

Todd M. Friedman (SBN 216752)
Meghan E. George (SBN 274525)
Adrian R. Bacon (SBN 280332)
LAW OFFICES OF TODD M. FRIEDMAN, P.C.
21550 Oxnard St., Suite 780
Woodland Hills, CA 91367
Phone: 877-206-4741
Fax: 866-633-0228
tfriedman@toddfllaw.com
mgeorge@toddfllaw.com
abacon@toddfllaw.com
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ERIKA PETERSON, individually and) Case No.
on behalf of all others similarly situated,))
) **CLASS ACTION**
Plaintiff,))
) **COMPLAINT FOR VIOLATIONS**
vs.) **OF:**
)
ENHANCED RECOVERY) 1. VIOLATIONS OF
COMPANY, LLC and DOES 1-10,) ELECTRONIC FUNDS
) TRANSFER ACT [15 U.S.C.
) §1693 ET SEQ.]
Defendant(s).))
) **DEMAND FOR JURY TRIAL**
)

Plaintiff ERIKA PETERSON (“Plaintiff”), on behalf of herself and all others similarly situated, alleges the following against Defendant ENHANCED RECOVERY COMPANY, LLC upon information and belief based upon personal knowledge:

INTRODUCTION

1. Plaintiff’s Class Action Complaint is brought pursuant to the Electronic Funds Transfer Act, 15 U.S.C. 1693 et seq. (“EFTA”).
2. Plaintiff, individually, and on behalf of all others similarly situated,

1 brings this Complaint for damages, injunctive relief, and any other available legal
2 or equitable remedies, resulting from the illegal actions of Defendants debiting
3 Plaintiff's and also the putative Class members' bank accounts on a recurring
4 basis without obtaining a written authorization signed or similarly authenticated
5 for preauthorized electronic fund transfers and/or after clear revocation of any
6 authorization or similar authentication for preauthorized electronic fund transfers
7 from Plaintiff's and also the putative Class members' accounts, thereby violating
8 Section 907(a) of the EFTA, 15 U.S.C. § 1693e(a), and Section 205.10(b) of
9 Regulation E, 12 C.F.R. § 205.10(b). Plaintiff alleges as follows upon personal
10 knowledge as to herself and his own acts and experiences, and, as to all other
11 matters, upon information and belief, including investigation conducted by his
12 attorneys.

13 **JURISDICTION AND VENUE**

14
15 3. This Court has jurisdiction under 28 U.S.C. 1331, because this action
16 is brought pursuant to the EFTA, 15 U.S.C. 1693 *et seq.*

17 4. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1693(m),
18 which states that, "without regard to the amount in controversy, any action under
19 this section may be brought in any United States district court."

20 5. Venue and personal jurisdiction in this District are proper pursuant to
21 28 U.S.C. 1391(b) because Plaintiff resides within this District and Defendant
22 does or transact business within this District, and a material portion of the events
23 at issue occurred in this District.

24 **PARTIES**

25 6. Plaintiff, Erika Peterson ("PLAINTIFF"), is a natural person
26 residing in Fresno County in the state of California, and is a "consumer" as
27 defined by 15 U.S.C. §1693a(6).

28 7. At all relevant times herein, DEFENDANT, ENHANCED

1 RECOVERY COMPANY, LLC (“DEFENDANT”), was a company engaged, by
2 use of the mails and telephone, in the business of collecting debts alleged to be
3 due another.

4 8. The above named Defendant, and its subsidiaries and agents, are
5 collectively referred to as “Defendants.” The true names and capacities of the
6 Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are
7 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious
8 names. Each of the Defendants designated herein as a DOE is legally
9 responsible for the unlawful acts alleged herein. Plaintiff will seek leave of
10 Court to amend the Complaint to reflect the true names and capacities of the
11 DOE Defendants when such identities become known.

12 9. Plaintiff is informed and believes that at all relevant times, each and
13 every Defendant was acting as an agent and/or employee of each of the other
14 Defendants and was acting within the course and scope of said agency and/or
15 employment with the full knowledge and consent of each of the other
16 Defendants. Plaintiff is informed and believes that each of the acts and/or
17 omissions complained of herein was made known to, and ratified by, each of the
18 other Defendants.

19
20 **FACTUAL ALLEGATIONS - EFTA**

21 10. Prior to February 28, 2017, Defendant contacted Plaintiff in an
22 attempt to collect an alleged debt.

23 11. Defendant’s agent informed Plaintiff that she should pay off the
24 account by credit card or bank card.

25 12. Plaintiff provided Defendant’s agent with her debit card number and
26 orally informed Defendant that they could take the requested amount on a
27 reoccurring basis beginning on February 28, 2017. Plaintiff believed at the time
28 that she would have the funds to pay off Defendant.

1 13. On or around February 25, 2017 and February 27, 2017, Plaintiff
2 called Defendant and informed them that Plaintiff did not have enough funds to
3 pay Defendant and revoked any prior authorization for Defendant to deduct funds
4 from Plaintiff.

5 14. However, despite Plaintiff's clear revocation of authorization,
6 Defendants continued to deduct funds from Plaintiff's account multiple times on
7 a reoccurring basis, without Plaintiff's consent or authorization.

8 15. On or around February 28, 2017, Defendant withdrew \$125.04 out
9 of Plaintiff's bank account .

10 16. Plaintiff immediately called Defendant to notify them of the
11 unauthorized withdrawals from her account and to be reimbursed for the
12 unauthorized amounts.

13 17. Defendant's representative stated that Plaintiff would be credited for
14 the unauthorized funds, however Defendant never credited Plaintiff.

15 18. Plaintiff never provided Defendant with any authorization to deduct
16 these sums of money on a regular recurring basis from Plaintiff's banking
17 account.

18 19. Defendants did not provide to Plaintiff, nor did Plaintiff execute,
19 any written or electronic writing memorializing or authorizing these recurring or
20 automatic payments.

21 20. Plaintiff alleges such activity to be in violation of the Electronic
22 Funds Transfer Act, 15 U.S.C. 1693 et seq. ("EFTA"), and its surrounding
23 regulations, including, but not limited to, 12 C.F.R. §§1005.7, 1005.8, and
24 1005.9.

25
26 **CLASS ACTION ALLEGATIONS**

27 21. Plaintiff brings this action on behalf of herself and all others
28 similarly situated, as a member of the proposed class (hereafter "The Class")

1 defined as follows:

2 All persons in the United States whose bank accounts
3 were debited on a reoccurring basis by Defendants
4 without Defendants obtaining a written authorization
5 signed or similarly authenticated for preauthorized
6 electronic fund transfers within the one year prior to the
7 filing of this Complaint.

8 22. Plaintiff represents, and is a member of, The Class, consisting of all
9 persons within the United States whose bank account was debited on a recurring
10 basis by Defendants without Defendants obtaining a written authorization signed
11 or similarly authenticated for preauthorized electronic fund transfers within the
12 one year prior to the filing of this Complaint.

13 23. Plaintiff brings this action on behalf of herself and all others
14 similarly situated, as a member of the proposed class (hereafter “The Revocation
15 Class”) defined as follows:

16 All persons in the United States whose bank accounts
17 were debited on a reoccurring basis by Defendants after
18 that person revoked authorization for preauthorized
19 electronic fund transfers within the one year prior to the
20 filing of this Complaint.

21 24. Plaintiff represents, and is a member of, The Revocation Class,
22 consisting of all persons in the United States whose bank accounts were debited
23 on a reoccurring basis by Defendants after that person revoked authorization for
24 preauthorized electronic fund transfers within the one year prior to the filing of
25 this Complaint.

26 25. The Class and the Revocation Class shall collectively be referred to
27 as “The Classes.”

28 26. Defendants, their employees and agents are excluded from The
Classes. Plaintiffs do not know the number of members in The Classes, but
believe the Class members number in the hundreds, if not more. Thus, this

1 matter should be certified as a Class Action to assist in the expeditious litigation
2 of the matter.

3 27. The Classes are so numerous that the individual joinder of all of its
4 members is impractical. While the exact number and identities of The Class
5 members are unknown to Plaintiff at this time and can only be ascertained
6 through appropriate discovery, Plaintiff is informed and believes and thereon
7 alleges that The Classes includes hundreds, if not thousands, of members.
8 Plaintiff alleges that The Class members may be ascertained by the records
9 maintained by Defendants.

10 28. This suit is properly maintainable as a class action pursuant to Fed.
11 R. Civ. P. 23(a) because the Classes are so numerous that joinder of the Class
12 members is impractical and the disposition of their claims in the class action will
13 provide substantial benefits both to the parties and to the Court.

14 29. There are questions of law and fact common to the Class affecting
15 the parties to be represented. The questions of law and fact to the Class
16 predominate over questions which may affect individual Class members and
17 include, but are not necessarily limited to, the following:

18 a. The members of the Classes were not provided with, nor did they
19 execute, written agreements memorializing the automatic or recurring electronic
20 payments.

21 b. Defendants did not request, nor did it provide, Class members with
22 written agreements memorializing the automatic or recurring electronic
23 payments.

24 c. The members of the Class did not provide either a written (“wet”) or
25 otherwise electronic signature authorizing the automatic or recurring electronic
26 payments.

27 d. Despite not providing written or electronic authorization for
28

1 payments to be drawn from their accounts, Defendants took unauthorized
2 payments from Class members' accounts.

3 30. There are questions of law and fact common to the Revocation Class
4 affecting the parties to be represented. The questions of law and fact to the
5 Revocation Class predominate over questions which may affect individual
6 Revocation Class members and include, but are not necessarily limited to, the
7 following:

8 a. The members of the Revocation Class revoked any authorization for
9 the automatic or recurring electronic payments.

10 b. Despite having revoked authorization for payments to be drawn
11 from their accounts, Defendant took unauthorized payments from Revocation
12 Class members' accounts.

13 31. As someone whose bank account was debited on a reoccurring basis
14 by Defendant without Defendant obtaining a written authorization signed or
15 similarly authenticated for preauthorized electronic fund transfers and had
16 revoked any authorization that Defendant may have had, Plaintiff is asserting
17 claims that are typical of The Classes.
18

19 32. Plaintiff will fairly and adequately protect the interests of the
20 members of The Classes. Plaintiff has retained attorneys experienced in the
21 prosecution of class actions.

22 33. A class action is superior to other available methods of fair and
23 efficient adjudication of this controversy, since individual litigation of the claims
24 of all Class members is impracticable. Even if every Class member could afford
25 individual litigation, the court system could not. It would be unduly burdensome
26 to the courts in which individual litigation of numerous issues would proceed.
27 Individualized litigation would also present the potential for varying, inconsistent,
28 or contradictory judgments and would magnify the delay and expense to all

1 parties and to the court system resulting from multiple trials of the same complex
2 factual issues. By contrast, the conduct of this action as a class action presents
3 fewer management difficulties, conserves the resources of the parties and of the
4 court system, and protects the rights of each Class member.

5 34. The prosecution of separate actions by individual Class members
6 would create a risk of adjudications with respect to them that would, as a practical
7 matter, be dispositive of the interests of the other Class members not parties to
8 such adjudications or that would substantially impair or impede the ability of such
9 non-party Class members to protect their interests.

10 35. Defendants have acted or refused to act in respects generally
11 applicable to The Class, thereby making appropriate final and injunctive relief
12 with regard to the members of the Class as a whole.

13 36. Defendants failed to comply with the writing and notice
14 requirements of § 907(a) of the EFTA, 15 U.S.C. § 1693e(a) as to the Class
15 members with respect to the above alleged transactions.

16 37. Section 907(a) of the EFTA, 15 U.S.C. §1693e(a), provides that a
17 “preauthorized electronic fund transfer from a consumer’s account may be
18 authorized by the consumer only in writing, and a copy of such authorization
19 shall be provided to the consumer when made.”

20 38. Section 903(9) of the EFTA, 15 U.S.C. § 1693a(9), provides that the
21 term “preauthorized electronic fund transfer” means “an electronic fund transfer
22 authorized in advance to recur at substantially regular intervals.”

23 39. Section 205.10(b) of Regulation E, 12 C.F.R. § 205.10(b), provides
24 that “[p]reauthorized electronic fund transfers from a consumer’s account may be
25 authorized only by a writing signed or similarly authenticated by the consumer.
26 The person that obtains the authorization shall provide a copy to the consumer.”
27

28 40. Section 205.10(b) of the Federal Reserve Board's Official Staff

1 Commentary to Regulation E, 12 C.F.R. § 205.10(b), Supp. I, provides that “[t]he
2 authorization process should evidence the consumer’s identity and assent to the
3 authorization.” *Id.* at ¶10(b), comment 5. The Official Staff Commentary further
4 provides that “[a]n authorization is valid if it is readily identifiable as such and
5 the terms of the preauthorized transfer are clear and readily understandable.” *Id.*
6 at ¶10(b), comment 6.

7 41. In multiple instances, Defendant debited bank accounts of the Class
8 members on a recurring basis without obtaining a written authorization signed or
9 similarly authenticated by the respective Class members for preauthorized
10 electronic fund transfers from the accounts of the respective Class members,
11 thereby violating § 907(a) of the EFTA, 15 U.S.C. § 1693e(a), and Section
12 205.10(b) of Regulation E, 12 C.F.R. § 205.10(b).

13 42. In multiple instances, Defendant debited Class members’ bank
14 accounts on a recurring basis without providing a copy of a written authorization
15 signed or similarly authenticated by the respective Class members for
16 preauthorized electronic funds transfers, thereby violating Section 907(a) of the
17 EFTA, 15 U.S.C. § 1693e(a), and Section 205.10(b) of Regulation E, 12 C.F.R. §
18 205.10(b).

19 43. In multiple instances, Defendant debited Class members’ bank
20 accounts on a recurring basis after Class members revoked consent to such debits,
21 thereby violating Section 907(a) of the EFTA, 15 U.S.C. § 1693e(a), and Section
22 205.10(b) of Regulation E, 12 C.F.R. § 205.10(b).

23 44. The size and definition of the Classes can be identified through
24 Defendant’s records and/or Defendant’s agents’ records.
25

26 ///

27 ///

28 ///

COUNT I:
DEFENDANTS VIOLATED THE ELECTRONIC FUNDS TRANSFER
ACT
(On Behalf of Plaintiff and the Class)

45. Plaintiff reincorporates by reference all of the preceding paragraphs.

46. Section 907(a) of the EFTA, 15 U.S.C. §1693e(a), provides that a “preauthorized electronic fund transfer from a consumer’s account may be authorized by the consumer only in writing, and a copy of such authorization shall be provided to the consumer when made.”

47. Section 903(9) of the EFTA, 15 U.S.C. § 1693a(9), provides that the term “preauthorized electronic fund transfer” means “an electronic fund transfer authorized in advance to recur at substantially regular intervals.”

48. Section 205.10(b) of Regulation E, 12 C.F.R. § 205.10(b), provides that “[p]reauthorized electronic fund transfers from a consumer’s account may be authorized only by a writing signed or similarly authenticated by the consumer. The person that obtains the authorization shall provide a copy to the consumer.”

49. Section 205.10(b) of the Federal Reserve Board's Official Staff Commentary to Regulation E, 12 C.F.R. § 205.10(b), Supp. I, provides that “[t]he authorization process should evidence the consumer’s identity and assent to the authorization.” *Id.* at ¶10(b), comment 5. The Official Staff Commentary further provides that “[a]n authorization is valid if it is readily identifiable as such and the terms of the preauthorized transfer are clear and readily understandable.” *Id.* at ¶10(b), comment 6.

50. In multiple instances, Defendant has debited Plaintiff’s and also the putative Class members’ bank accounts on a recurring basis without obtaining a written authorization signed or similarly authenticated for preauthorized electronic fund transfers from Plaintiff’s and also the putative Class members’ accounts, thereby violating Section 907(a) of the EFTA, 15 U.S.C. § 1693e(a),

1 and Section 205.10(b) of Regulation E, 12 C.F.R. § 205.10(b).

2 51. In multiple instances, Defendant has debited Plaintiff's and also the
3 putative Class members' bank accounts on a recurring basis without providing a
4 copy of a written authorization signed or similarly authenticated by Plaintiff or
5 the putative Class members for preauthorized electronic fund transfers, thereby
6 violating Section 907(a) of the EFTA, 15 U.S.C. § 1693e(a), and Section
7 205.10(b) of Regulation E, 12 C.F.R. § 205.10(b).

8 52. In multiple instances, Defendant has debited Class members' bank
9 accounts on a recurring basis after Class members revoked consent to such debits,
10 thereby violating Section 907(a) of the EFTA, 15 U.S.C. § 1693e(a), and Section
11 205.10(b) of Regulation E, 12 C.F.R. § 205.10(b).

12 **PRAYER FOR RELIEF**

13
14 WHEREFORE, Plaintiff, ERIKA PETERSON, individually, and on behalf
15 of all others similarly situated, respectfully requests judgment be entered against
16 Defendant, ENHANCED RECOVERY COMPANY, LLC, for the following:

17 53. That this action be certified as a class action on behalf of The Class
18 and Plaintiff be appointed as the representative of The Class;

19 54. Statutory damages of \$1,000.00, per Class Member, pursuant to the
20 Electronic Fund Transfer Act, §916(a)(2)(A);

21 55. Actual damages;

22 56. Costs and reasonable attorneys' fees pursuant to the Electronic Fund
23 Transfer Act, §916(a)(3);

24 57. For prejudgment interest at the legal rate; and

25 58. Any other relief this Honorable Court deems appropriate.

26 ///

27 ///

28 ///

TRIAL BY JURY

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

Respectfully submitted this 7th day of April, 2017.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman
Todd M. Friedman
Law Offices of Todd M. Friedman
Attorney for Plaintiff

CIVIL COVER SHEET

The JS 44 civil coversheet 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

ERIKA PETERSON, individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Law Offices of Todd M. Friedman, P.C. 21550 Oxnard St. Suite 780, Woodland Hills, CA 91367

DEFENDANTS

ENHANCED RECOVERY COMPANY, LLC and DOES 1-10,

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)

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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 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)

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, Personal Injury, Real Property, etc.

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

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. §1693 ET SEQ.

Brief description of cause:

1. VIOLATIONS OF ELECTRONIC FUNDS TRANSFER ACT

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

04/07/2017

s/Todd M. Friedman

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.C.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; 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 clerks 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 seven 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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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 dollar amount (in thousands of dollars) 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: [CA Woman Says Enhanced Recovery Company Violated EFTA with Deductions](#)
