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Additional Attorneys for Plaintiff on Signature Page

*Attorneys for Plaintiff,
Florence Morris*

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

**FLORENCE MORRIS,
individually and on behalf of
others similarly situated,**

Plaintiff,

vs.

**SUNRISE CREDIT SERVICES,
INC.,**

Defendant.

Case No: '17CV2075 LAB JMA

CLASS ACTION

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF:**

- 1. UNLAWFUL RECORDING
OF CELLULAR
COMMUNICATIONS
UNDER CALIFORNIA
PENAL CODE SECTION
632.7**
- 2. INVASION OF PRIVACY
INTRUSION INTO PRIVATE
AFFAIRS**

JURY TRIAL DEMANDED

INTRODUCTION

- 1
2 1. Florence Morris (“Plaintiff”), individually and on behalf of all others similarly
3 situated California residents (“Class Members”), brings this action for damages
4 and injunctive relief against Sunrise Credit Services, Inc. (hereinafter, referred
5 to as “Defendant”), and its present, former, or future direct and indirect parent
6 companies, subsidiaries, affiliates, agents, related entities for unauthorized
7 recordings of conversations with Plaintiff and Class Members without any
8 notification nor warning to Plaintiff or Class Members in violation of the
9 California Invasion of Privacy Act, Cal. Pen. Code § 630, et seq. (“CIPA”).
- 10 2. The California State Legislature passed CIPA in 1967 to protect the right of
11 privacy of the people of California, replacing prior laws which permitted the
12 recording of telephone conversations with the consent of one party to the
13 conversation. California Penal Code § 632.7 was added to CIPA in 1992 due to
14 specific privacy concerns over the increased use of cellular and cordless
15 telephones. Section 632.7 prohibits intentionally recording all communications
16 involving cellular and cordless telephones, not just confidential
17 communications.
- 18 3. Plaintiff makes these allegations on information and belief, with the exception of
19 those allegations that pertain to Plaintiff, or to Plaintiff’s counsel, which
20 Plaintiff alleges on her personal knowledge.
- 21 4. Unless otherwise stated, all the conduct engaged in by Defendant took place in
22 California.
- 23 5. All violations by Defendant were knowing, willful, and intentional, and
24 Defendant did not maintain procedures reasonably adapted to avoid any such
25 violation.
- 26 6. Unless otherwise indicated, the use of Defendant’s names in this Complaint
27 includes all agents, employees, officers, members, directors, heirs, successors,
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1 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of
2 the named Defendant.

3 **Jurisdiction and Venue**

4 7. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff seeks
5 \$5,000 in damages for each violation of the CIPA, which, when aggregated
6 among a proposed class number in the tens of thousands, exceeds the
7 \$5,000,000 threshold for federal court jurisdiction. Further, Plaintiff alleges a
8 statewide class, which will result in at least one class member belonging to a
9 different state than that of the Defendant, providing jurisdiction under 28 U.S.C.
10 § 1332(d)(2)(A). Here, Plaintiff is a citizen of California, and Defendant is a
11 citizen of New York. Therefore, the elements of the Class Action Fairness Act
12 of 2005 (“CAFA”) are met, and this Court has jurisdiction.

13 8. Venue is proper in the United States District Court for the Southern District of
14 California pursuant to 28 U.S.C. §§ 1391(b) because Defendant, at all times
15 herein mentioned, was doing business in the County of San Diego, State of
16 California. Further, venue is proper in this district because Plaintiff has resided
17 in this district at all times herein mentioned such that a substantial part of the
18 events giving rise to the claim occurred in this district.

19 **Parties**

20 9. Plaintiff is, and at all times mentioned herein was, an individual citizen and
21 resident of the State of California, City of San Diego, in this judicial district.

22 10. Plaintiff is informed and believes, and thereon alleges, that Sunrise Credit
23 Services, Inc. is, and at all times mentioned herein was, a corporation registered
24 in the state of New York with its principal place of business in the state of New
25 York. Plaintiff alleges that at all times relevant herein Defendant conducted
26 business in the State of California, in the County of San Diego, within this
27 judicial district. Defendant is, and at all times mentioned herein was, a
28 “person”, as defined by Cal. Pen. Code § 632(b).

FACTUAL ALLEGATIONS

11. From sometime in April 2017, Defendant began calling Plaintiff’s cellular telephone number ending in “1230.”
12. Defendant records all of its outbound and inbound telephonic conversations for quality purposes.
13. On or around April 22, 2017 at 8:43 AM, Defendant called Plaintiff on her cellular telephone ending 1230. Defendant called from the telephone number 619-371-3089.
14. During the telephonic conversation on or about April 22, 2017, Plaintiff and Defendant discussed Plaintiff’s alleged financial obligations allegedly owed to Defendant.
15. The telephonic conversation on April 22, 2017 lasted approximately two (2) minutes, and at no point during the conversation with Defendant was Plaintiff advised that the conversation was being recorded by Defendant, nor did Plaintiff consent to the call being recorded.
16. On or around May 25, 2017 at 8:07 AM, Defendant called Plaintiff on her cellular telephone ending 1230. Defendant called from the telephone number 619-371-3089. Defendant’s conversation with Plaintiff lasted approximately two (2) minutes.
17. Again, at no point during the two-minute conversation with Defendant was Plaintiff advised that the conversation was being recorded by Defendant, nor did Plaintiff consent to the call being recorded.
18. On or around June 24, 2017 at 8:06 AM, Defendant called Plaintiff on her cellular telephone ending 1230. Defendant called from the telephone number 619-371-3089.
19. At no point during the conversation with Defendant was Plaintiff advised that the conversation was being recorded by Defendant, nor did Plaintiff consent to the call being recorded.

1 20. On or around July 27, 2017 at 2:15 PM, Defendant called Plaintiff on her
2 cellular telephone ending 1230. Defendant called from the telephone number
3 619-371-3089.

4 21. At no point during approximately four-minute conversation with Defendant on
5 July 27, 2017, was Plaintiff advised that the conversation was being recorded by
6 Defendant, nor did Plaintiff consent to the call being recorded.

7 22. Defendant recorded all telephonic calls with Plaintiff, without providing any
8 disclosure to Plaintiff regarding its unauthorized and surreptitious recording.

9 23. On or around August 25, 2017, Plaintiff's attorney Daniel G. Shay ("Attorney")
10 called Plaintiff and spoke with Defendant's representative Jackie Smith. At the
11 end of the call Attorney asked Defendant's representative whether the call was
12 being recorded. Defendant's representative responded, "yes, *all* calls are
13 monitored and recorded for quality assurance." (emphasis added).

14 24. Upon information and belief, Defendant records all of its telephone calls,
15 including the calls between Plaintiff and Defendant described above.

16 25. Plaintiff was personally affected by Defendant's aforementioned conduct
17 because Plaintiff was shocked, upset and angry that Defendant audio recorded
18 one or more cellular telephone conversations with Plaintiff without Plaintiff's
19 knowledge or consent.

20 26. California Penal Code § 632.7(a) is very clear in its prohibition against such
21 unauthorized tape recording without the consent of the other party to the
22 conversation: "Every person who, without the consent of all parties to a
23 communication, intercepts or receives and intentionally records, or assists in the
24 interception or reception and intentional recordation of, a communication
25 transmitted between two cellular radio telephones, a cellular radio telephone and
26 a landline telephone, two cordless telephones, a cordless telephone and a
27 landline telephone, or a cordless telephone and a cellular radio telephone
28 [violates this section]". California Penal Code § 637.2 permits Plaintiff to bring

1 this action for any violation of California Penal Code § 632.7(a) and provides
2 for statutory damages of \$5,000.00 for each violation.

3 27. Defendant recorded or otherwise made an unauthorized connection to the
4 Plaintiff's conversations with Defendant and its employees in violation of
5 California's statutory and common law against such unlawful intrusions into a
6 person's private affairs, including the California Constitution's prohibition in
7 Article 1, Section 1.

8 28. This suit seeks only damages and injunctive relief for recovery of economic
9 injury and it expressly is not intended to request any recovery for personal injury
10 and claims related thereto.

11 29. Plaintiff is informed and believes, and thereon alleges, that Defendant
12 intentionally recorded a communication transmitted between a cellular radio
13 telephone and a landline telephone without Plaintiff's consent as prohibited by
14 California Penal Code § 632.7(a).

15 30. Defendant violated Plaintiff's constitutionally protected privacy rights by failing
16 to advise or otherwise provide notice at the beginning of the recorded
17 conversations with Plaintiff that the calls would be recorded and Defendant did
18 not try to obtain the Plaintiff's consent before such recording.

19 31. The recording or other unauthorized connection was done over the telephone,
20 without Plaintiff's prior knowledge or consent. Plaintiff was damaged thereby,
21 as detailed herein, in at least an amount permitted by the statutory damages
22 mandated by California Penal Code § 637.2(a).

23 32. Defendant, and its employees and agents, surreptitiously recorded calls made by
24 Defendant to Plaintiff. At no time before the calls was Plaintiff warned, told,
25 advised or otherwise given any indication by Defendant, its employees or
26 agents, that the calls would be recorded.

27 33. As a result thereof, Plaintiff has been damaged as set forth in the Prayer for
28 Relief herein.

1 34. Plaintiff seeks statutory damages and injunctive relief under California Penal
2 Code § 637.2.

3 **CLASS ACTION ALLEGATIONS**

4 35. Plaintiff brings this lawsuit as a class action on behalf of herself and Class
5 Members of the proposed Class pursuant to Federal Rules of Civil Procedure
6 23(a) and (b)(3) and/or (b)(2). This action satisfies the numerosity,
7 commonality, typicality, adequacy, predominance, and superiority requirements
8 of those provisions.

9 36. Plaintiff proposes the following Class consisting of and defined as follow:

10 All persons in California whose cellular telephone
11 conversations were recorded without their consent by
12 Defendant and/or its agent/s within the one year prior to the
13 filing of the Complaint.

14 37. Excluded from the Class are: (1) Defendant, any entity or division in which
15 Defendant has a controlling interest, and its legal representatives, officers,
16 directors, assigns, and successors; (2) the Judge to whom this case is assigned
17 and the Judge's staff; and (3) those persons who have suffered personal injuries
18 as a result of the facts alleged herein.

19 38. Plaintiff reserves the right to redefine the Class and to add subclasses as
20 appropriate based on discovery and specific theories of liability

21 39. Numerosity: The Class Members are so numerous that joinder of all members
22 would be unfeasible and impractical. The membership of the entire Class is
23 currently unknown to Plaintiff at this time; however, given that, on information
24 and belief, Defendant called thousands of class members nationwide and
25 recorded those calls during the class period, it is reasonable to presume that the
26 members of the Class are so numerous that joinder of all members is
27 impracticable. The disposition of their claims in a class action will provide
28 substantial benefits to the parties and the Court.

1 40. Commonality: There are common questions of law and fact as to Class Members
2 that predominate over questions affecting only individual members, including,
3 but not limited to:

- 4 • Whether, within the statutory period Defendant recorded any call with the
5 Class Members;
- 6 • Whether Defendant had, and continue to have, a policy during the relevant
7 period of recording telephone calls made to the Class Members;
- 8 • Whether Defendant's policy or practice of recording telephone
9 communications with Class Members constitutes an invasion of privacy
10 and a violation of Cal. Penal Code § 632.7;
- 11 • Whether Plaintiff and the Class Members were damaged thereby, and the
12 extent of damages for such violation; and
- 13 • Whether Defendant should be enjoined from engaging in such conduct in
14 the future.

15 41. Typicality Plaintiff's conversations were unlawfully recorded without a warning
16 of such recording, and thus, her injuries are also typical to Class Members.

17 42. Plaintiff and Class Members were harmed by the acts of Defendant in at least
18 the following ways: Defendant, either directly or through its agents, illegally
19 recorded the Plaintiff and Class Members' conversations with Defendant, and
20 Defendant invading the privacy of said Plaintiff and Class. Plaintiff and Class
21 Members were damaged thereby.

22 43. Adequacy: Plaintiff is qualified to, and will, fairly and adequately protect the
23 interests of each Class Member with whom she is similarly situated, as
24 demonstrated herein. Plaintiff acknowledges that she has an obligation to make
25 known to the Court any relationships, conflicts, or differences with any Class
26 Member. Plaintiff's attorneys, the proposed class counsel, are versed in the
27 rules governing class action discovery, certification, and settlement. In addition,
28 the proposed class counsel is experienced in handling claims involving

1 consumer actions and violations of the California Penal Code section 632.7.
2 Plaintiff has incurred, and throughout the duration of this action, will continue to
3 incur costs and attorneys' fees that have been, are, and will be, necessarily
4 expended for the prosecution of this action for the substantial benefit of each
5 Class Member.

6 44. Predominance: Questions of law or fact common to the Class Members
7 predominate over any questions affecting only individual members of the Class.
8 The elements of the legal claims brought by Plaintiff and Class Members are
9 capable of proof at trial through evidence that is common to the Class rather
10 than individual to its members.

11 45. Superiority: A class action is a superior method for the fair and efficient
12 adjudication of this controversy because:

- 13 a. Class-wide damages are essential to induce Defendants to comply with
14 California law.
- 15 b. Because of the relatively small size of the individual Class Members'
16 claims, it is likely that only a few Class Members could afford to seek
17 legal redress for Defendant's misconduct.
- 18 c. Management of these claims is likely to present significantly fewer
19 difficulties than those presented in many class claims.
- 20 d. Absent a class action, most Class Members would likely find the cost
21 of litigating their claims prohibitively high and would therefore have no
22 effective remedy at law.
- 23 e. Class action treatment is manageable because it will permit a large
24 number of similarly situated persons to prosecute their common claims in
25 a single forum simultaneously, efficiently, and without the unnecessary
26 duplication of effort and expense that numerous individual actions would
27 endanger.
- 28 f. Absent a class action, Class Members will continue to incur damages,

1 and Defendant's misconduct will continue without remedy.

2 46. Plaintiff and the Class Members have all suffered and will continue to suffer
3 harm and damages as a result of Defendant's unlawful and wrongful conduct. A
4 class action is also superior to other available methods because as individual
5 Class Members have no way of discovering that Defendant recorded their
6 telephone conversations without Class Members' knowledge or consent,
7 especially since Defendant's representatives at times falsely state that they do
8 not record such conversations.

9 47. The Class may also be certified because:

- 10 • the prosecution of separate actions by individual Class Members would
11 create a risk of inconsistent or varying adjudication with respect to
12 individual Class Members, which would establish incompatible standards
13 of conduct for Defendant;
- 14 • the prosecution of separate actions by individual Class Members would
15 create a risk of adjudications with respect to them that would, as a
16 practical matter, be dispositive of the interests of other Class Members
17 not parties to the adjudications, or substantially impair or impede their
18 ability to protect their interests; and
- 19 • Defendant has acted or refused to act on grounds generally applicable to
20 the Class, thereby making appropriate final and injunctive relief with
21 respect to the members of the Class as a whole.

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

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1 49. The joinder of Class Members is impractical and the disposition of their claims
2 in the Class action will provide substantial benefits both to the parties and to the
3 court. The Class Members can be identified through Defendant's records.

4 **FIRST CAUSE OF ACTION**
5 **ILLEGAL RECORDING OF CELLULAR PHONE CONVERSATIONS**
6 **UNDER CALIFORNIA PENAL CODE § 632.7**

- 7 50. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.
- 8 51. At all relevant times hereto, Defendant had and followed a policy and practice
9 of using a telecommunications system that enabled it to surreptitiously record
10 cellular telephone communications between Defendant and Plaintiff and Class
11 Members.
- 12 52. At all relevant times hereto, Defendant intentionally and surreptitiously
13 recorded cellular telephone calls concerning confidential matters between
14 Defendant and Plaintiff and Class Members.
- 15 53. At all relevant times hereto, Defendant had and followed a policy and practice
16 of not advising or warning Plaintiff and Class Members that their cellular
17 telephone communications with Defendant would be recorded.
- 18 54. Defendant failed to obtain consent of Plaintiff and Class Members prior to
19 recording any of their cellular telephone conversations.
- 20 55. This conduct by Defendant violated section 632.7(a) of the California Penal
21 Code.
- 22 56. Plaintiff and Class Members are entitled to recovery of statutory damages in the
23 amount of \$5,000.00 per violation of Cal. Pen. Code § 632.7.
- 24 57. Plaintiff's counsel is also entitled to attorneys' fees and costs pursuant to Cal.
25 Code of Civ. Proc. § 1021.5.

26 **SECOND CAUSE OF ACTION**
27 **INVASION OF PRIVACY INTRUSION INTO PRIVATE AFFAIRS**

28 58. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

1 59. At all relevant times hereto, Defendant had and followed a policy and practice of
2 using a telecommunications system that enabled it to surreptitiously record
3 cellular telephone communications between Defendant and Plaintiff and Class
4 Members.

5 60. At all relevant times hereto, Defendant intentionally and surreptitiously recorded
6 cellular telephone calls concerning confidential matters between Defendant and
7 Plaintiff and Class Members.

8 61. At all relevant times hereto, Defendant had and followed a policy and practice of
9 not advising or warning Plaintiff and Class Members that their cellular
10 telephone communications with Defendant would be recorded.

11 62. Defendant failed to obtain consent of Plaintiff and Class Members prior to
12 recording any of their cellular telephone conversations.

13 63. This conduct by Defendant violated section 632.7(a) of the California Penal
14 Code.

15 64. Plaintiff and Class Members are entitled to recovery of statutory damages in the
16 amount of \$5,000.00 per violation of Cal. Pen. Code § 632.7.

17 65. Plaintiff's counsel is also entitled to attorneys' fees and costs pursuant to Cal.
18 Code of Civ. Proc. § 1021.5.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff and the Class Members pray that judgment be entered
21 against Defendant, and Plaintiff be awarded damages from Defendant, as follows:

- 22 • Certify the Class as requested herein;
- 23 • Appoint Plaintiff to serve as the Class Representative for the Class;
- 24 • Appoint Plaintiff's Counsel as Class Counsel in this matter for the Class;
- 25 • In addition, Plaintiff and the Class Members pray for further judgment as
26 follows against Defendant:

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**ILLEGAL TELEPHONE RECORDING OF CELLULAR PHONE CONVERSATIONS
UNDER CALIFORNIA PENAL CODE § 632.7**

- Special, general, compensatory and punitive damages;
- As a result of Defendant’s violation of California Penal Code Sections 630 *et seq.*, Plaintiff seeks statutory damages of \$5,000.00 pursuant to California Penal Code § 637.2(a);
- Reasonable attorneys’ fees pursuant to Cal. Code of Civ. Proc. § 1021.5;
- Injunctive relief to prevent the further occurrence of such illegal acts pursuant to California Penal Code § 637.2(b);
- An award of costs to Plaintiff and;
- Any other relief the Court may deem just and proper including interest.

**INVASION OF PRIVACY
INTRUSION INTO PRIVATE AFFAIRS**

- Special, general, compensatory and punitive damages;
- Reasonable attorneys’ fees pursuant to Cal. Code of Civ. Proc. § 1021.5;
- Injunctive relief, prohibiting such conduct in the future; and,
- Any other relief the Court may deem just and proper.

TRIAL BY JURY

72. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff and Class Members are entitled to, and demands, a trial by jury.

Respectfully submitted,
HYDE & SWIGART

Date: October 9, 2017

By: s/Joshua Swigart
Joshua B. Swigart, Esq.
josh@westcoastlitigation.com
Attorney for Plaintiff

1 Additional Attorneys 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
FLORENCE MORRIS, individually and on behalf of others similarly situated
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
Joshua B. Swigart, Esq. Hyde & Swigart 619-233-7770
2221Camino Del Rio S., Ste. 101, San Diego, CA 92108

DEFENDANTS
SUNRISE CREDIT SERVICES, INC.,
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
'17CV2075 LAB JMA

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)
PTF DEF
Citizen of This State X 1 1 Incorporated or Principal Place of Business In This State 4 4
Citizen of Another State 2 2 Incorporated and Principal Place of Business In Another State 5 X 5
Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Motor Vehicle, Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)
X 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):
California Penal Code Section 632.7
Brief description of cause:
Illegal Recording of Cellular Communications; Invasion of Privacy, Instruction Into Private Affairs

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,000.00
CHECK YES only if demanded in complaint: JURY DEMAND: X Yes 0 No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 10/09/2017 SIGNATURE OF ATTORNEY OF RECORD s/ Joshua B. Swigart

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: [Case Claims Sunrise Credit Services Illegally Recorded Calls with California Residents](#)
