

FILED

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

2018 JUL 26 PM 12:05

MICHELINE PEKER, individually and on behalf of all others similarly situated,

Plaintiff,

v.

HOMESERVE USA CORP., a Pennsylvania corporation,

Defendant.

Case No.

CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

2:18-cv-507-PM-99MRM

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Micheline Pekar (“Pekar” or “Plaintiff”) brings this Class Action Complaint and Demand for Jury Trial (“Complaint”) against Defendant HomeServe USA Corp. (“HomeServe” or “Defendant”) to stop HomeServe from violating the Telephone Consumer Protection Act’s prohibition on unsolicited calls to consumers whose phone numbers are registered with the National Do Not Call Registry by making calls to those consumers *without their consent*, and to otherwise obtain injunctive and monetary relief for all persons injured by HomeServe’s conduct. Plaintiff, for her Complaint, alleges as follows upon personal knowledge as to herself and her own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by her attorneys.

INTRODUCTION

1. HomeServe provides homeowners with insurance plans that cover repairs that might be needed for electric, gas, heating, cooling and water systems.

2. As of the start of 2018, HomeServe provided services to more than 3.4 million customers associated with more than 450 different utility companies, and was gearing up to grow its business, including by expanding its in-house call center operations.⁵

3. On April 25, 2018 HomeServe opened up a new 45,000-square foot call center that is expected to add in 175 additional employees that will provide customer support and join in soliciting consumers through telemarketing all over North America.⁶

4. Unfortunately, in Homeserve's rush to grow their customer base, they are negligent in securing the consent needed to make telemarketing calls, fail in scraping their call list against the National Do Not Call Registry ("DNC"), and fail to maintain an adequate internal do not call list to prevent further calls to consumers after they demand that Homeserve stop calling.

5. In Plaintiff's case, this resulted in HomeServe making repeated and incessant unsolicited calls to Plaintiff's landline phone number that is registered on the DNC, including at least two such calls after Plaintiff demanded that HomeServe stop calling.

6. In response to these calls, Plaintiff files this lawsuit seeking injunctive relief, requiring Defendant to cease violating the Telephone Consumer Protection Act's restriction on calls to consumers whose telephone numbers are registered on the DNC and to other consumers after they demand that Homeserve stop calling, as well as an award of statutory damages to the members of the Class and costs.

PARTIES

7. Plaintiff Micheline Pekar is a Naples, Florida resident.

⁵ <https://www.homeserveusa.com/sc/about-us>

⁶ <https://www.businesswire.com/news/home/20180425006781/en/HomeServe-USA-Opens-New-Call-Center-Customer>

8. Defendant HomeServe is a Pennsylvania corporation headquartered in Norwalk, Connecticut. Defendant conducts business throughout this District and the United States.

JURISDICTION AND VENUE

9. This Court has federal question subject matter jurisdiction over this action under 28 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”).

10. This Court has personal jurisdiction over Defendant and venue is proper in this district because Defendant conducts significant business in this District and because the wrongful conduct giving rise to this case occurred in, was directed from, and/or emanated from this District.

COMMON ALLEGATIONS

HomeServe Markets Its Services by Calling Consumers’ Phone Numbers Without Consent, Regardless of Whether the Phone Numbers are Listed on the DNC or the Consumers Have Otherwise Demanded that HomeServe Stop Calling

11. HomeServe markets its home repair insurance services through unsolicited calls to consumers whose phone numbers are registered on the DNC, without those consumers’ consent, and to other consumers after those consumers demand that HomeServe stop calling.

12. Although HomeServe provides services to customers of various utilities and their affiliates, HomeServe is quick to point out on their website that they are an independent company that is separate from the local utility or community of the consumers it solicits: HomeServe is an independent company separate from your local utility or community. ⁷

13. In fact, on the HomeServe website where HomeServe identifies the services it provides through FPL Energy Services (and not Florida Power & Light Company) HomeServe

⁷ <https://www.homeserveusa.com/company/media>

specifically represents that it they are “separate and independent” from FPL Energy Services and disclaims any relationship with Florida Power & Light Company:

This optional coverage is offered by FPL Energy Services, Inc. (FPLES), Florida license #E099597, and not Florida Power & Light Company (FPL). FPLES is an unregulated subsidiary of FPL. The coverage is administered by HomeServe USA Repair Management (Florida) Corp. (“HomeServe”), Florida License #W220985, with corporate offices located at 601 Merritt 7, 6th Floor, Norwalk, CT 06851. The coverage is provided by ServicePlan of Florida, Inc., Home Warranty Assoc. #70033, 175 West Jackson Blvd., Chicago, IL 60604. *FPLES, HomeServe and ServicePlan of Florida, Inc. are each separate and independent companies. This service plan is not provided by your local electric or water utility.*

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14. Although HomeServe partners with companies such as FPL Energy Services to provide their services, HomeServe solicits consumers without their consent.

15. Not surprisingly, HomeServe puts great pressure on their sales staff to sell their insurance products. If a call center agent does not hit their performance goals, they are let go from the company within a very short period of time. For example, one former agent wrote on Glassdoor, “[I]n the performance plan document it states that an employee may be terminated for not meeting their goal.”⁹ Another former employee wrote, “Often times sales attempts border on customer harassment. Some of the home warranties offered to customers are not needed but we still try to sell the coverage[.]”¹⁰

16. Not surprisingly, given HomeServe’s agents’ aggressive tactics, there are many consumer complaints about unsolicited calls from HomeServe agents, including from telephone number 877-444-7750, the phone number used to call Plaintiff:

- “I am registered with the Natl Do Not call registry, but does not seem to stop harassing unsolicited phone calls.”¹¹
- “On the Do Not Call List since forever ago. Recently, due to an increase in unwanted calls, asked for verification that I was on this list. Yes, so why do this number continue to call daily. Many times more than once. I am fed up!”¹²

⁸ <https://www.homeserveusa.com/coverage/34114>

⁹ https://www.glassdoor.com/Reviews/HomeServe-USA-Reviews-E501875_P4.htm

¹⁰ <https://www.indeed.com/cmp/Homeserve-USA/reviews?fcountry=ALL&start=20>

¹¹ <https://800notes.com/Phone.aspx/1-877-444-7750/12>

¹² *id*

- “Am sick and [tired] of all there calls every day.”¹³
- “I have been on a do-not-call list for many years, but still get a crazy amount of calls.”¹⁴
- “This number calls early in the morning and wakes me up. I answered it once and they’re trying to sell me water pipeline insurance. I’m not interested so I blocked their number on my phone but they still keep calling[.] BEWARE”¹⁵
- “Unsolicited call”¹⁶

17. By placing the unsolicited telephone calls at issue in this Complaint, Defendant caused Plaintiff and the other members of the Class actual harm and cognizable legal injury.

18. In response to Defendant’s unlawful conduct, Plaintiff files this action seeking an injunction requiring Defendant to cease all unwanted call activities to phone numbers that are registered with the DNC and an award of statutory damages to the members of the Class.

PLAINTIFF’S ALLEGATIONS

HomeServe Repeatedly Called Plaintiff’s Phone Number Without Plaintiff’s Consent, Despite it Being Listed on the DNC, and Despite Plaintiff’s Demand that the Calls Stop

19. Plaintiff Peker registered her landline phone number on the National Do Not Call Registry on August 9, 2009 to avoid receiving unsolicited telemarketing calls.

20. Despite having her phone number registered on the DNC at the time, Plaintiff has received no fewer than 6 unsolicited calls from HomeServe using phone number 877-444-7750, without Plaintiff’s consent.

21. A number of the calls began with dead air before the agent on the line spoke, which is indicative of the use of an autodialer. This would explain the persistent calls Plaintiff received.

¹³ <https://whocallsme.com/Phone-Number.aspx/8774447750/3>

¹⁴ <https://www.spokeo.com/877-444-telemarketers>

¹⁵ <https://www.shouldianswer.com/phone-number/8774447750>

¹⁶ *id*

22. When the calls first began, Plaintiff demanded that HomeServe stop calling, asked for her number to be removed from HomeServe's calling list, and, in effect, asked for her number to be added to Defendant's internal do not call list.

23. Unfortunately, despite her requests for the calls to stop, Defendant has continued to call Plaintiff.

24. On information and belief, Defendant, or a third-party acting on its behalf, made substantively identical unsolicited calls *en masse* to consumers throughout the country. To the extent the calls were made on Defendant's behalf to consumers, Defendant permitted the third-party to use its devoted telephone number, provided the third-party access to its records, authorized use of its trade name, otherwise controlled the content of the calls, and knew of, but failed to stop, the making of the calls in violation of the TCPA.

25. The unauthorized telephone calls made by HomeServe, as alleged herein, have harmed Plaintiff in the form of annoyance, nuisance, and invasion of privacy, and disturbed her use and enjoyment of her phone, in addition to the wear and tear on the phone's hardware (including the phone's battery) and the consumption of memory on the phone.

26. Seeking redress for these injuries, Plaintiff, on behalf of herself and a Class of similarly situated individuals, brings suit under the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, which prohibits unsolicited calls to telephone numbers registered on the DNC or after a consumer has requested that the calls stop.

CLASS ALLEGATIONS

Class Treatment Is Appropriate for Plaintiff's Claim Arising From HomeServe's Calls

27. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23(b)(2) and Rule 23(b)(3) on behalf of herself and all others similarly situated and seeks certification of the following Class:

Do Not Call Registry Class: All persons in the United States who (1) Defendant (or an agent acting on behalf of Defendant) called more than one time on his/her telephone; (2) (a) within any 12-month period where the telephone number had been listed on the National Do Not Call Registry for at least thirty days, or (b) after he/she requested to be added to Defendant's internal do not call list; (4) for the purpose of selling Defendant's products and services; (5) without the call recipient's prior express written consent.

28. The following individuals are excluded from the Class: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendant, its subsidiaries, parents, successors, predecessors, and any entity in which Defendant or its parents have a controlling interest and their current or former employees, officers and directors; (3) Plaintiff's attorneys; (4) persons who properly execute and file a timely request for exclusion from the Class; (5) the legal representatives, successors or assigns of any such excluded persons; and (6) persons whose claims against Defendant have been fully and finally adjudicated and/or released. Plaintiff anticipates the need to amend the Class definition follows appropriate discovery.

29. **Numerosity:** On information and belief, there are hundreds, if not thousands of members of the Class such that joinder of all members is impracticable.

30. **Commonality and Predominance:** There are many questions of law and fact common to the claims of Plaintiff and the Class, and those questions predominate over any questions that may affect individual members of the Class. Common questions for the Class include, but are not necessarily limited to the following:

- (a) whether Defendant's conduct constitutes a violation of the TCPA;
- (b) whether Defendant systematically made multiple telephone calls to Plaintiff and consumers whose telephone numbers were registered with the National Do Not Call Registry;
- (c) whether Defendant failed to honor Plaintiff's and other consumers' requests to be added to Defendant's internal do not call list; and
- (d) whether members of the Class are entitled to treble damages based on the willfulness of Defendant's conduct.

31. **Adequate Representation:** Plaintiff will fairly and adequately represent and protect the interests of the Class, and has retained counsel competent and experienced in class actions. Plaintiff has no interests antagonistic to those of the Class, and Defendant has no defenses unique to Plaintiff. Plaintiff and his counsel are committed to vigorously prosecuting this action on behalf of the members of the Class, and have the financial resources to do so. Neither Plaintiff nor his counsel has any interest adverse to the Class.

32. **Appropriateness:** This class action is also appropriate for certification because Defendant has acted or refused to act on grounds generally applicable to the Class and as a whole, thereby requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the members of the Class and making final class-wide injunctive relief appropriate. Defendant's business practices apply to and affect the members of the Class uniformly, and Plaintiff's challenge of those practices hinges on Defendant's conduct with respect to the Class as a whole, not on facts or law applicable only to Plaintiffs. Additionally, the damages suffered by individual members of the Class will likely be small relative to the burden and expense of individual prosecution of the complex litigation necessitated by Defendant's actions. Thus, it would be virtually impossible for the members of the Class to obtain effective relief from Defendant's misconduct on an individual basis. A class action provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court.

Economies of time, effort, and expense will be fostered and uniformity of decisions will be ensured.

FIRST CAUSE OF ACTION
Telephone Consumer Protection Act
(Violation of 47 U.S.C. § 227)
(On Behalf of Plaintiff Peker and the Do Not Call Registry Class)

33. Plaintiff repeats and realleges the above paragraphs of this Complaint and incorporates them by reference herein.

34.

35. The TCPA's implementing regulation, 47 C.F.R. § 64.1200(c), provides that "[n]o person or entity shall initiate any telephone solicitation" to "[a] residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the federal government."

36. 47 C.F.R. § 64.1200(d) further provides that "[n]o person or entity shall initiate any call for telemarketing purposes to a residential telephone subscriber unless such person or entity has instituted procedures for maintaining a list of persons who request not to receive telemarketing calls made by or on behalf of that person or entity. The procedures instituted must meet the following minimum standards:

37. 47 U.S.C. § 227(c) provides that any "person who has received more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the regulations prescribed under this subsection may" bring a private action based on a violation of said regulations, which were promulgated to protect telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object.

38. Defendant violated 47 C.F.R. § 64.1200(c) by initiating, or causing to be initiated, telephone solicitations to wireless telephone subscribers such as Plaintiff and the Do Not Call Registry Class members who registered their respective telephone numbers on the National Do

Not Call Registry, a listing of persons who do not wish to receive telephone solicitations that is maintained by the federal government. These consumers requested to not receive calls from Defendant, as set forth in 47 C.F.R. § 64.1200(d)(3).

39. Defendant also violated 47 C.F.R. § 64.1200(d) by failing to have a written policy of dealing with do not call requests, by failing to inform or train its personnel engaged in telemarketing regarding the existence and/or use of any do not call list, and by failing to internally record and honor do not call requests.

40. Defendant made more than one unsolicited telephone call to Plaintiff and other members of the Do Not Call Registry Class within a 12-month period without their prior express consent to receive such calls. Plaintiff and other members of the Do Not Call Registry Class never provided any form of consent to receive telephone calls from Defendant.

41. Defendant violated 47 C.F.R. § 64.1200(d) by initiating calls for telemarketing purposes to residential and wireless telephone subscribers, such as Plaintiff and the Do Not Call Registry Class, without instituting procedures that comply with the regulatory minimum standards for maintaining a list of persons who request not to receive telemarketing calls from them.¹⁸

42. Accordingly, Defendant violated 47 U.S.C. § 227(c)(5) as to Plaintiff and the Do Not Call Registry Class, and Plaintiff and the Do Not Call Registry Class are entitled, *inter alia*, to receive no less than \$500 in statutory damages for such violations of 47 C.F.R. § 64.1200.

43. To the extent Defendant's misconduct is determined to be willful and knowing, the Court should treble the amount of statutory damages recoverable by the members of the Do Not Call Registry Class.

¹⁸ 47 C.F.R. § 64.1200(e), provides that § 64.1200(c) and (d) "are applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers ..."

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the Class, prays for the following relief:

- a. An order certifying this case as a class action on behalf of the Class as defined above, appointing Plaintiff as the representative of the Class, and appointing her attorneys as Class Counsel;
- b. An award of actual and/or statutory damages;
- c. An order declaring that Defendant's actions, as set out above, violate the TCPA;
- d. An injunction requiring Defendant to cease all unsolicited calling activity, and to otherwise protect the interests of the Class; and
- e. Such further and other relief as the Court deems necessary.

JURY DEMAND

Plaintiff requests a jury trial of all claims.

Respectfully Submitted,

MICHELINE PEKER, individually and on behalf of Class of similarly situated individuals

Dated: July 25, 2018

/s/Avi R. Kaufman
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Telephone: (877) 333-9427
Facsimile: (888) 498-8946

Attorneys for Plaintiff and the putative Class

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

RECEIVED

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

MICHELINE PEKER, individually and on behalf of all others similarly situated,

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

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

Avi R. Kaufman, Kaufman P.A., 400 NW 26th Street, Miami, FL 33127
kaufman@kaufmanpa.com, 305-469-5881

DEFENDANTS

HOMESERVE USA CORP. a Pennsylvania corporation,

County of Residence of First Listed Defendant Fairfield
(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)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - 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):

47 USC 227

Brief description of cause:

Violation of the Telephone Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS

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

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

07/25/2018

Avi R. Kaufman

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

FEM01276

2:18-cv-517-FEM-99MRM

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [HomeServe Hit with Class Action in Florida Over Alleged Unsolicited Robocalls](#)
