages for each call made by Defendants, as authorized by statute in 47 U.S.C. §
19 227. The statutory damages were set by Congress and specifically redress the
20 financial damages suffered by Plaintiff. Furthermore, Plaintiff’s Prayers for Relief
21 request injunctive relief to restrain Defendants from the alleged abusive practices
22 in the future. The award of monetary damages and the order for injunctive relief
23 redress the injuries of the past, and prevent further injury in the future. Because all
24
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1 standing requirements of Article III of the U.S. Constitution have been met, as laid
2 out in *Spokeo, Inc. v. Robins*, 578 U.S. ____ (2016), Plaintiff has standing to sue
3 Defendants on the stated claims.

4 “...[C]ourts in the Ninth Circuit have held that "allegations of
5 nuisance and invasions of privacy in TCPA actions are
6 concrete" injuries that establish standing. See *Mbazomo v.*
7 *ETourandtravel, Inc.*, 16-CV-2229-SB, 2016 U.S. Dist.
8 LEXIS 170186, 2016 WL 7165693, at *2 (E.D. Cal. Dec. 8,
9 2016); *Cabiness v. Educ. Fin. Sols., LLC*, 16-CV-1109-JST,
10 2016 U.S. Dist. LEXIS 142005, 2016 WL 5791411, at *5
11 (N.D. Cal. Sept. 1, 2016); *Juarez v. Citibank, N.A.*, No. 16-
12 CV-1984-WHO, 2016 U.S. Dist. LEXIS 118483, 2016 WL
13 4547914, at *3 (N.D. Cal. Sept. 1, 2016); *Hewlett v.*
14 *Consolidated World Travel, Inc.*, 16-713 WBS AC, 2016 U.S.
15 Dist. LEXIS 112553, 2016 WL 4466536, at *2 (E.D. Cal.
16 Aug. 23, 2016); *Cour v. Life360, Inc.*, 16-CV-00805-TEH,
17 2016 U.S. Dist. LEXIS 98945, 2016 WL 4039279, at *2 (N.D.
18 Cal. July 28, 2016); *Booth v. Appstack, Inc.*, No. 13-1553JLR,
19 2016 U.S. Dist. LEXIS 68886, 2016 WL 3030256, at *7
20 (W.D. Wash. May 25, 2016). In *Mbazamo*, the court held that
21 a violation of the TCPA represents a concrete injury because
22 "[t]he history of sustaining claims against both unwelcome
23 intrusion into a plaintiff's seclusion and unceasing debt-
24 collector harassment are squarely 'harm[s] that [have]
25 traditionally been regarded as providing a basis for a lawsuit.'"
Mbazomo, 2016 U.S. Dist. LEXIS 170186, 2016 WL
7165693, at *2 (quoting *Spokeo*, 136 S.Ct. at 1549-50). The
court declined to follow *Romero*, explaining that *Romero*
"improperly erodes the pleading standard set under Fed. R.
Civ. P. 8(a) A plaintiff [need only] plausibly tie the
alleged acts of the defendant to the alleged harms suffered."
Id.

1 Similarly, in *Cabiness*, the court held that a violation of the
2 TCPA represents a concrete injury because "[e]very
3 unconsented call through the use of an ATDS to a consumer's
4 cellular phone results in actual harm: the recipient wastes her
5 time and incurs charges for the call if she answers the phone,
6 and her cell phone's battery is depleted even if she does not
7 answer the phone unsolicited calls also cause intangible
8 harm by annoying the consumer." *Cabiness*, 2016 U.S. Dist.
9 LEXIS 142005, 2016 WL 5791411, at *5 (internal citations
10 omitted). And in *Juarez*, the court held that the plaintiff's
11 allegation "that he received repeated unwanted calls that
12 caused him aggravation, nuisance, and an invasion of privacy,
13 is sufficient to allege a 'concrete' and 'particularized' injury
14 that establishes standing under *Spokeo*." *Juarez*, 2016 U.S.
15 Dist. LEXIS 118483, 2016 WL 4547914, at *3.

16 *Messerlian v. Rentokil N. Am., Inc.* (C.D.Cal. Dec. 15, 2016, No. CV
17 16-6941-GW (GJSx)) 2016 U.S. Dist. LEXIS 175224, at *7-8.

18 CLASS ACTION ALLEGATIONS

19 35. Plaintiff brings this action on behalf of himself and on behalf of all
20 others similarly situated ("the Class").

21 36. Plaintiff represents, and is a member of the Class, consisting of:

22 All persons within the United States who received any telephone call/s
23 From Defendants or their agent/s and/or employee/s to said person's
24 cellular telephone made through the use of any automatic telephone
25 dialing system within the four years prior to the filing of the
Complaint.

37. Defendants and their employees or agents are excluded from the
Class. Plaintiff does not know the number of members in the Class, but believes

1 the Class members number in the hundreds of thousands, if not more. Thus, this
2 matter should be certified as a Class action to assist in the expeditious litigation of
3 this matter.

4 38. Plaintiff and members of the Class were harmed by the acts of
5 Defendants in at least the following ways: Defendants, either directly or through
6 its agents, illegally contacted Plaintiff and the Class members via their cellular
7 telephones by using an ATDS, thereby causing Plaintiff and the Class members to
8 incur certain cellular telephone charges or reduce cellular telephone time for which
9 Plaintiff and the Class members previously paid, and invading the privacy of said
10 Plaintiff and the Class members. Plaintiff and the Class members were damaged
11 thereby.

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

17 40. The joinder of the Class members is impractical and the disposition of
18 their claims in the Class action will provide substantial benefits both to the parties
19 and to the court. The Class can be identified through Defendants' records or
20 Defendants' agents' records.

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

- 5
- 6 a) Whether, within the four years prior to the filing of the Complaint,
7 Defendants made any call/s (other than a call made for emergency purposes
8 or made with the prior express consent of the called party) to the Class
9 members using any automatic telephone dialing system or an artificial or
10 prerecorded voice to any telephone number assigned to a cellular telephone
11 service.
12
- 13 b) Whether Defendants can meet their burden of showing they obtained prior
14 express consent (i.e., consent that is clearly and unmistakably stated);
15
- 16 c) Whether Defendants conduct was knowing and/or willful;
- 17 d) Whether Plaintiff and the Class members were damaged thereby, and the
18 extent of damages for such violation; and
19
- 20 e) Whether Defendants and their agents should be enjoined from engaging in
21 such conduct in the future.

22 42. As a person that received at least one telephonic communication from
23 Defendant's ATDS without Plaintiff's prior express consent, Plaintiff is asserting
24 claims that are typical of the Class. Plaintiff will fairly and adequately represent
25

1 and protect the interests of the Class as the Plaintiff has no interests antagonistic to
2 any member off the Class.

3 43. Plaintiff and the members of the Class have all suffered irreparable
4 harm as a result of the Defendants' unlawful and wrongful conduct. Absent a class
5 action, the Class will continue to face the potential for irreparable harm. In
6 addition, these violations of law will be allowed to proceed without remedy and
7 Defendants will likely continue such illegal conduct. Because of the size of the
8 individual Class member's claims, few, if any, Class members could afford to seek
9 legal redress for the wrongs complained of herein.
10
11

12 44. Plaintiff has retained counsel experienced in handling class action
13 claims and claims involving violations of the Telephone Consumer Protection Act.
14

15 45. A class action is a superior method for the fair and efficient
16 adjudication of this controversy. Class-wide damages are essential to induce
17 Defendants to comply with federal and California law. The interest of Class
18 members in individually controlling the prosecution of separate claims against
19 Defendants is small because the maximum statutory damages in an individual
20 action for violation of privacy are minimal. Management of these claims is likely
21 to present significantly fewer difficulties than those presented in many class
22 claims.
23
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47 U.S.C. 227

1
2 51. Plaintiff incorporates by reference all of the above paragraphs of this
3 Complaint as though fully stated herein.

4 52. The foregoing acts and omissions of Defendants constitute numerous
5 and multiple knowing and/or willful violations of the TCPA, including but not
6 limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 et
7 seq.

8
9 53. As a result of Defendants knowing and/or willful violations of 47
10 U.S.C. § 227 et seq., Plaintiff and The Class are entitled to an award of \$1,500.00
11 in statutory damages, for each and every violation, pursuant to 47 U.S.C. §
12 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

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

16
17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff and The Class Members pray for judgment as follows:

- 19
- 20 ● Certifying the Class as requested herein;
 - 21 ● Providing such further relief as may be deemed just and proper.
 - 22 ● For an injunction prohibiting Defendants from violating the TCPA in the
23 future.
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1 In addition, Plaintiff and The Class Members pray for further judgment as
2 follows:

3 **COUNT I FOR NEGLIGENT VIOLATIONS OF**
4 **THE (TCPA), 47 U.S.C. 227 ET. SEQ.**

- 5
- 6 ● As a result of Defendants negligent violations of 47 U.S.C. § 227(b)(1),
7 Plaintiff seeks for himself and each Class member \$500.00 in statutory
8 damages, for each and every violation, pursuant to 47 U.S.C. §
9 227(b)(3)(B).
 - 10 ● Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such
11 conduct in the future.
 - 12 ● Any other relief the Court may deem just and proper.

13 **COUNT II FOR KNOWING/WILLFUL VIOLATION OF**
14 **THE (TCPA), 47 U.S.C. 227 ET. SEQ.**

- 15
- 16 ● As a result of Defendants knowing and/or willful violations of 47 U.S.C. §
17 227(b)(1), Plaintiff seeks for himself and each Class member \$1,500.00 in
18 statutory damages, for each and every violation, pursuant to 47 U.S.C. §
19 227(b)(3)(B).
 - 20 ● Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such
21 conduct in the future.
 - 22 ● Any other relief the Court may deem just and proper.
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TRIAL BY JURY

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

Respectfully submitted,

The Pride Law Firm

Dated this 3rd day of February, 2017

/S/ Dante T. Pride
Dante T. Pride, Esq.
Attorney for Plaintiff
KYLE MIHOLICH

CERTIFICATION OF WORD COUNT

I, Dante Pride, hereby certify that, according to the computer program used to prepare this document, Complaint, contains 4200 words.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 3rd day of February, 2017, in San Diego, California.

/s/ Dante T. Pride
Dante T. Pride
Attorney for Plaintiff
KYLE MIHOLICH

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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

Taneesha Crooks

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Joshua Swigart, Esq. HYDE & SWIGART (619) 233-7770 2221 Camino Del Rio South, Suite 101, San Diego, CA 92108

DEFENDANTS

CMRE Financial Services, Inc.

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. '17CV0288 JAH RBB Attorneys (If Known)

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, TORTS, CIVIL RIGHTS, 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, 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): 15 U.S.C. § 1692 et seq. ("FDCPA") Brief description of cause: Defendant violated the Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 25,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 02/14/2017 SIGNATURE OF ATTORNEY OF RECORD s/ Joshua Swigart

FOR OFFICE USE ONLY

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: [Manasseh Jordan Ministries, Two Others Facing TCPA Class Action](#)
