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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH ROBERTS, individually and ) Case No.  
on behalf of all others similarly situated,)

Plaintiff, )

vs. )

CONNECT AMERICA.COM, LLC )  
AKA MEDICAL ALERT; and DOES 1 )  
through 10, inclusive, )  
Defendant. )

**CLASS ACTION**

**COMPLAINT FOR VIOLATIONS  
OF:**

1. NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227(b)]
2. WILLFUL VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227(b)]
3. NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227(c)]
4. WILLFUL VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227(c)]

**DEMAND FOR JURY TRIAL**

Plaintiff JOSEPH ROBERTS (“Plaintiff”), individually and on behalf of all others similarly situated, alleges the following upon information and belief based upon personal knowledge:

**NATURE OF THE CASE**

1. Plaintiff brings this action individually and on behalf of all others

1 similarly situated seeking damages and any other available legal or equitable  
2 remedies resulting from the illegal actions of Defendant, CONNECT  
3 AMERICA.COM, LLC AKA MEDICAL ALERT (“Defendant”), in negligently,  
4 knowingly, and/or willfully contacting Plaintiff on Plaintiff’s cellular telephone in  
5 violation of the Telephone Consumer Protection Act, *47 U.S.C. § 227 et seq.*  
6 (“TCPA”) and related regulations, specifically the National Do-Not-Call  
7 provisions, thereby invading Plaintiff’s privacy.

8 **JURISDICTION & VENUE**

9 2. Jurisdiction is proper under *28 U.S.C. § 1332(d)(2)* because Plaintiff,  
10 a Georgia resident, seeks relief on behalf of a Class, which will result in at least  
11 one class member belonging to a different state than that of Defendant, a  
12 Pennsylvania company. Plaintiff also seeks up to \$1,500.00 in damages for each  
13 call in violation of the TCPA, which, when aggregated among a proposed class in  
14 the thousands, exceeds the \$5,000,000.00 threshold for federal court jurisdiction.  
15 Therefore, both diversity jurisdiction and the damages threshold under the Class  
16 Action Fairness Act of 2005 (“CAFA”) are present, and this Court has  
17 jurisdiction.

18 3. Venue is proper in the United States District Court for the Eastern  
19 District of Pennsylvania pursuant to *28 U.S.C. § 1391(b)(1)* because Defendant  
20 resides in this District.

21 **PARTIES**

22 4. Plaintiff, JOSEPH ROBERTS (“Plaintiff”), is a natural person, and  
23 is a “person” as defined by *47 U.S.C. § 153 (39)*.

24 5. Defendant, CONNECT AMERICA.COM, LLC AKA MEDICAL  
25 ALERT (“Defendant”), is an entity in the business of giving medical alerts, and is  
26 a “person” as defined by *47 U.S.C. § 153 (39)*.

27 6. The above named Defendant, and its subsidiaries and agents, are  
28 collectively referred to as “Defendants.” The true names and capacities of the

1 Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are  
2 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious  
3 names. Each of the Defendants designated herein as a DOE is legally responsible  
4 for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend  
5 the Complaint to reflect the true names and capacities of the DOE Defendants  
6 when such identities become known.

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

14 **FACTUAL ALLEGATIONS**

15 8. Beginning on or about August 27, 2018, Defendant contacted  
16 Plaintiff on Plaintiff's cellular telephone number ending in -0374 in an attempt to  
17 solicit Plaintiff to purchase Defendant's services or products.

18 9. Defendant used an "automatic telephone dialing system" as defined  
19 by 47 U.S.C. § 227(a)(1) to place its calls to Plaintiff seeking to solicit its  
20 services.

21 10. Defendant contacted or attempted to contact Plaintiff from telephone  
22 numbers belonging to Defendant, including without limitation (678) 944-9625.

23 11. Defendant's calls constituted calls that were not for emergency  
24 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

25 12. Defendant's calls were placed to a telephone number assigned to a  
26 cellular telephone service for which Plaintiff incurs a charge for incoming calls  
27 pursuant to 47 U.S.C. § 227(b)(1).

28 13. During all relevant times, Defendant did not possess Plaintiff's

1 “prior express consent” to receive calls using an automatic telephone dialing  
2 system or an artificial or prerecorded voice on its cellular telephones pursuant to  
3 *47 U.S.C. § 227(b)(1)(A)*.

4 14. Furthermore, Plaintiff’s cellular telephone number ending in -0374  
5 has been on the National Do-Not-Call Registry since at least on or about July 02,  
6 2003, or in any case, well over thirty (30) days prior to Defendant’s initial calls.

7 15. Defendant’s placed call soliciting its business to Plaintiff on his  
8 cellular telephones beginning in or around August of 2018 constitute solicitation  
9 calls pursuant to 47 C.F.R. § 64.1200(c)(2) as they were attempts to promote or  
10 sell Defendant’s services.

11 16. Plaintiff requested for Defendant to stop calling Plaintiff during one  
12 of the initial calls from Defendant, thus revoking any prior express consent that  
13 had existed and terminating any established business relationship that had existed,  
14 as defined under 16 C.F.R. 310.4(b)(1)(iii)(B).

15 17. Defendant failed to establish and implement reasonable practices and  
16 procedures to effectively prevent telephone solicitations in violation of the  
17 regulations prescribed under 47 U.S.C. § 227(c)(5).

18 **CLASS ALLEGATIONS**

19 18. Plaintiff brings this action individually and on behalf of all others  
20 similarly situated, as a member the four proposed classes (hereafter, jointly, “The  
21 Classes”). The class concerning the ATDS claim for no prior express consent  
22 (hereafter “The ATDS Class”) is defined as follows:

23 All persons within the United States who received any  
24 solicitation/telemarketing telephone calls from  
25 Defendant to said person’s cellular telephone made  
26 through the use of any automatic telephone dialing  
27 system or an artificial or prerecorded voice and such  
28 person had not previously consented to receiving such  
calls within the four years prior to the filing of this  
Complaint

1  
2 19. The class concerning the ATDS claim for revocation of consent, to  
3 the extent prior consent existed (hereafter “The ATDS Revocation Class”) is  
4 defined as follows:

5 All persons within the United States who received any  
6 solicitation/telemarketing telephone calls from  
7 Defendant to said person’s cellular telephone made  
8 through the use of any automatic telephone dialing  
9 system or an artificial or prerecorded voice and such  
10 person had revoked any prior express consent to receive  
11 such calls prior to the calls within the four years prior to  
12 the filing of this Complaint.

13 20. The class concerning the National Do-Not-Call violation (hereafter  
14 “The DNC Class”) is defined as follows:

15 All persons within the United States registered on the  
16 National Do-Not-Call Registry for at least 30 days, who  
17 had not granted Defendant prior express consent nor  
18 had a prior established business relationship, who  
19 received more than one call made by or on behalf of  
20 Defendant that promoted Defendant’s products or  
21 services, within any twelve-month period, within four  
22 years prior to the filing of the complaint.

23 21. The class concerning the National Do-Not-Call violation following  
24 revocation of consent and prior business relationship, to the extent they existed  
25 (hereafter “The DNC Revocation Class”) is defined as follows:

26 All persons within the United States registered on the  
27 National Do-Not-Call Registry for at least 30 days, who  
28 received more than one call made by or on behalf of  
Defendant that promoted Defendant’s products or  
services, after having revoked consent and any prior  
established business relationship, within any twelve-  
month period, within four years prior to the filing of the

1 complaint.

2 22. Plaintiff represents, and is a member of, The ATDS Class, consisting  
3 of all persons within the United States who received any solicitation telephone  
4 calls from Defendant to said person's cellular telephone made through the use of  
5 any automatic telephone dialing system or an artificial or prerecorded voice and  
6 such person had not previously not provided their cellular telephone number to  
7 Defendant within the four years prior to the filing of this Complaint.

8 23. Plaintiff represents, and is a member of, The ATDS Revocation  
9 Class, consisting of all persons within the United States who received any  
10 solicitation/telemarketing telephone calls from Defendant to said person's cellular  
11 telephone made through the use of any automatic telephone dialing system or an  
12 artificial or prerecorded voice and such person had revoked any prior express  
13 consent to receive such calls prior to the calls within the four years prior to the  
14 filing of this Complaint.

15 24. Plaintiff represents, and is a member of, The DNC Class, consisting  
16 of all persons within the United States registered on the National Do-Not-Call  
17 Registry for at least 30 days, who had not granted Defendant prior express  
18 consent nor had a prior established business relationship, who received more than  
19 one call made by or on behalf of Defendant that promoted Defendant's products  
20 or services, within any twelve-month period, within four years prior to the filing  
21 of the complaint.

22 25. Plaintiff represents, and is a member of, The DNC Revocation Class,  
23 consisting of all persons within the United States registered on the National Do-  
24 Not-Call Registry for at least 30 days, who received more than one call made by  
25 or on behalf of Defendant that promoted Defendant's products or services, after  
26 having revoked consent and any prior established business relationship, within  
27 any twelve-month period, within four years prior to the filing of the complaint.  
28

1           26. Defendant, their employees and agents are excluded from The  
2 Classes. Plaintiff does not know the number of members in The Classes, but  
3 believes the Classes members number in the thousands, if not more. Thus, this  
4 matter should be certified as a Class Action to assist in the expeditious litigation  
5 of the matter.

6           27. The Classes are so numerous that the individual joinder of all of its  
7 members is impractical. While the exact number and identities of The Classes  
8 members are unknown to Plaintiff at this time and can only be ascertained  
9 through appropriate discovery, Plaintiff is informed and believes and thereon  
10 alleges that The Classes includes thousands of members. Plaintiff alleges that  
11 The Classes members may be ascertained by the records maintained by  
12 Defendant.

13           28. Plaintiff and members of The ATDS Class and The ATDS  
14 Revocation Class were harmed by the acts of Defendant in at least the following  
15 ways: Defendant illegally contacted Plaintiff and ATDS Class members via their  
16 cellular telephones thereby causing Plaintiff and ATDS Class and ATDS  
17 Revocation Class members to incur certain charges or reduced telephone time for  
18 which Plaintiff and ATDS Class and ATDS Revocation Class members had  
19 previously paid by having to retrieve or administer messages left by Defendant  
20 during those illegal calls, and invading the privacy of said Plaintiff and ATDS  
21 Class and ATDS Revocation Class members.

22           29. Common questions of fact and law exist as to all members of The  
23 ATDS Class which predominate over any questions affecting only individual  
24 members of The ATDS Class. These common legal and factual questions, which  
25 do not vary between ATDS Class members, and which may be determined  
26 without reference to the individual circumstances of any ATDS Class members,  
27 include, but are not limited to, the following:

28           a. Whether, within the four years prior to the filing of this

1 Complaint, Defendant made any telemarketing/solicitation call  
2 (other than a call made for emergency purposes or made with  
3 the prior express consent of the called party) to a ATDS Class  
4 member using any automatic telephone dialing system or any  
5 artificial or prerecorded voice to any telephone number  
6 assigned to a cellular telephone service;

7 b. Whether Plaintiff and the ATDS Class members were  
8 damaged thereby, and the extent of damages for such  
9 violation; and

10 c. Whether Defendant and their agents should be enjoined from  
11 engaging in such conduct in the future.

12 30. As a person that received numerous telemarketing/solicitation calls  
13 from Defendant using an automatic telephone dialing system or an artificial or  
14 prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting  
15 claims that are typical of The ATDS Class.

16 31. Common questions of fact and law exist as to all members of The  
17 ATDS Revocation Class which predominate over any questions affecting only  
18 individual members of The ATDS Revocation Class. These common legal and  
19 factual questions, which do not vary between ATDS Revocation Class members,  
20 and which may be determined without reference to the individual circumstances  
21 of any ATDS Revocation Class members, include, but are not limited to, the  
22 following:

23 a. Whether, within the four years prior to the filing of this  
24 Complaint, Defendant made any telemarketing/solicitation call  
25 (other than a call made for emergency purposes or made with  
26 the prior express consent of the called party) to an ATDS  
27 Revocation Class member, who had revoked any prior express  
28 consent to be called using an ATDS, using any automatic



1 telephone dialing system or any artificial or prerecorded voice  
2 to any telephone number assigned to a cellular telephone  
3 service;

4 b. Whether Plaintiff and the ATDS Revocation Class members  
5 were damaged thereby, and the extent of damages for such  
6 violation; and

7 c. Whether Defendant and their agents should be enjoined from  
8 engaging in such conduct in the future.

9 32. As a person that received numerous telemarketing/solicitation calls  
10 from Defendant using an automatic telephone dialing system or an artificial or  
11 prerecorded voice, after Plaintiff had revoked any prior express consent, Plaintiff  
12 is asserting claims that are typical of The ATDS Revocation Class.

13 33. Plaintiff and members of The DNC Class and DNC Revocation  
14 Class were harmed by the acts of Defendant in at least the following ways:  
15 Defendant illegally contacted Plaintiff and DNC Class and DNC Revocation  
16 Class members via their telephones for solicitation purposes, thereby invading the  
17 privacy of said Plaintiff and the DNC Class and DNC Revocation Class members  
18 whose telephone numbers were on the National Do-Not-Call Registry. Plaintiff  
19 and the DNC Class and DNC Revocation Class members were damaged thereby.

20 34. Common questions of fact and law exist as to all members of The  
21 DNC Class which predominate over any questions affecting only individual  
22 members of The DNC Class. These common legal and factual questions, which  
23 do not vary between DNC Class members, and which may be determined without  
24 reference to the individual circumstances of any DNC Class members, include,  
25 but are not limited to, the following:

26 a. Whether, within the four years prior to the filing of this  
27 Complaint, Defendant or its agents placed more than one  
28 solicitation call to the members of the DNC Class whose

1 telephone numbers were on the National Do-Not-Call Registry  
2 and who had not granted prior express consent to Defendant  
3 and did not have an established business relationship with  
4 Defendant;

5 b. Whether Defendant obtained prior express written consent to  
6 place solicitation calls to Plaintiff or the DNC Class members'  
7 telephones;

8 c. Whether Plaintiff and the DNC Class member were damaged  
9 thereby, and the extent of damages for such violation; and

10 d. Whether Defendant and their agents should be enjoined from  
11 engaging in such conduct in the future.

12 35. As a person that received numerous solicitation calls from Defendant  
13 within a 12-month period, who had not granted Defendant prior express consent  
14 and did not have an established business relationship with Defendant, Plaintiff is  
15 asserting claims that are typical of the DNC Class.

16 36. Common questions of fact and law exist as to all members of The  
17 DNC Class which predominate over any questions affecting only individual  
18 members of The DNC Revocation Class. These common legal and factual  
19 questions, which do not vary between DNC Revocation Class members, and  
20 which may be determined without reference to the individual circumstances of  
21 any DNC Revocation Class members, include, but are not limited to, the  
22 following:

23 a. Whether, within the four years prior to the filing of this  
24 Complaint, Defendant or its agents placed more than one  
25 solicitation call to the members of the DNC Class whose  
26 telephone numbers were on the National Do-Not-Call Registry  
27 and who had revoked any prior express consent and any  
28 established business relationship with Defendant;

- 1           b. Whether Plaintiff and the DNC Class member were damaged  
2           thereby, and the extent of damages for such violation; and  
3           c. Whether Defendant and their agents should be enjoined from  
4           engaging in such conduct in the future.

5           37. As a person that received numerous solicitation calls from Defendant  
6           within a 12-month period, who, to the extent one existed, had revoked any prior  
7           express consent and any established business relationship with Defendant,  
8           Plaintiff is asserting claims that are typical of the DNC Revocation Class.

9           38. Plaintiff will fairly and adequately protect the interests of the  
10          members of The Classes. Plaintiff has retained attorneys experienced in the  
11          prosecution of class actions.

12          39. A class action is superior to other available methods of fair and  
13          efficient adjudication of this controversy, since individual litigation of the claims  
14          of all Classes members is impracticable. Even if every Classes member could  
15          afford individual litigation, the court system could not. It would be unduly  
16          burdensome to the courts in which individual litigation of numerous issues would  
17          proceed. Individualized litigation would also present the potential for varying,  
18          inconsistent, or contradictory judgments and would magnify the delay and  
19          expense to all parties and to the court system resulting from multiple trials of the  
20          same complex factual issues. By contrast, the conduct of this action as a class  
21          action presents fewer management difficulties, conserves the resources of the  
22          parties and of the court system, and protects the rights of each Classes member.

23          40. The prosecution of separate actions by individual Classes members  
24          would create a risk of adjudications with respect to them that would, as a practical  
25          matter, be dispositive of the interests of the other Classes members not parties to  
26          such adjudications or that would substantially impair or impede the ability of such  
27          non-party Class members to protect their interests.

28          41. Defendant have acted or refused to act in respects generally

1 applicable to The Classes, thereby making appropriate final and injunctive relief  
2 with regard to the members of the Classes as a whole.

3 **FIRST CAUSE OF ACTION**

4 **Negligent Violations of the Telephone Consumer Protection Act**

5 **47 U.S.C. §227(b).**

6 **On Behalf of the ATDS Class and ATDS Revocation Class**

7 42. Plaintiff repeats and incorporates by reference into this cause of  
8 action the allegations set forth above at Paragraphs 1-41.

9 43. The foregoing acts and omissions of Defendant constitute numerous  
10 and multiple negligent violations of the TCPA, including but not limited to each  
11 and every one of the above cited provisions of *47 U.S.C. § 227(b)*, and in  
12 particular *47 U.S.C. § 227 (b)(1)(A)*.

13 44. As a result of Defendant's negligent violations of *47 U.S.C. §*  
14 *227(b)*, Plaintiff and the Class Members are entitled an award of \$500.00 in  
15 statutory damages, for each and every violation, pursuant to *47 U.S.C. §*  
16 *227(b)(3)(B)*.

17 45. Plaintiff and the ATDS Class and ATDS Revocation Class members  
18 are also entitled to and seek injunctive relief prohibiting such conduct in the  
19 future.

20 **SECOND CAUSE OF ACTION**

21 **Knowing and/or Willful Violations of the Telephone Consumer Protection**

22 **Act**

23 **47 U.S.C. §227(b)**

24 **On Behalf of the ATDS Class and the ATDS Revocation Class**

25 46. Plaintiff repeats and incorporates by reference into this cause of  
26 action the allegations set forth above at Paragraphs 1-45.

27 47. The foregoing acts and omissions of Defendant constitute numerous  
28 and multiple knowing and/or willful violations of the TCPA, including but not

1 limited to each and every one of the above cited provisions of *47 U.S.C. § 227(b)*,  
2 and in particular *47 U.S.C. § 227 (b)(1)(A)*.

3 48. As a result of Defendant's knowing and/or willful violations of *47*  
4 *U.S.C. § 227(b)*, Plaintiff and the ATDS Class and ATDS Revocation Class  
5 members are entitled an award of \$1,500.00 in statutory damages, for each and  
6 every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. §*  
7 *227(b)(3)(C)*.

8 49. Plaintiff and the Class members are also entitled to and seek  
9 injunctive relief prohibiting such conduct in the future.

10 **THIRD CAUSE OF ACTION**

11 **Negligent Violations of the Telephone Consumer Protection Act**

12 **47 U.S.C. §227(c)**

13 **On Behalf of the DNC Class and the DNC Revocation Class**

14 50. Plaintiff repeats and incorporates by reference into this cause of  
15 action the allegations set forth above at Paragraphs 1-49.

16 51. The foregoing acts and omissions of Defendant constitute numerous  
17 and multiple negligent violations of the TCPA, including but not limited to each  
18 and every one of the above cited provisions of *47 U.S.C. § 227(c)*, and in  
19 particular *47 U.S.C. § 227 (c)(5)*.

20 52. As a result of Defendant's negligent violations of *47 U.S.C. § 227(c)*,  
21 Plaintiff and the DNC Class and DNC Revocation Class Members are entitled an  
22 award of \$500.00 in statutory damages, for each and every violation, pursuant to  
23 *47 U.S.C. § 227(c)(5)(B)*.

24 53. Plaintiff and the DNC Class and DNC Revocation Class members  
25 are also entitled to and seek injunctive relief prohibiting such conduct in the  
26 future.

27 ///

28 ///

**FOURTH CAUSE OF ACTION**

**Knowing and/or Willful Violations of the Telephone Consumer Protection**

**Act**

**47 U.S.C. §227 et seq.**

**On Behalf of the DNC Class and DNC Revocation Class**

54. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-53.

55. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227(c)*, in particular *47 U.S.C. § 227 (c)(5)*.

56. As a result of Defendant's knowing and/or willful violations of *47 U.S.C. § 227(c)*, Plaintiff and the DNC Class and DNC Revocation Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(c)(5)*.

57. Plaintiff and the DNC Class and DNC Revocation Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

**FIRST CAUSE OF ACTION**

**Negligent Violations of the Telephone Consumer Protection Act**

**47 U.S.C. §227(b)**

- As a result of Defendant's negligent violations of *47 U.S.C. §227(b)(1)*, Plaintiff and the ATDS Class and ATDS Revocation Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to *47 U.S.C. 227(b)(3)(B)*.

- 1           • Any and all other relief that the Court deems just and proper.

2                           **SECOND CAUSE OF ACTION**

3           **Knowing and/or Willful Violations of the Telephone Consumer Protection**

4                           **Act**

5                           **47 U.S.C. §227(b)**

- 6           • As a result of Defendant's willful and/or knowing violations of *47*
- 7           *U.S.C. §227(b)(1)*, Plaintiff and the ATDS Class and ATDS
- 8           Revocation Class members are entitled to and request treble
- 9           damages, as provided by statute, up to \$1,500, for each and every
- 10           violation, pursuant to *47 U.S.C. §227(b)(3)(B)* and *47 U.S.C.*
- 11           *§227(b)(3)(C)*.
- 12           • Any and all other relief that the Court deems just and proper.

13                           **THIRD CAUSE OF ACTION**

14           **Negligent Violations of the Telephone Consumer Protection Act**

15                           **47 U.S.C. §227(c)**

- 16           • As a result of Defendant's negligent violations of *47 U.S.C.*
- 17           *§227(c)(5)*, Plaintiff and the DNC Class and DNC Revocation Class
- 18           members are entitled to and request \$500 in statutory damages, for
- 19           each and every violation, pursuant to *47 U.S.C. 227(c)(5)*.
- 20           • Any and all other relief that the Court deems just and proper.

21                           **FOURTH CAUSE OF ACTION**

22           **Knowing and/or Willful Violations of the Telephone Consumer Protection**

23                           **Act**

24                           **47 U.S.C. §227(c)**

- 25           • As a result of Defendant's willful and/or knowing violations of *47*
- 26           *U.S.C. §227(c)(5)*, Plaintiff and the DNC Class and DNC
- 27           Revocation Class members are entitled to and request treble
- 28           damages, as provided by statute, up to \$1,500, for each and every

1 violation, pursuant to 47 U.S.C. §227(c)(5).

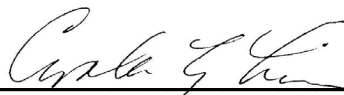
- 2 • Any and all other relief that the Court deems just and proper.

3 **JURY DEMAND**

4 58. Pursuant to the Seventh Amendment to the Constitution of the  
5 United States of America, Plaintiff is entitled to, and demands, a trial by jury on  
6 all issues so triable.

7 Respectfully Submitted this 4th Day of December, 2019.

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

9  
10 By:   
11 \_\_\_\_\_  
12 Cynthia Z. Levin, Esq.  
13 Law Offices of Todd M. Friedman  
14 Attorney for Plaintiff



JS 44 (Rev 02/19)

**JHS JHS CIVIL COVER SHEET** 19-cv-5765

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**  
 JOSEPH ROBERTS, individually and on behalf of all others similarly situated

**(b)** County of Residence of First Listed Plaintiff Forsyth County, GA  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
 Cynthia Z. Levin, Esq., LAW OFFICES OF TODD M. FRIEDMAN, P.C.,  
 1150 First Avenue, Suite 501, King of Prussia, PA 19406

**DEFENDANTS**  
 CONNECT AMERICA, COM, LLC AKA MEDICAL DEPT; and DOES 1 through 10, inclusive

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

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	<b>PERSONAL INJURY</b> <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	<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 <b>PERSONAL PROPERTY</b> <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 <b>LABOR</b> <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 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC : 58 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <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)) <b>FEDERAL TAX SUITS</b> <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 checked="" type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Acts <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

**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 U.S.C. § 227

Brief description of cause  
Violations of the Telephone Consumer Protection Act

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ 5,000.001.00    CHECK YES only if demanded in complaint  
 JURY DEMAND:  Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions)    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE 12/04/2019    SIGNATURE OF ATTORNEY OF RECORD [Signature]    DEC - 6 2019

FOR OFFICE USE ONLY

RECEIPT #    AMOUNT    APPLYING IFFP    JUDGE    MAG JUDGE



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CASE MANAGEMENT TRACK DESIGNATION FORM**

JOSEPH ROBERTS, individually and on behalf of all others similarly situated  
v.  
CONNECT AMERICA.COM, LLC AKA MEDICAL ALERT; and DOES 1 through

CIVIL ACTION  
**19 5765**  
NO.

<sup>10, inclusive</sup>  
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

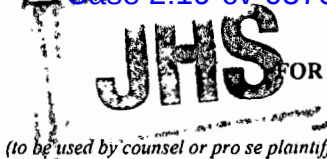
**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

December 4, 2019		Plaintiff, Joseph Roberts
(888) 595-9111, ext 618	(866) 633-0228	clevin@toddfllaw.com
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>

(Civ. 660) 10/02

DEC - 6 2019



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19

5765

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 4130 Morning Mist Lane, Cumming, GA

Address of Defendant: 2193 West Chester Pike Broomall PA 19008

Place of Accident, Incident or Transaction: 4130 Morning Mist Lane, Cumming, GA

**RELATED CASE, IF ANY:**

Case Number \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated \_\_\_\_\_

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- 1 Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes  No
- 2 Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes  No
- 3 Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes  No
- 4 Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes  No

I certify that, to my knowledge, the within case  is /  is not related to any case now pending or within one year previously terminated action in this court except as noted above

DATE 12/04/2019 Cynthia Z. Levin 27050  
Attorney-at-Law / Pro Se Plaintiff Attorney ID # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- 1 Indemnity Contract, Marine Contract, and All Other Contracts
- 2 FELA
- 3 Jones Act-Personal Injury
- 4 Antitrust
- 5 Patent
- 6 Labor-Management Relations
- 7 Civil Rights
- 8 Habeas Corpus
- 9 Securities Act(s) Cases
- 10 Social Security Review Cases
- 11 All other Federal Question Cases (Please specify) \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- 1 Insurance Contract and Other Contracts
- 2 Airplane Personal Injury
- 3 Assault, Defamation
- 4 Marine Personal Injury
- 5 Motor Vehicle Personal Injury
- 6 Other Personal Injury (Please specify) \_\_\_\_\_
- 7 Products Liability
- 8 Products Liability - Asbestos
- 9 All other Diversity Cases (Please specify) \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration)

I, Cynthia Z. Levin, Esq., counsel of record or pro se plaintiff, do hereby certify

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs

Relief other than monetary damages is sought

DEC - 6 2019

DATE 12/04/2019 Cynthia Z. Levin 27050  
Attorney-at-Law / Pro Se Plaintiff Attorney ID # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F R C P 38

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Medical Alert Failed to Obtain Consent Before Robocalling Consumers, Class Action Claims](#)

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