

1 Joshua B. Swigart, Esq. (SBN: 225557)
josh@westcoastlitigation.com
2 Yana A. Hart, Esq. (SBN: 306499)
yana@westcoastlitigation.com
3 **HYDE & SWIGART APC**
4 2221 Camino Del Rio South, Suite 101
San Diego, CA 92108
5 Telephone: (619) 233-7770
6 Facsimile: (619) 297-1022

Abbas Kazerounian, Esq. (SBN: 249203)
ak@kazlg.com
KAZEROUNI LAW GROUP, APC
245 Fischer Avenue
Costa Mesa, CA 92626
Telephone: (800) 400-6808
Facsimile: (800) 520-5523

7 [Additional Attorneys for Plaintiff on Signature Page]

8
9 *Attorneys for Plaintiff,*
10 *Valorie Moser*

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

<p>13 VALORIE MOSER, individually 14 and on behalf of others similarly 15 situated,</p> <p>16 Plaintiffs,</p> <p>17 v.</p> <p>18 ZOTEC PARTNERS, LLC,</p> <p>19 Defendant.</p>	<p>Case No: <u>'17CV2557 AJB MDD</u></p> <p>CLASS ACTION</p> <p>COMPLAINT FOR DAMAGES</p> <p>1. FAIR DEBT COLLECTION PRACTICES ACT, U.S.C. § 1692 ET SEQ.</p> <p>2. ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT, CAL CIV. CODE §§ 1788- 1788.32; AND</p> <p>JURY TRIAL DEMANDED</p>
---	--

INTRODUCTION

- 1
2 1. The United States Congress has found abundant evidence of the use of abusive,
3 deceptive, and unfair debt collection practices by many debt collectors, and has
4 determined that abusive debt collection practices contribute to the number of
5 personal bankruptcies, to marital instability, to the loss of jobs, and to invasions
6 of individual privacy. Congress wrote the Fair Debt Collection Practices Act,
7 15 U.S.C. § 1692 et seq. (hereinafter “FDCPA”), to eliminate abusive debt
8 collection practices by debt collectors, to ensure that those debt collectors who
9 refrain from using abusive debt collection practices are not competitively
10 disadvantaged, and to promote consistent State action to protect consumers
11 against debt collection abuses.
- 12 2. The California legislature has determined that the banking and credit system and
13 grantors of credit to consumers are dependent upon the collection of just and
14 owing debts and that unfair or deceptive collection practices undermine the
15 public confidence that is essential to the continued functioning of the banking
16 and credit system and sound extensions of credit to consumers. The Legislature
17 has further determined that there is a need to ensure that debt collectors exercise
18 this responsibility with fairness, honesty and due regard for the debtor’s rights
19 and that debt collectors must be prohibited from engaging in unfair or deceptive
20 acts or practices.
- 21 3. Valorie Moser, (“Plaintiff”), through Plaintiff’s attorneys, brings this action to
22 challenge the actions of Zotec Partners, LLC (“Defendant” or “Zotec”), with
23 regard to attempts by Defendant to unlawfully and abusively collect a debt
24 allegedly owed by Plaintiff, and this conduct caused Plaintiff damages.
- 25 4. Plaintiff makes these allegations on information and belief, with the exception
26 of those allegations that pertain to a plaintiff, which Plaintiff alleges on personal
27 knowledge.

- 1 5. While many violations are described below with specificity, this Complaint
2 alleges violations of the statutes cited in their entirety.
- 3 6. While many violations are described here with specificity, this Complaint
4 alleges violations of the FDCPA and Rosenthal Fair Debt Collection Practices
5 Act, California Civil Code §§ 1788-1788.32 (“RFDCPA” or the “Rosenthal
6 Act”) in their entirety.
- 7 7. Any violations by Defendant were knowing, willful, and intentional, and
8 Defendant did not maintain procedures reasonably adapted to avoid any such
9 specific violation.
- 10 8. All violations alleged regarding the FDCPA and RFDCPA are material
11 violations of the FDCPA and RFDCPA as these violations would limit the
12 ability of a hypothetical least sophisticated debtor to make an intelligent choice
13 as to the alleged debt and actions that should be taken to resolve the alleged
14 debt.
- 15 9. Plaintiff, through Plaintiff's attorneys, brings this action to challenge the actions
16 of Defendant, with regard to attempts by Defendant to unlawfully and abusively
17 collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff
18 damages.
- 19 10. Plaintiff makes these allegations on information and belief, with the exception
20 of those allegations that pertain to a plaintiff, which Plaintiff alleges on personal
21 knowledge.
- 22 11. While many violations are described below with specificity, this Complaint
23 alleges violations of the statutes cited in their entirety.
- 24 12. Unless otherwise stated, all the conduct engaged in by Defendant took place in
25 California.
- 26 13. Through this complaint, Plaintiff does not allege that any state court judgment
27 was entered against Plaintiff in error, and Plaintiff does not seek to reverse or
28 modify any judgment of any state court.

JURISDICTION AND VENUE

- 1
- 2 14. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1332, 15 U.S.C. §
- 3 1692(k), and 28 U.S.C. § 1367 for supplemental state claims.
- 4 15. This action arises out of Defendant's violations of the Fair Debt Collection
- 5 Practices Act, 15 U.S.C. §§ 1692 et seq. and California's Rosenthal Act.
- 6 16. Because Defendant does business within the State of California, personal
- 7 jurisdiction is established.
- 8 17. Venue is proper pursuant to 28 U.S.C. § 1391 because Plaintiff resides within
- 9 this judicial districts, and the unlawful debt collection practices took place in
- 10 this judicial district.
- 11 18. At all times relevant, Defendant conducted business within the State of
- 12 California.

PARTIES

- 13
- 14 19. Plaintiff is a natural person who resides in the City of San Diego, State of
- 15 California.
- 16 20. Plaintiff is informed and believes, and thereon alleges, that Zotec Partners, LLC
- 17 is, and at all times mentioned herein was, an Indiana limited liability company
- 18 with its principal place of business located in Indiana.
- 19 21. Defendant engages in a variety of collection practices behalf of medical
- 20 providers with respect to delinquent medical debts.
- 21 22. Plaintiff is a natural person allegedly obligated to pay a debt, and is a consumer,
- 22 as that term is defined by 15 U.S.C. § 1692a(3).
- 23 23. Plaintiff is a natural person from whom a debt collector sought to collect a
- 24 consumer debt which was alleged to be due and owing, and is a debtor as that
- 25 term is defined by California Civil Code § 1788.2(h).
- 26 24. Defendant is a person who uses an instrumentality of interstate commerce or the
- 27 mails in a business the principal purpose of which is the collection of debts, or
- 28 who regularly collects or attempts to collect, directly or indirectly, debts owed

1 or due or asserted to be owed or due another and is therefore a debt collector as
2 that phrase is defined by 15 U.S.C. § 1692a(6).

3 25. Defendant in the ordinary course of business, regularly, on behalf of themselves,
4 or others, engages in debt collection as that term is defined by California Civil
5 Code § 1788.2(b), and is therefore a debt collector as that term is defined by
6 California Civil Code § 1788.2(c).

7 26. This case involves money, property or their equivalent, due or owing or alleged
8 to be due or owing from a natural person by reason of a consumer credit
9 transaction. As such, this action arises out of a consumer debt and “consumer
10 credit” as those terms are defined by Cal. Civ. Code § 1788.2(f).

11 **FACTUAL ALLEGATIONS**

12 27. Sometime before December 2016, Plaintiff is alleged to have incurred certain
13 financial obligations to Imaging Healthcare Specialists for personal medical
14 services.

15 28. These financial obligations were for personal purposes and are therefore a
16 “debt” as that term is defined by 15 U.S.C. §1692a(5).

17 29. Sometime thereafter, Plaintiff allegedly fell behind in the payments owed on the
18 debt. As it is irrelevant to this action, Plaintiff currently takes no position as to
19 the validity of this debt.

20 30. The debt owed to Imaging Healthcare Specialists was later sold, transferred, or
21 assigned to Defendant for collection.

22 31. On or around December 28, 2016, Defendant called Plaintiff using an automated
23 robot voice and left a voice message saying “Hello, this message is for Valorie
24 on behalf of Imaging Healthcare Specialists. We request your immediate
25 attention, as this will be our final attempt to reach you before your account
26 913515 is reviewed for possible referral to a licensed collection agency. Please
27 disregard if payment has been made, however, if you have not made a payment,
28 please contact us immediately to resolve your outstanding balance. You may

1 pay online at our website www.ezmedinfo.com/irad or contact us immediately
2 at 1-844-828-5838 during normal business hours. Again, for your convenience,
3 you may pay online at our website at www.ezmedinfo.com/irad or call us at 1-
4 844-828-5838 during normal business hours. Please reference your account
5 number 913515. Thank you.” After the message played once, it immediately
6 replayed the exact same message.

7 32. The website www.ezmedinfo.com/irad belongs to Defendant.

8 33. Defendant fails to disclose on its website and to the consumers during its
9 attempts to collect a debt that it is a debt collector.

10 34. Defendant’s call on December 28, 2016, to Plaintiff’s telephone came from the
11 telephone number 844-828-5838.

12 35. Defendant’s automated message never disclosed that the call came from Zotec
13 or directly disclosed the call was an attempt to collect a debt. Plaintiff was
14 unsure of the caller’s identity because Defendant did not meaningfully disclose
15 its identity in the voice message.

16 36. Defendant communicated with Plaintiff without including the “mini-miranda”
17 warnings saying the communication was from a debt collector and any
18 information obtained would be used for that purpose.

19 37. Through this conduct, Defendant violated 15 U.S.C. § 1692d(6) by failing to
20 meaningfully disclose the caller’s identity. This section is incorporated into the
21 RFDCPA through Cal. Civ. Code 1788.17; thus, Defendant also violated Cal.
22 Civ. Code 1788.17.

23 38. Through this conduct, Defendant violated 15 U.S.C. § 1692e(11) by failing to
24 state that its communication was in attempt to collect a debt and that Defendant
25 was a debt collector.

26 39. Defendant’s collection practices are especially egregious and unfair because
27 Defendant fails to place debtors on notice as to its intentions and nature of its
28 practices.

1 40. The FDCPA and RFDCPA set certain boundaries and requirements by which
2 debt collectors must operate.

3 41. When debt collectors leave a voice messages for debtors, they must disclose
4 their identity in clear and unambiguous manner, identify themselves as debt
5 collectors, and state that their call was in attempt to collect a debt under 15
6 U.S.C. § 1692e, 1692e(10), 1692e(11), 1692d, and 1692d(6).

7 42. As a direct and proximate result, Plaintiff suffered damages because Plaintiff
8 was misled regarding Defendant's identity and the nature of Defendant's
9 communications.

10 43. As a direct and proximate result of Defendant's unlawful practices, Plaintiff
11 suffered frustration, anxiety, mental anguish, and embarrassment.

12 **CAUSES OF ACTION**

13 **CLASS ACTION ALLEGATIONS**

14 44. Plaintiff brings this action on behalf of herself and on behalf of and all others
15 similarly situated (the "Class").

16 45. Plaintiff represents, and is a member of the Class, defined as follows:

- 17 • All persons with an address in California; (i) who received telephonic
18 voice messages (automated or otherwise) from Defendant in connection
19 with an attempt to collect a debt, in which Defendant (ii) did not
20 meaningfully disclose its identity; (iii) or did not disclose that the caller
21 was attempting to collect a debt; (iv) at any time one year prior to the date
22 of the filing of this action.

23 46. Defendant, its employees and agents are excluded from the Class. Plaintiff does
24 not know the number of members in the Class, but believes the Class members
25 number in the tens of thousands, if not more. Thus, this matter should be
26 certified as a Class Action to assist in the expeditious litigation of this matter.

27 47. There is a well-defined community of interest in the questions of law and fact
28 involved affecting the members of the Class. The questions of law and fact

1 common to the Class predominate over questions affecting only individual class
2 members, and include, but are not limited to, the following:

- 3 (1) Whether Defendant's voice messages violated the FDCPA;
- 4 (2) Whether Defendant's voice messages violated the RFDCPA;
- 5 (3) Whether members of the Class are entitled to the remedies under the
6 FDCPA;
- 7 (4) Whether members of the Class are entitled to the remedies under the
8 RFDCPA;
- 9 (5) Whether members of the Class are entitled to declaratory relief pursuant
10 to the FDCPA;
- 11 (6) Whether members of the Class are entitled to declaratory relief pursuant
12 to the RFDCPA;
- 13 (7) Whether members of the Class are entitled to injunctive relief pursuant to
14 the FDCPA;
- 15 (8) Whether members of the Class are entitled to injunctive relief pursuant to
16 the RFDCPA;
- 17 (9) Whether members of the Class are entitled to an award of reasonable
18 attorneys' fees and costs of suit pursuant to the FDCPA;
- 19 (10) Whether members of the Class are entitled to an award of reasonable
20 attorneys' fees and costs of suit pursuant to the RFDCPA;
- 21 (11) Whether Defendant can satisfy the bona fide error affirmative defense
22 pursuant to the FDCPA; and
- 23 (12) Whether Defendant can satisfy the bona fide error affirmative defense
24 pursuant to the RFDCPA.

25 40. As a person that received at least one written communication from Defendant in
26 violation of Federal and State fair debt collection laws, Plaintiff is asserting
27 claims that are typical of the Class.

28 41. Plaintiff will fairly and adequately protect the interests of the Class.

1 42. Plaintiff has retained counsel experienced in consumer class action litigation
2 and in handling claims involving unlawful debt collection practices.

3 43. Plaintiff's claims are typical of the claims of the Class, which all arise from the
4 same operative facts involving unlawful collection practices.

5 44. A class action is a superior method for the fair and efficient adjudication of this
6 controversy. Class-wide damages are essential to induce Defendant to comply
7 with California law. The interest of class members in individually controlling
8 the prosecution of separate claims against Defendant is small because the
9 maximum statutory damages in an individual action under the FDCPA and/or
10 are \$1,000. Management of these claims is likely to present significantly fewer
11 difficulties than those presented in many class claims, e.g., securities fraud.

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

14 46. Plaintiff contemplates providing notice to the putative class members by direct
15 mail in the form of a postcard and via Internet website.

16 47. Plaintiff requests certification of a hybrid class for monetary damages and
17 injunctive relief.

18 **COUNT I**

19 **FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)**

20 **15 U.S.C. §§ 1692 ET SEQ.**

21 48. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

22 49. Because Defendant services the accounts of the Class members and was not the
23 original creditor, Defendant is considered a "debt collector" for purposes of the
24 FDCPA.

25 50. The foregoing acts and omissions constitute numerous and multiple violations
26 of the FDCPA, including but not limited to each and every one of the above-
27 cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.

28 51. Defendant failed to disclose that the calls to Plaintiff and the Class were an
Complaint for Damages

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

attempt to collect a debt and that any information obtained will be used for that purpose in violation of 15 U.S.C. § 1692e(11) which states that the following conduct is a violation of this section:

“The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action.”

52. Defendant but failed to meaningfully disclose its identity in violation of 15 U.S.C. § 1692d(6) which states that the following conduct is a violation of this section:

“...the placement of telephone calls without meaningful disclosure of the caller’s identity.”

53. As a result of each and every violation of the FDCPA, Plaintiff is entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney’s fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

COUNT II

ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT (ROSENTHAL ACT)

CAL. CIV. CODE §§ 1788-1788.32

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

55. The RFDCPA, Cal. Civ. Code § 1788 et seq, prohibits unfair and deceptive acts and practices in the collection of consumer debts.

56. Defendant attempted to collect the debt and, as such, engaged in “debt collection” as defined by Cal. Civ. Code § 1788.2(b).

1 57. Defendant in the regular course of business, engages in debt collection and is a
2 “debt collector” as defined by Cal. Civ. Code § 1788.2(c).

3 58. The foregoing acts and omissions constitute numerous and multiple violations
4 of the Rosenthal Act, including but not limited to each and every one of the
5 above-cited provisions of the Rosenthal Act, Cal. Civ. Code § 1788-1788.32.

6 59. Defendant placed calls without disclosing its identity in violation of Cal. Civ.
7 Code § 1788.11(b) which says that a debt collector shall not attempt to collect a
8 consumer debt by means of:

9 “Placing telephone calls without disclosure of the caller's
10 identity, provided that an employee of a licensed collection
11 agency may identify himself by using his registered alias
12 name as long as he correctly identifies the agency he
represents.”

13 60. Defendant’s calls were also in violation of Cal. Civ. Code 1788.17 through
14 incorporation of 15 U.S.C. § 1692e, 1692e(10), 1692e(11), 1692d, and
15 1692d(6).

16 61. As a result of each and every violation of the Rosenthal Act, Plaintiff is entitled
17 to any actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory
18 damages for a knowing or willful violation in the amount up to \$1,000 pursuant
19 to Cal. Civ. Code § 1788.30(b); and reasonable attorney’s fees and costs
20 pursuant to Cal. Civ. Code § 1788.30(c) from Defendant.

21 **PRAYER FOR RELIEF**

22 **WHEREFORE**, Plaintiff and the Class members pray for judgment as follows
23 against Defendant:

- 24 • Certify the Class as requested herein;
- 25 • Appoint Plaintiff to serve as the Class Representative in this matter;
- 26 • Appoint Plaintiff’s Counsel as Class Counsel in this matter;
- 27 • Provide such further relief as may be just and proper.

1 In addition, Plaintiff and the Class members pray for further judgment as
2 follows against Defendant:

- 3 • An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §
4 1692k(a)(2)(A);
- 5 • An award of costs of litigation and reasonable attorney's fees, pursuant to
6 15 U.S.C. § 1692k(a)(3).
- 7 • An award of statutory damages of \$1,000.00 pursuant to Cal. Civ. Code §
8 1788.30(b);
- 9 • An award of costs of litigation and reasonable attorney's fees, pursuant to
10 Cal. Civ. Code § 1788.30(c).
- 11 • Any and all other relief that this Court deems just and proper.

12 **TRIAL BY JURY**

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

15 Respectfully submitted,

16 **KAZEROUNI LAW GROUP, APC**

17
18 Date: December 22, 2017

19 By: s/Abbas Kazerounian, Esq.
20 Abbas Kazerounian, Esq.
21 ak@kazlg.com
22 *Attorney for Plaintiff*

23 Additional Attorney for Plaintiff:

24 Daniel G. Shay, Esq. (SBN: 250548)
25 danielshay@tcpafdcpa.com
26 **LAW OFFICE OF DANIEL G. SHAY**
27 409 Camino Del Rio South, Ste 101B
San Diego, CA 92108
Telephone: (619) 222-7429
Facsimile: (866) 431-3292

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

Valorie Moser, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Abbas Kazerounian, Kazerouni Law Group, APC, 245 Fischer Ave, Costa Mesa, CA 92626, (800)-400-6808.

DEFENDANTS

Zotec Partners, LLC

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

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

Attorneys (If Known)

'17CV2557 AJB MDD

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 (FDCPA)
Brief description of cause: Defendant violated Fair Debt Collection Practices Act

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: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 12/22/2017 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: [Class Action Alleges Zotec Partners Failed to Disclose Identity as a Debt Collector in Phone Call](#)
