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Counsel for Plaintiff and Proposed Class

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA**

CHASE ROGERS,
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

INFINITY ENERGY INC.,
a California corporation,

Defendant.

Case No. '20CV2194 CAB MSB

CLASS ACTION

**COMPLAINT FOR VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT, 47 U.S.C. §§ 227, ET SEQ.
(TCPA)**

JURY TRIAL DEMANDED

1
2 **CLASS ACTION COMPLAINT**

3 1. Plaintiff, Chase Rogers, brings this action against Defendant, Infinity
4 Energy Inc., to secure redress for violations of the Telephone Consumer Protection
5 Act (“TCPA”), 47 U.S.C. § 227.

6 **NATURE OF THE ACTION**

7 2. This is a putative class action pursuant to the Telephone Consumer
8 Protection Act, 47 U.S.C. §§ 227, *et seq.* (the “TCPA”).

9 3. Defendant is a full-service residential and commercial solar energy
10 equipment supplier. To promote its services, Defendant engages in aggressive
11 unsolicited marketing, harming thousands of consumers in the process.

12 4. Through this action, Plaintiff seeks injunctive relief to halt Defendant’s
13 illegal conduct, which has resulted in the invasion of privacy, harassment, aggravation,
14 and disruption of the daily life of thousands of individuals. Plaintiff also seeks statutory
15 damages on behalf of himself and members of the Class, and any other available legal
16 or equitable remedies.

17 **JURISDICTION AND VENUE**

18 5. This Court has federal question subject matter jurisdiction over this action
19 pursuant to 28 U.S.C. § 1331, as the action arises under the Telephone Consumer
20 Protection Act, 47 U.S.C. §§ 227, *et seq.* (“TCPA”).

21 6. The Court has personal jurisdiction over Defendant and venue is proper
22 in this District because Defendant directs, markets, and provides its business activities
23 to this District, and because Defendant’s unauthorized marketing scheme was directed
24 by Defendant to consumers in this District, including Plaintiff.

25 **PARTIES**

26 7. Plaintiff is a natural person who, at all times relevant to this action, was a
27 resident of San Diego County, California.

1 8. Defendant is a California corporation whose principal office is located at
2 3855 Atherton Rd., Rocklin, CA 95765. Defendant directs, markets, and provides its
3 business activities throughout the United States, including throughout the state of
4 California.

5 9. Unless otherwise indicated, the use of Defendant’s name in this
6 Complaint includes all agents, employees, officers, members, directors, heirs,
7 successors, assigns, principals, trustees, sureties, subrogees, representatives, vendors,
8 and insurers of Defendant.

9 **THE TCPA**

10 10. The TCPA prohibits: (1) any person from calling a cellular telephone
11 number; (2) using an automatic telephone dialing system; (3) without the recipient’s
12 prior express consent. 47 U.S.C. § 227(b)(1)(A).

13 11. The TCPA defines an “automatic telephone dialing system” (“ATDS”) as
14 “equipment that has the capacity - (A) to store or produce telephone numbers to be
15 called, using a random or sequential number generator; and (B) to dial such numbers.”
16 47 U.S.C. § 227(a)(1).

17 12. In an action under the TCPA, a plaintiff must only show that the
18 defendant “called a number assigned to a cellular telephone service using an automatic
19 dialing system or prerecorded voice.” *Breslow v. Wells Fargo Bank, N.A.*, 857 F. Supp. 2d
20 1316, 1319 (S.D. Fla. 2012), *aff’d*, 755 F.3d 1265 (11th Cir. 2014).

21 13. The Federal Communications Commission (“FCC”) is empowered to
22 issue rules and regulations implementing the TCPA. According to the FCC’s findings,
23 calls in violation of the TCPA are prohibited because, as Congress found, automated
24 or prerecorded telephone calls are a greater nuisance and invasion of privacy than live
25 solicitation calls, and such calls can be costly and inconvenient. The FCC also
26 recognized that wireless customers are charged for incoming calls whether they pay in
27 advance or after the minutes are used. *Rules and Regulations Implementing the Telephone*

1 *Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd
2 14014 (2003).

3 14. In 2012, the FCC issued an order tightening the restrictions for automated
4 telemarketing calls, requiring “prior express **written** consent” for such calls to wireless
5 numbers. *See In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of*
6 *1991*, 27 F.C.C.R. 1830, 1838 ¶ 20 (Feb. 15, 2012) (emphasis supplied).

7 15. To obtain express written consent for telemarketing calls, a defendant
8 must establish that it secured the plaintiff’s signature in a form that gives the plaintiff a
9 “‘clear and conspicuous disclosure’ of the consequences of providing the requested
10 consent....and having received this information, agrees unambiguously to receive such
11 calls at a telephone number the [plaintiff] designates.” *In re Rules & Regulations*
12 *Implementing the Tel. Consumer Prot. Act of 1991*, 27 F.C.C.R. 1830, 1837 ¶ 18, 1838 ¶ 20,
13 1844 ¶ 33, 1857 ¶ 66, 1858 ¶ 71 (F.C.C. Feb. 15, 2012).

14 16. The TCPA regulations promulgated by the FCC define “telemarketing”
15 as “the initiation of a telephone call or message for the purpose of encouraging the
16 purchase or rental of, or investment in, property, goods, or services.” 47 C.F.R. §
17 64.1200(f)(12). In determining whether a communication constitutes telemarketing, a
18 court must evaluate the ultimate purpose of the communication. *See Golan v. Veritas*
19 *Entm’t, LLC*, 788 F.3d 814, 820 (8th Cir. 2015).

20 17. “Neither the TCPA nor its implementing regulations ‘require an explicit
21 mention of a good, product, or service’ where the implication of an improper purpose
22 is ‘clear from the context.’” *Id.* (citing *Chesbro v. Best Buy Stores, L.P.*, 705 F.3d 913, 918
23 (9th Cir. 2012)).

24 18. “‘Telemarketing’ occurs when the context of a call indicates that it was
25 initiated and transmitted to a person for the purpose of promoting property, goods, or
26 services.” *Golan*, 788 F.3d at 820 (citing 47 C.F.R. § 64.1200(a)(2)(iii); 47 C.F.R. §
27

1 64.1200(f)(12); *In re Rules and Regulations Implementing the Telephone Consumer Protection Act*
2 *of 1991*, 18 F.C.C. Rcd at 14098 ¶ 141, 2003 WL 21517853, at *49).

3 19. The FCC has explained that calls motivated in part by the intent to sell
4 property, goods, or services are considered telemarketing under the TCPA. *See In re*
5 *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 18 FCC Rcd.
6 14014, ¶¶ 139-142 (2003). This is true whether call recipients are encouraged to
7 purchase, rent, or invest in property, goods, or services during the call *or in the future*. *Id.*

8 20. In other words, offers “that are part of an overall marketing campaign to
9 sell property, goods, or services constitute” telemarketing under the TCPA. *See In re*
10 *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 18 FCC Rcd.
11 14014, ¶ 136 (2003).

12 21. If a call is not deemed telemarketing, a defendant must nevertheless
13 demonstrate that it obtained the plaintiff’s prior express consent. *See In the Matter of*
14 *Rules and Regulations Implementing the Tel. Consumer Prot. Act of 1991*, 30 FCC Rcd. 7961,
15 7991-92 (2015) (requiring express consent “for non-telemarketing and non-advertising
16 calls”).

17 22. As recently held by the United States Court of Appeals for the Ninth
18 Circuit: “Unsolicited telemarketing phone calls or text messages, by their nature, invade
19 the privacy and disturb the solitude of their recipients. A plaintiff alleging a violation
20 under the TCPA ‘need not allege any *additional* harm beyond the one Congress has
21 identified.” *Van Patten v. Vertical Fitness Grp.*, No. 14-55980, 2017 U.S. App. LEXIS
22 1591, at *12 (9th Cir. May 4, 2016) (quoting *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1549
23 (2016) (emphasis original)).

24 **FACTUAL ALLEGATIONS**

25 23. On or about January 20, 2020, Defendant caused a call with a prerecorded
26 message to be transmitted to Plaintiff’s cellular telephone number ending in 7008 (the
27 “7008 Number”).

1 24. Because Plaintiff did not answer his telephone after it rang, a voicemail
2 containing a prerecorded message was left on Plaintiff's phone.

3 25. The following is a transcript of the voicemail that was left in Plaintiff's
4 voicemail box:

5
6 Hi, this is Mia with Infinity Energy. I'm calling in regards to
7 the form you submitted online and would like to speak to
8 you about solar and or batteries. Please call me back at 916-
619-0447...

9 26. Again, on or about January 27, 2020, Defendant caused another call with
10 a prerecorded message to be transmitted to Plaintiff's cellular telephone number ending
11 in 7008 (the "7008 Number").

12 27. Because Plaintiff did not answer his telephone after it rang, a voicemail
13 containing a prerecorded message was left on Plaintiff's phone.

14 28. The following is a transcript of the voicemail that was left in Plaintiff's
15 voicemail box:

16
17 Hi, this is Infinity Energy and we are calling to speak with
18 you in regards to your interest in solar or a battery for the
19 home. Please call back at 916-619-0447. Thank you and have
a great day.

20 29. Additionally, Defendant caused multiple voicemails with the exact or
21 substantially identical message to be transmitted to Plaintiff's cellular phone throughout
22 the 2020 calendar year.

23 30. The prerecorded calls at issue, which were left as a voicemail, were
24 transmitted to Plaintiff's cellular telephone, and within the time frame relevant to this
25 action.
26
27
28

1 31. When Plaintiff listened to the voicemails, he was easily able to determine
2 that it was a prerecorded message. *Rahn v. Bank of Am.*, No. 1:15-CV-4485-ODE-JSA,
3 2016 U.S. Dist. LEXIS 186171, at *10-11 (N.D. Ga. June 23, 2016) (“When one receives
4 a call, it is a clear-cut fact, easily discernible to any lay person, whether or not the
5 recipient is speaking to a live human being, or is instead being subjected to a
6 prerecorded message.”).

7 32. Defendant’s prerecorded calls constitute telemarketing because they
8 encouraged the future purchase or investment in property, goods, or services, i.e.,
9 selling Plaintiff solar energy equipment.

10 33. The prerecorded calls Plaintiff received originated from telephone
11 numbers 916-619-0609 and 916-877-9565, telephone numbers owned and/or operated
12 by or on behalf of Defendant.

13 34. Plaintiff received the subject calls with a prerecorded voice message within
14 this judicial district and, therefore, Defendant’s violation of the TCPA occurred within
15 this district. Upon information and belief, Defendant caused other prerecorded
16 messages to be sent to individuals residing within this judicial district.

17 35. At no point in time did Plaintiff provide Defendant with his express
18 written consent to be contacted with a prerecorded call.

19 36. Plaintiff is the subscriber and sole user of the 7008 Number and is
20 financially responsible for phone service to the 7008 Number.

21 37. Plaintiff has been registered with the national do not call registry since July
22 15, 2016.

23 38. Defendant’s unsolicited prerecorded calls caused Plaintiff actual harm,
24 including invasion of his privacy, aggravation, annoyance, intrusion on seclusion,
25 trespass, and conversion. Defendant’s prerecorded calls also inconvenienced Plaintiff
26 and caused disruption to his daily life. *See Patriotic Veterans, Inc. v. Zoeller*, No. 16- 2059,
27
28

1 2017 WL 25482, at *2 (7th Cir. Jan. 3, 2017) (“Every call uses some of the phone
2 owner's time and mental energy, both of which are precious.”).

3 39. Defendant’s unsolicited voice messages caused Plaintiff actual harm.
4 Specifically, Plaintiff estimates that he has wasted fifteen minutes reviewing all of
5 Defendant’s unwanted messages. Each time, Plaintiff had to stop what he was doing
6 to either retrieve his phone and/or look down at the phone to review the message.

7 40. Furthermore, Defendant’s voice messages took up memory on Plaintiff’s
8 cellular phone. The cumulative effect of unsolicited voice messages like Defendant’s
9 poses a real risk of ultimately rendering the phone unusable for voice messaging
10 purposes as a result of the phone’s memory being taken up. *See*
11 <https://www.consumer.ftc.gov/articles/0350-text-message-spam#text> (finding that
12 text message solicitations, much like the voice messages sent by Defendant present a
13 “triple threat” of identity theft, unwanted cell phone charges, and slower cell phone
14 performance).

15 41. Defendant’s voice messages also can slow cell phone performance by
16 taking up space on the recipient phone’s memory. *See*
17 <https://www.consumer.ftc.gov/articles/0350-text-message-spam#text> (finding that
18 spam text messages can slow cell phone performance by taking up phone memory
19 space).

20 CLASS ALLEGATIONS

21 PROPOSED CLASS

22 42. Plaintiff brings this case as a class action pursuant to Fed. R. Civ. P. 23,
23 on behalf of himself and all others similarly situated.

24 43. Plaintiff brings this case on behalf of the Class defined as follows:

25 **No Consent Class: All persons within the United**
26 **States who, within four years prior to the filing of**
27 **this Complaint, were sent a call using an artificial or**
28 **prerecorded voice, from Defendant or anyone on**
Defendant’s behalf, to said person’s cellular

1 telephone number, without emergency purpose and
2 without the recipient's prior express written
3 consent.

4 **Do Not Call Registry Class:** All persons in the
5 United States who from four years prior to the filing
6 of this action (1) were sent a call by or on behalf of
7 Defendant; (2) more than one time within any 12-
8 month period; (3) where the person's telephone
9 number had been listed on the National Do Not
10 Call Registry for at least thirty days; (4) for the
11 purpose of selling Defendant's products and
12 services; and (5) for whom Defendant claims (a) it
13 did not obtain prior express written consent, or (b)
14 it obtained prior express written consent in the
15 same manner as Defendant claims it supposedly
16 obtained prior express written consent to call the
17 Plaintiff.

18 44. Defendant and its employees or agents are excluded from the Class.
19 Plaintiff does not know the number of members in the Class but believes the Class
20 members number in the several thousands, if not more.

21 **NUMEROSITY**

22 45. Upon information and belief, Defendant has placed automated and/or
23 prerecorded calls to cellular telephone numbers belonging to thousands of consumers
24 throughout the United States without their prior express consent. The members of the
25 Class, therefore, are believed to be so numerous that joinder of all members is
26 impracticable.

27 46. The exact number and identities of the members of the Class are unknown
28 at this time and can only be ascertained through discovery. Identification of the Class
members is a matter capable of ministerial determination from Defendant's call records.

COMMON QUESTIONS OF LAW AND FACT

47. There are numerous questions of law and fact common to members of
the Class which predominate over any questions affecting only individual members of
the Class. Among the questions of law and fact common to the members of the Class
are:

a) Whether Defendant made non-emergency prerecorded telemarketing

1 calls to Plaintiff's and Class members' cellular telephones;

2 b) Whether Defendant can meet its burden of showing that it obtained
3 prior express written consent to make such calls;

4 c) Whether Defendant's conduct was knowing and willful;

5 d) Whether Defendant is liable for damages, and the amount of such
6 damages; and

7 e) Whether Defendant should be enjoined from such conduct in the
8 future.

9 48. The common questions in this case are capable of having common
10 answers. If Plaintiff's claim that Defendant routinely transmits prerecorded messages
11 to telephone numbers assigned to cellular telephone services is accurate, Plaintiff and
12 the Class members will have identical claims capable of being efficiently adjudicated
13 and administered in this case.

14 **TYPICALITY**

15 49. Plaintiff's claims are typical of the claims of the Class members, as they
16 are all based on the same factual and legal theories.

17 **PROTECTING THE INTERESTS OF THE CLASS MEMBERS**

18 50. Plaintiff is a representative who will fully and adequately assert and protect
19 the interests of the Class, and has retained competent counsel. Accordingly, Plaintiff is
20 an adequate representative and will fairly and adequately protect the interests of the
21 Class.

22 51. In addition, Plaintiff has retained counsel with substantial experience in
23 prosecuting complex litigation and class actions, including those involving violations of
24 the TCPA. Plaintiff and his counsel are committed to vigorously prosecuting this action
25 on behalf of the other respective members of the Class and have the financial resources
26 to do so. Neither Plaintiff nor his counsel have any interests adverse to those of the
27 other members of the Class

1 57. These calls were made without regard to whether or not Defendant had
2 first obtained express permission from the called party to make such calls. In fact,
3 Defendant did not have prior express consent to call the cell phones of Plaintiff and
4 the other members of the putative Class when its calls were made.

5 58. Defendant has, therefore, violated § 227(b)(1)(A)(iii) of the TCPA by
6 using an artificial or prerecorded voice to make non-emergency telephone calls to the
7 cell phones of Plaintiff and the other members of the putative Class without their prior
8 express consent.

9 59. Defendant knew that it did not have prior express consent to make these
10 calls, and knew or should have known that it was using an artificial voice or prerecorded
11 voice. The violations were therefore willful or knowing.

12 60. As a result of Defendant's conduct and pursuant to § 227(b)(3) of the
13 TCPA, Plaintiff and the other members of the putative Class were harmed and are each
14 entitled to a minimum of \$500.00 in damages for each violation. Plaintiff and the
15 members of the Class are also entitled to an injunction against future calls. *Id.*

16 61. Because Defendant knew or should have known that Plaintiff and the
17 other members of the putative Class had not given prior express consent to receive its
18 prerecorded calls to their cellular telephones the Court should treble the amount of
19 statutory damages available to Plaintiff and the other members of the putative Class
20 pursuant to § 227(b)(3) of the TCPA.

21 **COUNT II**
22 **Knowing and/or Willful Violation of the TCPA, 47 U.S.C. § 227(b)**
23 **(On Behalf of Plaintiff and the Class)**

24 62. Plaintiff re-alleges and incorporates the foregoing allegations as if fully set
25 forth herein.

26 63. At all times relevant, Defendant knew or should have known that its
27 conduct as alleged herein violated the TCPA.

1 such person or entity has instituted procedures for maintaining a list of persons who
2 request not to receive telemarketing calls made by or on behalf of that person or entity.”

3 71. Any “person who has received more than one telephone call within any
4 12-month period by or on behalf of the same entity in violation of the regulations
5 prescribed under this subsection may” may bring a private action based on a violation
6 of said regulations, which were promulgated to protect telephone subscribers’ privacy
7 rights to avoid receiving telephone solicitations to which they object. 47 U.S.C. § 227(c).

8 72. Defendant violated 47 C.F.R. § 64.1200(c) by initiating, or causing to be
9 initiated, telephone solicitations to telephone subscribers such as Plaintiff and the Do
10 Not Call Registry Class members who registered their respective telephone numbers on
11 the National Do Not Call Registry, a listing of persons who do not wish to receive
12 telephone solicitations that is maintained by the federal government.

13 73. Defendant violated 47 U.S.C. § 227(c)(5) because Plaintiff and the Do Not
14 Call Registry Class received more than one telephone call in a 12-month period made
15 by or on behalf of Defendant in violation of 47 C.F.R. § 64.1200, as described above.
16 As a result of Defendant’s conduct as alleged herein, Plaintiff and the Do Not Call
17 Registry Class suffered actual damages and, under section 47 U.S.C. § 227(c), are
18 entitled, *inter alia*, to receive up to \$500 in damages for such violations of 47 C.F.R. §
19 64.1200.

20 74. To the extent Defendant’s misconduct is determined to be willful and
21 knowing, the Court should, pursuant to 47 U.S.C. § 227(c)(5), treble the amount of
22 statutory damages recoverable by the members of the Do Not Call Registry Class.

23 **PRAYER FOR RELIEF**

24 **WHEREFORE**, Plaintiff, individually and on behalf of the Class, prays for the
25 following relief:
26
27

- 1 a) An order certifying this case as a class action on behalf of the Class as
- 2 defined above, and appointing Plaintiff as the representative of the Class
- 3 and Plaintiff’s counsel as Class Counsel;
- 4 b) An award of actual and statutory damages for Plaintiff and each member
- 5 of the Class;
- 6 c) As a result of Defendant’s negligent violations of 47 U.S.C. §§ 227, *et seq.*,
- 7 Plaintiff seeks for himself and each member of the Class \$500.00 in
- 8 statutory damages for each and every violation pursuant to 47 U.S.C. §
- 9 277(b)(3)(B);
- 10 d) As a result of Defendant’s knowing and/or willful violations of 47 U.S.C.
- 11 §§ 227, *et seq.*, Plaintiff seeks for himself and each member of the Class
- 12 treble damages, as provided by statute, up to \$1,500.00 for each and every
- 13 violation pursuant to 47 U.S.C. § 277(b)(3)(B) and § 277(b)(3)(C);
- 14 e) An order declaring that Defendant’s actions, as set out above, violate the
- 15 TCPA;
- 16 f) An injunction prohibiting Defendant from using an artificial or
- 17 prerecorded voice to contact telephone numbers assigned to cellular
- 18 telephones without the prior express permission of the called party;
- 19 g) An award of reasonable attorneys’ fees and costs pursuant to, *inter alia*,
- 20 California Code of Civil Procedure § 1021.5; and
- 21 h) Such further and other relief as the Court deems necessary.

JURY DEMAND

Plaintiff and Class Members hereby demand a trial by jury.

25 Dated: November 10, 2020

Respectfully submitted,

EDELSBERG LAW, P.A.

By: /s/ Scott Edelsberg

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Counsel for Plaintiff and the Proposed Class

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CHASE ROGERS, individually and on behalf of all others similar situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
EDELSBERG LAW, P.A.
20900 NE 30th Ave., Suite 417, Aventura, FL 33180
(305) 975-3320

DEFENDANTS

INFINITY ENERGY INC.

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

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

Attorneys (If Known)

'20CV2194 CAB MSB

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	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <hr/> 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 <hr/> 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))	<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 Constitutional of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<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	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq.
 Brief description of cause:
This is a putative class action pursuant to the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq.

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$ _____

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 11/10/2020 SIGNATURE OF ATTORNEY OF RECORD: /s/Scott Edelsberg

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ClassAction.org

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