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Kelissa Ronquillo

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

**Kelissa Ronquillo, individually
and on behalf of others similarly
situated,**

Plaintiff,

vs.

Lyft, Inc.,

Defendant.

Case No: '19CV1230 BEN BGS

CLASS ACTION
COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF:

1. NEGLIGENT VIOLATION OF TELEPHONE CONSUMER PROTECTION ACT (TCPA), 47 U.S.C. § 227
2. KNOWING AND/OR WILLFUL VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT (TCPA), 47 U.S.C. § 227

JURY TRIAL DEMANDED

INTRODUCTION

- 1
2 1. Kelissa Ronquillo (“Plaintiff”), individually and on behalf of all others similarly
3 situated (“Class Members”), brings this action, through his attorneys, for
4 damages and injunctive relief, and any other available relief against Lyft, Inc.
5 (“Defendant”), and its present, former, or future direct and indirect parent
6 companies, subsidiaries, affiliates, agents, related entities for negligently or
7 intentionally contacting Plaintiff and Class Members on their cellular
8 telephones, in violation of the Telephone Consumer Protection Act, 47 U.S.C. §
9 227 et seq., (“TCPA”).
- 10 2. Plaintiff alleges as follows upon personal knowledge as to herself and her own
11 acts and experiences, and, as to all other matters, upon information and belief,
12 including investigation conducted by her attorneys.
- 13 3. The TCPA was designed to prevent calls and messages like the ones described
14 within this complaint, and to protect the privacy of citizens like Plaintiff.
15 “Voluminous consumer complaints about abuses of telephone technology – for
16 example, computerized calls dispatched to private homes – prompted Congress
17 to pass the TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744
18 (2012).
- 19 4. In enacting the TCPA, Congress intended to give consumers a choice as to how
20 creditors and telemarketers may call them, and made specific findings that
21 “[t]echnologies that might allow consumers to avoid receiving such calls are not
22 universally available, are costly, are unlikely to be enforced, or place an
23 inordinate burden on the consumer. TCPA, Pub.L. No. 102–243, § 11. Toward
24 this end, Congress found that:
25 [b]anning such automated or prerecorded telephone calls to the
26 home, except when the receiving party consents to receiving the
27 call or when such calls are necessary in an emergency situation
28 affecting the health and safety of the consumer, is the only
effective means of protecting telephone consumers from this
nuisance and privacy invasion.

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2 *Id.* at § 12; see also *Martin v. Leading Edge Recovery Solutions, LLC*, 2012 WL
3 3292838, at* 4 (N.D. Ill. Aug. 10, 2012) (citing Congressional findings on
4 TCPA’s purpose).

5 5. Congress also specifically found that “the evidence presented to the Congress
6 indicates that automated or prerecorded calls are a nuisance and an invasion of
7 privacy, regardless of the type of call...” *Id.* at §§ 12-13. *See also, Mims*,
8 132 S. Ct. at 744.

9 6. As Judge Easterbrook of the Seventh Circuit recently explained in a TCPA case
10 regarding calls similar to this one:

11 The Telephone Consumer Protection Act ... is well known for its
12 provisions limiting junk-fax transmissions. A less-litigated part of
13 the Act curtails the use of automated dialers and prerecorded
14 messages to cell phones, whose subscribers often are billed by the
15 minute as soon as the call is answered—and routing a call to
16 voicemail counts as answering the call. An automated call to a
17 landline phone can be an annoyance; an automated call to a cell
18 phone adds expense to annoyance.

19 *Soppet v. Enhanced Recovery Co., LLC*, 679 F.3d 637, 638 (7th Cir. 2012).

20 7. While many violations are described below with specificity, this Complaint
21 alleges violations of the statute cited in its entirety.

22 8. Plaintiff makes these allegations on information and belief, with the exception
23 of those allegations that pertain to Plaintiff, or to Plaintiff’s counsel, which
24 Plaintiff alleges on her personal knowledge.

25 9. Unless otherwise stated, all the conduct engaged in by Defendant took place in
26 California.

27 10. All violations by Defendant were knowing, willful, and intentional, and
28 Defendant did not maintain procedures reasonably adapted to avoid any such
violation.

1 11. Unless otherwise indicated, the use of Defendant’s name in this Complaint
2 includes all agents, employees, officers, members, directors, heirs, successors,
3 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of
4 the named Defendant.

5 **JURISDICTION & VENUE**

6 12. This Court has federal question jurisdiction because this case arises out of
7 violation of federal law: TCPA, 47 U.S.C. § 227 *et seq.*

8 13. This court has personal jurisdiction over Defendant because Defendant is
9 headquartered in San Francisco, California.

10 14. Venue is proper in this Court, pursuant to 28 U.S.C. § 1391(b)(2), because
11 Defendant transacts business in this district and the acts and omissions alleged
12 occurred while Plaintiff was physically located in the County of San Diego,
13 State of California, in this judicial district.

14 **PARTIES & DEFINITIONS**

15 15. Plaintiff is, and at all times mentioned herein was, a natural person and resident
16 of the State of California, County of San Diego.

17 16. Defendant is, and at all times mentioned herein was, a corporation registered in
18 the state of Delaware with its headquarters and principal place of business in
19 San Francisco, California.

20 17. Defendant is, and at all times mentioned herein was, a “person”, as defined by
21 47 U.S.C. § 153(39).

22 **FACTUAL ALLEGATIONS**

23 18. Prior to the filing of this action, Plaintiff obtained representation from attorney
24 Daniel G. Shay (“Attorney”).

25 19. Thereafter, on or around February 22, 2019, Plaintiff received at least one phone
26 call to her cellular telephone from the telephone number (717) 414-5150.
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1 20. Plaintiff did not recognize the number nor had she ever consented to being
2 called from that number, so she did not answer the call. After a few seconds, the
3 call was dropped.

4 21. This is a common sign of the use of an ATDS, as an ATDS will drop the call if
5 nobody answers within a short period of time and will dial the next number on
6 its stored list.

7 22. When Attorney subsequently called the number, he was greeted by the pre-
8 recorded voice of an “agent” named “Sidney.”

9 23. The pre-recorded voice mentioned “Drive 4 Cash” and asked Attorney several
10 questions regarding his age, driver’s license status, and vehicle. After Attorney
11 answered the prompts , “Sidney” informed Attorney that he was qualified to
12 drive for Defendant’s ride-share business.

13 24. The call then connected Attorney to a live agent named “Iris” that said she
14 would help attorney set up a Lyft account. Attorney asked Iris her company
15 name and she said “Lyft”. Attorney asked if she worked for Lyft directly or
16 another company and she said Lyft directly. Attorney asked for the website of
17 her company and she said “Lyft.com”.

18 25. Upon information and belief, had Plaintiff answered the February 22 call from
19 (717) 714-5150, she would have been greeted by the same pre-recorded voice,
20 which would similarly walk her through the process of signing her up as a driver
21 for Defendant’s ride-sharing business.

22 26. Upon information and belief, Defendant places these calls itself to solicit drivers
23 to sign up for its business. Alternatively, the calls are placed by a third party on
24 behalf of, for the sole benefit of, and with the knowledge of Defendant.

25 27. Upon information and belief, Defendant has a policy and regular practice of
26 placing calls, or knowingly sanctioning such calls, to consumers using a pre-
27 recorded or automated voice and an ATDS.
28

1 28. At no point prior to or after the filing of this action has Plaintiff downloaded or
2 otherwise utilized the Lyft app or Defendant’s services. Therefore, at no point
3 did Plaintiff give Defendant consent to call her cellular telephone with an ATDS
4 and/or pre-recorded voice.

5 29. The TCPA clearly prohibits making non-emergency calls “using any [ATDS] or
6 an artificial or prerecorded voice . . . to any telephone number assigned to a . . .
7 cellular telephone service . . .” 47 U.S.C. § 227(b)(1)(A). The statute provides
8 for \$500.00 in statutory damages for each negligent violation, *id.* §
9 227(b)(3)(B). However, if the court finds that the defendant “willfully or
10 knowingly” violated the TCPA, it can award up to \$1,500 in statutory damages.
11 *Id.*

12 30. This suit seeks only damages and injunctive relief for recovery of economic
13 injury, and it expressly is not intended to request any recovery for personal
14 injury and claims related thereto.

15 31. Plaintiff was personally affected by Defendant’s actions because Defendant’s
16 use of an ATDS and pre-recorded voice forced Plaintiff to live without the
17 utility of Plaintiff’s cell phone by forcing her to silence her cell phone and/or
18 block incoming numbers.

19 32. Plaintiff was further personally affected because she was frustrated and
20 distressed that despite never having any contact with Defendant, Defendant
21 harassed Plaintiff with calls using an ATDS and pre-recorded voice.

22 33. Defendant, upon information and belief, used an ATDS as defined by 47 U.S.C.
23 § 227(a)(1), as prohibited by 47 U.S.C. § 227(b)(1)(A).

24 34. Upon information and belief, Defendant’s ATDS has the capacity to store or
25 produce telephone numbers to be called, using a random or sequential number
26 generator.

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1 35. Upon information and belief, Defendant's ATDS also has the capacity to and
2 does, dial telephone numbers stored as a list or in a database without human
3 intervention.

4 36. Plaintiff's cellular telephone, which Defendant called, was assigned to a cellular
5 telephone service for which Plaintiff incurs a charge for incoming calls pursuant
6 to 47 U.S.C. § 227(b)(1).

7 37. The unwanted telephone call constitutes a call that was not for emergency
8 purposes as defined by 47 U.S.C. § 227(b)(1)(A)(i).

9 38. Plaintiff did not provide express consent to Defendant to receive calls on
10 Plaintiff's cellular telephone, pursuant to 47 U.S.C. § 227 (b)(1)(A).

11 39. Plaintiff is informed and believes and here upon alleges, that this call was made
12 by Defendant or Defendant's agent, with Defendant's permission, knowledge,
13 control and for Defendant's benefit.

14 40. Moreover, Plaintiff is informed and believes and here upon alleges, that
15 Defendant or Defendant's agent, with Defendant's permission, knowledge,
16 control and for the Defendant's benefit, "willfully or knowingly" utilized a pre-
17 recorded voice in conjunction with its ATDS in violation of well-established
18 federal law prohibiting such conduct.

19 41. As a result thereof, Plaintiff has been damaged as set forth in the Prayer for
20 Relief herein.

21 42. Plaintiff seeks statutory damages and injunctive relief under 47 U.S.C §
22 227(b)(3).

23 **CLASS ACTION ALLEGATIONS**

24 43. Plaintiff brings this lawsuit as a class action on behalf of herself and Class
25 Members of the proposed classes pursuant to Federal Rules of Civil Procedure
26 23(a), (c)(5), and (b)(3) and/or (b)(2). This action satisfies the numerosity,
27 commonality, typicality, adequacy, predominance, and superiority requirements
28 of those provisions.

1 44. Plaintiff proposes the following class, consisting of and defined as follows:

2 All persons in the United States whose cellular
3 telephones were called using a pre-recorded voice and/or
4 an automated telephone dialing system by Defendant
5 and/or its agent/s within the two years prior to the filing
6 of the Complaint.

7 45. Excluded from the Class Members are: (1) Defendant, any entity or division in
8 which Defendant has a controlling interest, and its legal representatives, officers,
9 directors, assigns, and successors; (2) the Judge to whom this case is assigned
10 and the Judge's staff; and (3) those persons who have suffered personal injuries
11 as a result of the facts alleged herein.

12 46. Plaintiff reserves the right to redefine the classes and to add subclasses as
13 appropriate based on discovery and specific theories of liability

14 47. Numerosity: The Class Members are so numerous that joinder of all members
15 would be unfeasible and impractical. The membership of the entire Class is
16 currently unknown to Plaintiff at this time; however, given that, on information
17 and belief, Defendant called thousands of class members nationwide and
18 recorded those calls during the class period, it is reasonable to presume that the
19 members of the Class are so numerous that joinder of all members is
20 impracticable. The disposition of their claims in a class action will provide
21 substantial benefits to the parties and the Court.

22 48. Commonality: There are common questions of law and fact as to Class
23 Members that predominate over questions affecting only individual members,
24 including, but not limited to:

- 25 • Whether, within the statutory period Defendant placed any call to the
26 Class Members using an ATDS or pre-recorded voice;
- 27 • Whether Defendant had, and continues to have, a policy during the
28 relevant period of placing calls to the Class Members using an ATDS or
pre-recorded voice;

- 1 • Whether Defendant used, and continues to use, an ATDS to make
- 2 automated phone calls to Class Members
- 3 • Whether Plaintiff and the Class Members were damaged thereby, and the
- 4 extent of damages for such violation; and
- 5 • Whether Defendant should be enjoined from engaging in such conduct in
- 6 the future.

7 49. Typicality Plaintiff has had to suffer the burden of receiving phone calls from an
8 ATDS using a pre-recorded voice. Thus, her injuries are also typical to Class
9 Members.

10 50. Plaintiff and Class Members were harmed by the acts of Defendant in at least
11 the following ways: Defendant harassed Plaintiff and Class Members by
12 illegally calling their cellular phones using a pre-recorded voice and an ATDS.
13 Plaintiff and Class Members were damaged thereby.

14 51. Adequacy: Plaintiff is qualified to, and will, fairly and adequately protect the
15 interests of each Class Member with whom she is similarly situated, as
16 demonstrated herein. Plaintiff acknowledges that she has an obligation to make
17 known to the Court any relationships, conflicts, or differences with any Class
18 Member. Plaintiff's attorneys, the proposed class counsel, are versed in the
19 rules governing class action discovery, certification, and settlement. In addition,
20 the proposed class counsel is experienced in handling claims involving
21 consumer actions and violations of the Telephone Consumer Protection Act.
22 Plaintiff has incurred, and throughout the duration of this action, will continue to
23 incur costs and attorneys' fees that have been, are, and will be, necessarily
24 expended for the prosecution of this action for the substantial benefit of each
25 Class Member.

26 52. Predominance: Questions of law or fact common to the Class Members
27 predominate over any questions affecting only individual members of the Class.
28 The elements of the legal claims brought by Plaintiff and Class Members are

1 capable of proof at trial through evidence that is common to the Class rather
2 than individual to its members.

3 53. Superiority: A class action is a superior method for the fair and efficient
4 adjudication of this controversy because:

5 a. Class-wide damages are essential to induce Defendant to comply with
6 Federal law.

7 b. Because of the relatively small size of the individual Class Members'
8 claims, it is likely that only a few Class Members could afford to seek
9 legal redress for Defendant's misconduct.

10 c. Management of these claims is likely to present significantly fewer
11 difficulties than those presented in many class claims.

12 d. Absent a class action, most Class Members would likely find the cost
13 of litigating their claims prohibitively high and would therefore have no
14 effective remedy at law.

15 e. Class action treatment is manageable because it will permit a large
16 number of similarly situated persons to prosecute their common claims in
17 a single forum simultaneously, efficiently, and without the unnecessary
18 duplication of effort and expense that numerous individual actions would
19 endanger.

20 f. Absent a class action, Class Members will continue to incur damages,
21 and Defendant's misconduct will continue without remedy.

22 54. Plaintiff and the Class Members have all suffered and will continue to suffer
23 harm and damages as a result of Defendant's unlawful and wrongful conduct.

24 55. The Class may also be certified because:

- 25 • the prosecution of separate actions by individual Class Members would
26 create a risk of inconsistent or varying adjudication with respect
27 to individual Class Members, which would establish incompatible
28 standards of conduct for Defendant;

- 1 • the prosecution of separate actions by individual Class Members would
2 create a risk of adjudications with respect to them that would, as a
3 practical matter, be dispositive of the interests of other Class Members
4 not parties to the adjudications, or substantially impair or impede their
5 ability to protect their interests; and
- 6 • Defendant has acted or refused to act on grounds generally applicable to
7 the Class, thereby making appropriate final and injunctive relief with
8 respect to the members of the Class as a whole.

9 56. This suit seeks only damages and injunctive relief for recovery of economic
10 injury on behalf of Class Members and it expressly is not intended to request
11 any recovery for personal injury and claims related thereto.

12 57. The joinder of Class Members is impractical and the disposition of their claims
13 in the class action will provide substantial benefits both to the parties and to the
14 court. The Class Members can be identified through Defendant's records.

15 **FIRST CAUSE OF ACTION**

16 **NEGLIGENT VIOLATIONS OF THE**

17 **TELEPHONE CONSUMER PROTECTION ACT (TCPA)**

18 **47 U.S.C. § 227**

19 58. Plaintiff repeats, re-alleges, and incorporates by reference, all of the above
20 paragraphs of this Complaint as though fully stated herein.

21 59. The foregoing acts and omissions constitute numerous and multiple violations
22 of the TCPA, including but not limited to each and every one of the above-cited
23 provisions of the TCPA, 47 U.S.C. 227 et. seq.

24 60. As a result of Defendant's negligent violations of 47 U.S.C. § 227 et seq.,
25 Plaintiff is entitled to an award of \$500.00 in statutory damages, for each and
26 every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

27 61. Plaintiff is also entitled to and seeks injunctive relief prohibiting such conduct in
28 the future.

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SECOND CAUSE OF ACTION
KNOWING AND/OR WILLFUL VIOLATIONS OF THE
TELEPHONE CONSUMER PROTECTION ACT (TCPA)
47 U.S.C. § 227

62. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs of this Complaint as though fully stated herein.

63. 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 *et seq.*

64. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227 *et seq.*, Plaintiff is entitled to treble damages, as provided by statute, up to \$1,500.00, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and the Class Members pray that judgment be entered against Defendant, and Plaintiff and the Class be awarded damages from Defendant, as follows:

- Certify the classes as requested herein;
- Appoint Plaintiff to serve as the Class Representative for the classes; and
- Appoint Plaintiff's Counsel as Class Counsel in this matter for the classes.

In addition, Plaintiff and the Class Members pray for further judgment as follows against Defendant:

- Special, general, compensatory and punitive damages;
- Injunctive relief, prohibiting such conduct in the future;
- Statutory damages of \$500.00 for each negligent violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B);

- 1 • Pursuant to 47 U.S.C § 227(b)(3)(A), injunctive relief prohibiting such conduct
- 2 in the future;
- 3 • Statutory damages of \$1,500.00 for each knowing and/or willful violation of the
- 4 TCPA pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C);
- 5 • Any other relief the Court may deem just and proper including interest.

6 **TRIAL BY JURY**

7 72. Pursuant to the Seventh Amendment to the Constitution of the United States of
8 America, Plaintiff and Class Members are entitled to, and demand, a trial by jury.

9
10 Respectfully submitted,

11 **HYDE & SWIGART, APC**

12
13 Date: July 2, 2019

14 By: s/ Yana A. Hart
15 Yana A. Hart Esq.
16 yana@westcoastlitigation.com
17 *Attorneys for Plaintiff*

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

Kelissa Ronquillo, individually and on behalf of others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Yana A. Hart, Esq. Hyde & Swigart 619-233-7770 2221Camino Del Rio S., Ste. 101, San Diego, CA 92108

DEFENDANTS

Lyft, Inc.

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

19CV1230 BEN BGS

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, Motor Vehicle, Personal Injury, 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, 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): 47 U.S.C. § 227 et seq. ("TCPA")
Brief description of cause: Defendant violated the Telephone Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 75,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 07/02/2019 SIGNATURE OF ATTORNEY OF RECORD s/ Yana A. Hart

FOR OFFICE USE ONLY

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.Cv.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; **NOTE: 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 clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 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.
- 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 actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 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: [Lyft Hit with Class Action in California Over Alleged Robocalls](#)
