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8 *Attorneys for Plaintiff SIDNEY NAIMAN and the Proposed Class*

9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 SIDNEY NAIMAN, individually and on
13 behalf of all others similarly situated,

14 Plaintiff,

15 v.

16 TOTAL MERCHANT SERVICES, INC.,

17 Defendant.

18 NO.

19 **COMPLAINT FOR DAMAGES
20 AND INJUNCTIVE RELIEF**

21 **DEMAND FOR JURY TRIAL**

22 **Class Action**

23 Plaintiff Sidney Naiman (“Plaintiff”), by his undersigned counsel, for this class action
24 complaint against Total Merchant Services, Inc., and its present, former, or future direct and
25 indirect parent companies, subsidiaries, affiliates, agents, and/or other related entities (“Total
26 Merchant Services” or “Defendant”), alleges as follows:

27 **I. INTRODUCTION**

1. Nature of Action. Plaintiff, individually and as class representative for all others
similarly situated, brings this action against Total Merchant Services for violations of the
Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (“TCPA”).

II. PARTIES

2. Plaintiff Sidney Naiman is an individual residing in California, in this District.

3. Defendant Total Merchant Services, Inc. is a Delaware corporation with its principal place of business in Woodland Hills, California. Total Merchant Services is registered to do and is doing business in California and throughout the United States.

III. JURISDICTION AND VENUE

4. Jurisdiction. This Court has subject matter jurisdiction over Plaintiff’s TCPA claims pursuant to 28 U.S.C. § 1331 because Plaintiff’s TCPA claims arise under the laws of the United States, specifically, 47 U.S.C. § 227.

5. Personal Jurisdiction. This Court has personal jurisdiction over Total Merchant Services because it has submitted to California jurisdiction by registering with the Secretary of State to do business in this State, and a substantial part of the wrongful acts alleged in this Complaint were committed in California.

6. Venue. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(1)-(2) because Plaintiff resides in this District and a substantial part of the events giving rise to Plaintiff’s claims occurred in this District.

7. Intradistrict Assignment. Assignment to this Division is proper pursuant to Civil L.R. 3-2(c) because a substantial part of the events or omissions that give rise to Plaintiff’s claims occurred in the County of Contra Costa.

IV. THE TELEPHONE CONSUMER PROTECTION ACT OF 1991, 47 U.S.C. § 227

8. In 1991, Congress enacted the TCPA in response to a growing number of consumer complaints regarding certain telemarketing practices.

9. The TCPA makes it unlawful “to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using an automatic telephone dialing system or an artificial or prerecorded voice ... to any telephone number assigned to a ... cellular telephone service.” 47 U.S.C. § 227(b)(1)(A). The TCPA

1 provides a private cause of action to persons who receive calls in violation of 47 U.S.C.
2 § 227(b)(1)(A). 47 U.S.C. § 227(b)(3).

3 10. According to findings by the Federal Communication Commission (“FCC”), the
4 agency Congress vested with authority to issue regulations implementing the TCPA, such calls
5 are prohibited because, as Congress found, automated or prerecorded telephone calls are a
6 greater nuisance and invasion of privacy than live solicitation calls, and such calls can be costly
7 and inconvenient.

8 11. The FCC also recognized that “wireless customers are charged for incoming calls
9 whether they pay in advance or after the minutes are used.” *In re Rules and Regulations*
10 *Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 02-278, Report and Order,
11 18 F.C.C. Rcd. 14014, 14115 ¶ 165 (2003).

12 12. In 2013, the FCC required prior express written consent for all autodialed or
13 prerecorded telemarketing calls (“robocalls”) to wireless numbers and residential lines.
14 Specifically, it ordered:

15 [A] consumer’s written consent to receive telemarketing robocalls
16 must be signed and be sufficient to show that the consumer: (1)
17 received “clear and conspicuous disclosure” of the consequences
18 of providing the requested consent, i.e., that the consumer will
19 receive future calls that deliver prerecorded messages by or on
20 behalf of a specific seller; and (2) having received this information,
agrees unambiguously to receive such calls at a telephone number
the consumer designates. In addition, the written agreement must
be obtained “without requiring, directly or indirectly, that the
agreement be executed as a condition of purchasing any good or
service.”

21 *In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*,
22 27 F.C.C. Rcd. 1830, 1844 ¶ 33 (2012) (footnotes omitted).

23 13. The FCC regulations also “generally establish that the party on whose behalf a
24 solicitation is made bears ultimate responsibility for any violations.” *In the Matter of Rules and*
25 *Regulations Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 92-90,
26 Memorandum and Order, 10 F.C.C. Rcd. 12391, 12397 ¶ 13 (1995).

1 24. The caller ID showed the telephone call was from (630) 246-4315.

2 25. When the call was answered, there was a lengthy pause and a click followed by
3 silence before any voice came on the line, which indicated that the call was made using an
4 ATDS.

5 26. Following the lengthy pause and extended silence, a prerecorded message played
6 words to the effect that the call was being made to sell credit card processing services. The called
7 party was instructed to press a button on his telephone for further information.

8 27. In an attempt to determine the identity of the caller, the recipient pressed the button
9 for further information and was instructed by another prerecorded voice to leave a voice message
10 with a telephone number.

11 28. Shortly after leaving his voice message, the Plaintiff received a call from "Perla",
12 who gave her telephone number as (847) 469-1081, claimed she was with Total Merchant
13 Services and proceeded to try to sell Total Merchant Services products.

14 29. After the phone call, Total Merchant Services sent Plaintiff a series of e-mails
15 attempting to sell its products.

16 30. Plaintiff has never been a customer of Total Merchant Services, nor has he ever been
17 interested in being a customer of Total Merchant Services.

18 31. Plaintiff did not provide prior express written consent to receive ATDS-generated or
19 prerecorded calls from, or on behalf of, Total Merchant Services.

20 32. Plaintiff's privacy has been violated by the above-described call from, or on behalf
21 of, Total Merchant Services. The call was an annoying, harassing nuisance.

22 33. Plaintiff and all members of the Class, defined below, have been harmed by the acts
23 of Total Merchant Services because their privacy has been violated, they were subjected to
24 annoying and harassing calls that constituted a nuisance, and they were charged for incoming
25 calls. The calls also occupied Plaintiff's cellular telephone line, rendering it unavailable for
26 legitimate communication.

27

1 **C. Factual Allegations Regarding Additional Consumer Complaints**

2 34. Unfortunately, Plaintiff's experience with Total Merchant Services is not unique.
3 Many others have lodged complaints after having received telemarketing calls from Total
4 Merchant Services.

5 35. Total Merchant Services has previously been informed that it, or its agents, have been
6 making pre-recorded calls to prospective customers' cellphones.

7 36. Despite this knowledge, Total Merchant Services continued their conduct.

8 37. For example, findwhocallsyou.com details the following complaint regarding calls
9 from telephone number (941) 208-8241, which is the same caller ID that appeared on the pre-
10 recorded call from Total Merchant Services to Plaintiff:

11 Posted on 15 Jul 2016.

12 Called my business line. Recorded message trying to sell some sort
13 of merchant processing discount (credit cards). Too cheap to even
14 start message at the beginning.

15 <http://findwhocallsyou.com/9412088241> (last visited June 21, 2017).

16 38. 800notes.com also details complaints regarding calls from another caller ID that
17 robocalled Plaintiff, (828) 548-6764:

18 **DG**
19 30 Jul 2016

20 Bottom feeding credit card merchant service.

21

22 *Caller: Telemarketer*

23 **arrr_beee**
24 21 Dec 2016

25 Pre recorded message. I did not listen.

26 *Caller: Telemarketer*

27 <http://800notes.com/Phone.aspx/1-630-246-4315> (last visited June 23, 2017).

VI. CLASS ACTION ALLEGATIONS

1
2 39. Class Definition. Pursuant to Fed. R. Civ. P. 23(b)(2) and (b)(3), Plaintiff brings this
3 case as a class action on behalf of a national class (“Class”) defined as follows:

4 All persons to whom: (a) Total Merchant Services and/or a third
5 party acting on Total Merchant Services’ behalf made one or more
6 non-emergency telephone calls; (b) promoting Total Merchant
7 Services’ goods or services; (c) to their cellular telephone number;
8 (d) through the use of an automatic telephone dialing system or an
9 artificial or prerecorded voice; (e) at any time in the period that
10 begins four years before the date of filing this Complaint and ends
11 at the date of trial.

12 Excluded from the Class are Total Merchant Services, any entity in which Total Merchant
13 Services has a controlling interest or that has a controlling interest in Total Merchant Services,
14 and Total Merchant Services’ legal representatives, assignees, and successors. Also excluded are
15 the judge to whom this case is assigned and any member of the judge’s immediate family.

16 40. Numerosity. The Class is so numerous that joinder of all members is impracticable.
17 On information and belief, the Class has more than 100 members. Moreover, the disposition of
18 the claims of the Class in a single action will provide substantial benefits to all parties and the
19 Court.

20 41. Commonality. There are numerous questions of law and fact common to Plaintiff and
21 members of the Class. These common questions of law and fact include, but are not limited to,
22 the following:

23 a. Whether Total Merchant Services and/or its affiliates or agents, and/or
24 other persons or entities acting on Total Merchant Services’ behalf, violated 47 U.S.C.
25 § 227(b)(1)(A) by making any call, except for emergency purposes, to a cellular telephone
26 number using an ATDS and/or artificial or prerecorded voice;

27 b. Whether Total Merchant Services and/or its affiliates or agents, and/or
other persons or entities acting on Total Merchant Services’ behalf, knowingly and/or willfully
violated 47 U.S.C. § 227(b)(1)(A) by making any call, except for emergency purposes, to a

1 cellular telephone number using an ATDS and/or artificial or prerecorded voice, thus entitling
2 Plaintiff and the Class to treble damages;

3 c. Whether Total Merchant Services is liable for ATDS-generated and/or
4 automated or prerecorded calls promoting Total Merchant Services' products or services made
5 by Total Merchant Services' affiliates, agents, and/or other persons or entities acting on Total
6 Merchant Services' behalf; and

7 d. Whether Total Merchant Services and/or its affiliates, agents, and/or other
8 persons or entities acting on Total Merchant Services' behalf should be enjoined from violating
9 the TCPA in the future.

10 42. Typicality. Plaintiff's claims are typical of the claims of the Class. Plaintiff's claims,
11 like the claims of the Class, arise out of the same common course of conduct by Total Merchant
12 Services and are based on the same legal and remedial theories.

13 43. Adequacy. Plaintiff will fairly and adequately protect the interests of the Class.
14 Plaintiff has retained competent and capable attorneys with significant experience in complex
15 and class action litigation, including consumer class actions and TCPA class actions. Plaintiff
16 and its counsel are committed to prosecuting this action vigorously on behalf of the Class and
17 have the financial resources to do so. Neither Plaintiff nor its counsel has interests that are
18 contrary to or that conflict with those of the proposed Class.

19 44. Predominance. Total Merchant Services has engaged in a common course of conduct
20 toward Plaintiff and members of the Class. The common issues arising from this conduct that
21 affect Plaintiff and members of the Class predominate over any individual issues. Adjudication
22 of these common issues in a single action has important and desirable advantages, including
23 judicial economy.

24 45. Superiority. A class action is the superior method for the fair and efficient
25 adjudication of this controversy. Classwide relief is essential to compel Total Merchant Services
26 to comply with the TCPA. The interest of individual members of the Class in individually
27 controlling the prosecution of separate claims against Total Merchant Services is small because

1 the damages in an individual action for violation of the TCPA are small. Management of these
2 claims is likely to present significantly fewer difficulties than are presented in many class claims
3 because the calls at issue are all automated and because the TCPA articulates bright-line
4 standards for liability and damages. Class treatment is superior to multiple individual suits or
5 piecemeal litigation because it conserves judicial resources, promotes consistency and efficiency
6 of adjudication, provides a forum for small claimants, and deters illegal activities. There will be
7 no significant difficulty in the management of this case as a class action.

8 46. Injunctive and Declaratory Relief is Appropriate. Total Merchant Services has acted
9 on grounds generally applicable to the Class, thereby making final injunctive relief and
10 corresponding declaratory relief with respect to the Class appropriate on a classwide basis.

11 **VII. FIRST CLAIM FOR RELIEF**
12 **(Violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227(b)(1)(A))**

13 47. Plaintiff realleges and incorporates by reference each and every allegation set forth in
14 the preceding paragraphs.

15 48. The foregoing acts and omissions of Total Merchant Services and/or its affiliates or
16 agents, and/or other persons or entities acting on Total Merchant Services' behalf, constitute
17 numerous and multiple violations of the TCPA, 47 U.S.C. § 227(b)(1)(A), by making non-
18 emergency calls to the cellular telephone numbers of Plaintiff and members of the Class using an
19 ATDS and/or artificial or prerecorded voice.

20 49. As a result of violations of the TCPA, 47 U.S.C. § 227(b)(1)(A), by Total Merchant
21 Services and/or its affiliates or agents and/or other persons or entities acting on its behalf,
22 Plaintiff and members of the Class are entitled to an award of \$500 in damages for each and
23 every call made to their cellular telephone numbers using an ATDS and/or artificial or
24 prerecorded voice in violation of the statute, pursuant to 47 U.S.C. § 227(b)(3)(B).

25 50. Plaintiff and members of the Class are also entitled to and do seek injunctive relief
26 prohibiting Total Merchant Services and/or its affiliates, agents, and/or other persons or entities
27 acting on its behalf from violating the TCPA, 47 U.S.C. § 227(b)(1)(A), by making calls, except

1 for emergency purposes, to any cellular telephone numbers using an ATDS and/or artificial or
2 prerecorded voice in the future.

3 **VIII. SECOND CLAIM FOR RELIEF**
4 **(Knowing and/or Willful Violations of the Telephone Consumer Protection Act, 47 U.S.C.**
5 **§ 227(b)(1)(A))**

6 51. Plaintiff realleges and incorporates by reference each and every allegation set forth in
7 the preceding paragraphs.

8 52. The foregoing acts and omissions of Total Merchant Services and/or its affiliates or
9 agents, and/or other persons or entities acting on its behalf, constitute numerous and multiple
10 violations of the TCPA, 47 U.S.C. § 227(b)(1)(A), by making calls, except for emergency
11 purposes, to the cellular telephone numbers of Plaintiff and members of the Class using an
12 ATDS and/or artificial or prerecorded voice.

13 53. As a result of knowing and/or willful violations of the TCPA, 47 U.S.C.
14 § 227(b)(1)(A), by Total Merchant Services and/or its affiliates or agents, and/or other persons or
15 entities acting on its behalf, Plaintiff and members of the Class are entitled to treble damages of
16 up to \$1,500 for each and every call made to their cellular telephone numbers using an ATDS
17 and/or artificial or prerecorded voice in violation of the statute, pursuant to 47 U.S.C. §
18 227(b)(3).

19 **IX. PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff, on his own behalf and on behalf of all members of the Class,
21 prays for judgment against Total Merchant Services as follows:

- 22 A. Certification of the proposed Class;
- 23 B. Appointment of Plaintiff as representative of the Class;
- 24 C. Appointment of the undersigned counsel as counsel for the Class;
- 25 D. A declaration that actions complained of herein by Total Merchant Services
26 and/or its affiliates, agents, or related entities violate the TCPA;
- 27

1 E. An order enjoining Total Merchant Services and its affiliates, agents and related
2 entities from engaging in the unlawful conduct set forth herein;

3 F. An award to Plaintiff and the Class of damages, as allowed by law;

4 G. An award to Plaintiff and the Class of attorneys' fees and costs, as allowed by law
5 and/or equity;

6 H. Leave to amend this Complaint to conform to the evidence presented at trial; and

7 I. Orders granting such other and further relief as the Court deems necessary, just,
8 and proper.

9 **X. DEMAND FOR JURY**

10 Plaintiff demands a trial by jury for all issues so triable.

11 **XI. SIGNATURE ATTESTATION**

12 The ECF user filing this Complaint attests that concurrence in its filing has been obtained
13 from each of the other signatories.

14 RESPECTFULLY SUBMITTED AND DATED this 5th day of July, 2017.

15
16 By: /s/ Jon B. Fougner
17 Jon B. Fougner

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CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Naiman, Sidney

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

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

DEFENDANTS

Total Merchant Services, Inc.

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

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

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party) 2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

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 (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq. ("TCPA")

Brief description of cause:

Robocalls to cellular telephones

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$

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

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 07/05/2017

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jon B. Fougner

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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate 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 Federal Rule of Civil Procedure 8(a), 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.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 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.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 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-CAND 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.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. 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-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

CIVIL COVER SHEET
FORM JS-CAND 44
ATTACHMENT

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I. (c): Attorneys for Plaintiffs

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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Total Merchant Services Accused of TCPA Violations](#)
