

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JAMES THOMAS, individually and on)	
behalf of all others similarly situated,)	
)	Case No.
Plaintiff,)	
)	
v.)	JURY TRIAL DEMANDED
)	
TAMPA BAY RAYS BASEBALL)	
LTD, a Florida limited partnership,)	
)	
Defendant.)	
)	

CLASS ACTION COMPLAINT

Plaintiff James Thomas (“Plaintiff”) brings this Class Action Complaint against Defendant Tampa Bay Rays Baseball Ltd (“Defendant”), on behalf of himself and all others similarly situated, and complains and alleges upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his attorneys.

I. NATURE OF THE ACTION

1. Defendant Tampa Bay Rays Baseball Ltd operates a Major League Baseball team, the Tampa Bay Rays, based in St. Petersburg, Florida. In an effort to market Tampa Bay Rays baseball games, Defendant sent (or directed to be sent on its behalf) unsolicited text messages to the wireless telephones of Plaintiff and each of the members of the Class without prior express written consent in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”).

2. Neither Plaintiff nor the other Class members ever consented in writing, authorized, desired or permitted Defendant to send text messages to their wireless telephones.

3. By sending such unauthorized text messages, Defendant caused Plaintiff and each of the Class members actual harm, including violation of privacy, the aggravation and nuisance that necessarily accompanies the receipt of unsolicited text messages, and the monies paid to their wireless carriers for the receipt of such messages.

4. In order to redress these injuries, Plaintiff seeks: (a) an injunction requiring Defendant to cease all unsolicited text message activities; (b) an award of statutory damages to the Class members under the TCPA; and (c) an award of reasonable attorneys' fees and costs.

II. JURISDICTION AND VENUE

5. This Court has original jurisdiction over Count I pursuant to 28 U.S.C. § 1331, because it arises under the laws of the United States.

6. The Court has personal jurisdiction over Defendant because it is located in and conducts substantial business within this District.

7. Venue is proper in this District, pursuant to 28 U.S.C. § 1391(b)(1), because Defendant resides in this District. Venue is also proper under 28 U.S.C. § 1391(b)(2), because a substantial part of the events or omissions giving rise to this action. Further, venue is proper pursuant to 28 U.S.C. § 1391(b)(3) because Defendant is subject to this District's personal jurisdiction.

III. PARTIES

Plaintiff

8. Plaintiff James Thomas is an individual domiciled in Pinellas County, Florida.

Defendant

9. Defendant Tampa Bay Rays Baseball Ltd is a limited partnership organized in and existing under the laws of the State of Florida with its principal place of business located at Tropicana Field, One Tropicana Drive, St. Petersburg, Florida 33705.

10. Defendant maintains a registered agent, John P. Higgins, located at Tropicana Field, One Tropicana Drive, St. Petersburg, Florida 33705.

IV. FACTUAL BACKGROUND

Background on Unsolicited SMS Activity

11. In recent years, marketers who have often felt stymied by federal laws limiting solicitation by telephone, fax machine, and e-mail have increasingly looked to alternative technologies through which to send bulk solicitations cheaply.

12. One of the most prevalent alternatives is bulk advertising through so-called Short Message Services. “Short Message Services” or “SMS” is a messaging system that allows for the transmission and receipt of short text messages (usually no more than 160 characters) to and from wireless telephones.

13. SMS messages are directed to a wireless device using the telephone number assigned to the device. When an SMS message is successfully made, the recipient’s wireless phone rings, alerting him or her that a message is being received. As wireless telephones are inherently mobile and are frequently carried on their owner’s person, SMS messages may be received by the called party virtually anywhere in the world.

14. According to a study conducted by the Pew Research Center, “Spam isn’t just for email anymore; it comes in the form of unwanted text messages of all kinds—from coupons to phishing schemes—sent directly to user’s cell phones.”¹ In fact, “57% of adults with cell phones have received unwanted or spam text messages on their phone.”²

¹ Amanda Lenhart, Cell Phones and American Adults: They Make Just as Many Calls, but Text Less than Teens, Pew Research Center (2010), <http://www.pewinternet.org/Reports/2010/Cell-Phones-and-American-Adults.aspx> (last visited September 3, 2015).

² *Id.*

15. Unlike more conventional advertisements, SMS message advertisements can actually cost their recipients money because wireless phone users must pay their wireless service providers either for each text message call they receive or incur a usage allocation deduction to their text messaging plan, regardless of whether the message is authorized.

16. Due to the growing concern over unwanted SMS message advertisements, the Federal Communications Commission (“FCC”) updated its rules on consent.

17. As of October 16, 2013, senders of SMS message advertisements for goods or services must obtain the recipient’s prior express *written* consent.

Defendant’s Unsolicited SMS Message Advertisements to Plaintiff and the Class

18. As part of its advertising campaign, Defendant has sent and continues to send unsolicited text messages to Plaintiff’s and the Class members’ wireless phones without prior express written consent.

19. At all relevant times, Plaintiff was and is the owner of the wireless telephone number ending in 8761.

20. On or around September 27, 2017, Defendant transmitted or directed to be transmitted an unsolicited text message to Plaintiff’s wireless telephone promoting tickets to Tampa Bay Rays baseball games:

The final Rays series of
the 2017 season begins
Friday night. Join us at
the ballpark! [http://
atmlb.com/2xD1wAd](http://atmlb.com/2xD1wAd)
Reply STOP to cancel

(A true and correct copy of the text message is attached as Exhibit 1.)

21. The “from” field of the transmission was identified as 420-86.

22. Defendant and its agents use the short code 420-86 to send text messages.

23. When entered into an Internet browser, the website address “<http://atmlb.com/2xD1wAd>” redirects the recipient of the text message to the website “<https://www.mlb.com/rays/tickets/single-game-tickets>”, where the recipient may purchase Tampa Bay Rays baseball game tickets.

24. On or around November 15, 2017, Defendant transmitted or directed to be transmitted an unsolicited text message to Plaintiff’s wireless telephone promoting ticket bundles to Tampa Bay Rays baseball games:

Holiday Flex Packs are
on sale now! Get 5
tickets for \$75 and a
Rays Fleece Blanket
with each pack.
#RaysUp [http://
atmlb.com/2juGz5H](http://atmlb.com/2juGz5H)
Text STOP to cancel

(A true and correct copy of the text message is attached as Exhibit 2.)

25. The “from” field of the transmission was identified as 420-86.

26. Defendant and its agents use the short code 420-86 to send text messages.

27. When entered into an Internet browser, the website address “<http://atmlb.com/2juGz5H>” redirects the recipient of the text message to the website “<https://www.mlb.com/rays/tickets/packs?partnerID=131BA62R41J-16I>”, where the recipient may purchase five-ticket bundles for Tampa Bay Rays baseball games.

28. On or around November 27, 2017, Defendant transmitted or directed to be transmitted an unsolicited text message to Plaintiff’s wireless telephone promoting ticket bundles to Tampa Bay Rays baseball games:

TODAY ONLY: Purchase
a Flex Pack (5 tickets for
\$75) & get an Archer
Emoji Pillow with your
Rays Fleece Blanket!
<http://atmlb.com/>
2ibzHdj Text STOP to
cancel

(A true and correct copy of the text message is attached as Exhibit 3.)

29. The “from” field of the transmission was identified as 420-86.

30. Defendant and its agents use the short code 420-86 to send text messages.

31. When entered into an Internet browser, the website address “<http://atmlb.com/2ibzHdj>” redirects the recipient of the text message to the website “<https://www.mlb.com/rays/tickets/packs?partnerId=1A7VA16321-9C1F>”, where the recipient may purchase five-ticket bundles for Tampa Bay Rays baseball games.

32. On or around January 19, 2018, Defendant transmitted or directed to be transmitted an unsolicited text message to Plaintiff’s wireless telephone promoting tickets to Tampa Bay Rays spring training games:

Baseball is nearly here
so don’t miss any of the
action! Rays Spring
Training single game
Tickets are on sale now.
<http://atmlb.com/>
2mSPrRz Text STOP to
cancel

(A true and correct copy of the text message is attached as Exhibit 4.)

33. The “from” field of the transmission was identified as 420-86.

34. Defendant and its agents use the short code 420-86 to send text messages.

35. When entered into an Internet browser, the website address “<http://atmlb.com/2mSPrRz>” redirects the recipient of the text message to the website

“<https://www.mlb.com/rays/tickets/spring-training?partnerId=1M1EN16Q541-9#component-209141180>”, where the recipient may purchase tickets to Tampa Bay Rays spring training baseball games.

36. On or around February 7, 2018, Defendant transmitted or directed to be transmitted an unsolicited text message to Plaintiff’s wireless telephone promoting the Tampa Bay Rays twentieth anniversary celebration:

Join the Rays as we
celebrate the 20th
anniversary of Rays
baseball with events all
year long! [http://
atmlb.com/2B0pkjx](http://atmlb.com/2B0pkjx)
Text STOP to cancel

(A true and correct copy of the text message is attached as Exhibit 5.)

37. The “from” field of the transmission was identified as 420-86.

38. Defendant and its agents use the short code 420-86 to send text messages.

39. When entered into an Internet browser, the website address “<http://atmlb.com/2B0pkjx>” redirects the recipient of the text message to the website “<https://www.mlb.com/rays/fans/20th-anniversary?partnerId=31165SZ5VB1K-39>”, where the recipient may learn about Tampa Bay Rays twentieth anniversary promotional events, and purchase ticket bundles for Tampa Bay Rays baseball games and Tampa Bay Rays team merchandise.

40. On or around February 9, 2018, Defendant transmitted or directed to be transmitted an unsolicited text message to Plaintiff’s wireless telephone promoting a Tampa Bay Rays fan event:

Fan Fest is tomorrow!
Help us lead off the
start of the season at
Tropicana Field from
11am-4pm. [http://](http://atmlb.com/2EJEoll)
atmlb.com/2EJEoll Text
STOP to cancel

(A true and correct copy of the text message is attached as Exhibit 6.)

41. The “from” field of the transmission was identified as 420-86.

42. Defendant and its agents use the short code 420-86 to send text messages.

43. When entered into an Internet browser, the website address “<http://atmlb.com/2EJEoll>” redirects the recipient of the text message to the website “<https://www.mlb.com/rays/fans/fan-fest?partnerId=D1916U55M1Q-T41>”, where the recipient may learn about a Tampa Bay Rays fan event.

44. On or around February 16, 2018, Defendant transmitted or directed to be transmitted an unsolicited text message to Plaintiff’s wireless telephone promoting Tampa Bay Rays baseball game tickets:

Batter up! Single Game
Tickets are on sale now
exclusively through
raysbaseball.com. Get
your tickets today!
[http://atmlb.com/](http://atmlb.com/2C3DCRG)
[2C3DCRG](http://atmlb.com/2C3DCRG) Text STOP to
cancel

(A true and correct copy of the text message is attached as Exhibit 7.)

45. The “from” field of the transmission was identified at 420-86.

46. Defendant and its agents use the short code 420-86 to send text messages.

47. When entered into an Internet browser, the website address “<http://atmlb.com/2C3DCRG>” redirects the recipient of the text message to the website

“<https://www.mlb.com/rays/tickets/single-game-tickets?partnerId=71A6Y56XA1-1R88>”, where the recipient may purchase Tampa Bay Rays baseball game tickets.

48. On or around March 22, 2018, Defendant transmitted or directed to be transmitted an unsolicited text message to Plaintiff’s wireless telephone promoting Tampa Bay Rays baseball game tickets:

Opening Day is one week away! Get your tickets now and join the Rays for the start of the 2018 season. <http://atmlb.com/2HTrLoi> Text STOP to cancel

(A true and correct copy of the text message is attached as Exhibit 8.)

49. The “from” field of the transmission was identified as 420-86.

50. Defendant and its agents use the short code 420-86 to send text messages.

51. When entered into an Internet browser, the website address “<http://atmlb.com/2HTrLoi>” redirects the recipient of the text message to the website “<https://www.mlb.com/rays/tickets/single-game-tickets?partnerId=BZ1VZ916531-150W>”, where the recipient may purchase Tampa Bay Rays baseball game tickets.

52. On or around March 29, 2018, Defendant transmitted or directed to be transmitted an unsolicited text message to Plaintiff’s wireless telephone promoting the 2018 season opening baseball game for the Tampa Bay Rays:

Happy Opening Day 2018! The Rays season begins today at 4:00pm as they take on the Boston Red Sox. Game info: <https://bit.ly/2GXec8h> Text STOP to cancel

(A true and correct copy of the text message is attached as Exhibit 9.)

53. The “from” field of the transmission was identified as 420-86.

54. Defendant and its agents use the short code 420-86 to send text messages.

55. When entered into an Internet browser, the website address “<https://bit.ly/2GXec8h>” redirects the recipient of the text message to the website “<https://raytank.mlblogs.com/heres-what-s-happening-on-opening-day-2018-4e12bb8ad4dd?partnerId=X13QBA16721-0>”, a blog post by the official blog of the Tampa Bay Rays providing information about the first Tampa Bay Rays baseball game for the 2018 season.

56. On or around April 27, 2018, Defendant transmitted or directed to be transmitted an unsolicited text message to Plaintiff’s wireless telephone promoting Tampa Bay Rays baseball game tickets:

Today only: \$20-Press
Level tickets for Blue
Jays vs. Rays matchup
on Saturday, May 5 at
6:10! [https://](https://atmlb.com/2qYO85D)
atmlb.com/2qYO85D
Text STOP to cancel

(A true and correct copy of the text message is attached as Exhibit 10.)

57. The “from” field of the transmission was identified as 420-86.

58. Defendant and its agents use the short code 420-86 to send text messages.

59. When entered into an Internet browser, the website address “<https://atmlb.com/2qYO85D>” redirects the recipient of the text message to the website “<https://www.mlb.com/rays/tickets/specials/steal-of-the-day?partnerId=5167Z61B-3I9A>”, where the recipient may purchase Tampa Bay Rays baseball game tickets at a discounted rate.

60. Defendant sent or transmitted, or had sent or transmitted on its behalf, the same (or substantially the same) text messages *en masse* to a list of thousands of wireless telephone numbers or randomly generated phone numbers.

61. On information and belief, Defendant sent these text messages to Plaintiff and the Class members using equipment that had the capacity to store or produce telephone numbers to be called using a random or sequential number generator, and to dial such numbers.

62. Plaintiff and the Class members never consented to in writing, requested, or otherwise desired or permitted Defendant to send or transmit text messages to their wireless phones.

V. CLASS ALLEGATIONS

63. Plaintiff brings this action, as set forth below, on behalf of himself and as a class action pursuant to the provisions of Rules 23(a), (b)(2), and (b)(3) of the Federal Rules of Civil Procedure on behalf of a class defined as:

All individuals in the United States to whose wireless telephones Defendant, or someone on its behalf, sent a non-emergency, unsolicited text message through the use of an automatic dialing system, at any time within the four years prior to the filing of this action (the “Class”).

Excluded from the Class are Defendant and its subsidiaries and affiliates; all persons who make a timely election to be excluded from the Class; governmental entities; and the judge to whom this case is assigned and any immediate family members thereof.

64. Certification of Plaintiff’s claims for class-wide treatment is appropriate because Plaintiff can prove the elements of his claims on a class-wide basis using the same evidence as would be used to prove those elements in individual actions alleging the same claims.

65. **Numerosity – Federal Rule of Civil Procedure 23(a)(1).** The members of the Class are so numerous that individual joinder of all Class members is impracticable. On information and belief, there are thousands of consumers who have been damaged by Defendant’s wrongful conduct as alleged herein. The precise number of Class members and their addresses is presently unknown to Plaintiff, but may be ascertained from Defendant’s books and

records. Class members may be notified of the pendency of this action by recognized, Court-approved notice dissemination methods, which may include U.S. mail, electronic mail, Internet postings, and/or published notice.

66. Commonality and Predominance – Federal Rule of Civil Procedure 23(a)(2) and 23(b)(3). This action involves common questions of law and fact, which predominate over any questions affecting individual Class members, including, without limitation:

- a. the manner in which Defendant obtained Plaintiff's and the Class' wireless telephone numbers;
- b. whether the equipment Defendant used to send the text messages in question was an automatic telephone dialing system as contemplated by the TCPA;
- c. whether Defendant's conduct constitutes a violation of the TCPA;
- d. whether Plaintiff and the Class are entitled to actual, statutory, or other forms of damages, and other monetary relief and, in what amount(s);
- e. whether Defendant's conduct was willful or knowing;
- f. whether Plaintiff and the Class are entitled to treble damages based on the willfulness of Defendant's conduct; and
- g. whether Plaintiff and the Class are entitled to equitable relief, including but not limited to injunctive relief and restitution.

67. Typicality – Federal Rule of Civil Procedure 23(a)(3). Plaintiff's claim is typical of the other Class members' claims because, among other things, all Class members were comparably injured through the uniform prohibited conduct described above.

68. Adequacy of Representation – Federal Rule of Civil Procedure 23(a)(4). Plaintiff is an adequate representative of the Class because his interests do not conflict with the interests of the other Class members he seeks to represent; he has retained counsel competent and experienced in complex commercial and class action litigation; and Plaintiff intends to

prosecute this action vigorously. The interests of the Class members will be fairly and adequately protected by Plaintiff and his counsel.

69. **Declaratory and Injunctive Relief – Federal Rule of Civil Procedure 23(b)(2).** Defendant has acted or refused to act on grounds generally applicable to Plaintiff and the other Class members, thereby making appropriate final injunctive relief and declaratory relief, as described below, with respect to the Class as a whole.

70. **Superiority – Federal Rule of Civil Procedure 23(b)(3).** A class action is superior to any other available means for the fair and efficient adjudication of this controversy, and no unusual difficulties are likely to be encountered in the management of this class action. The damages or other financial detriment suffered by Plaintiff and the other Class members are relatively small compared to the burden and expense that would be required to individually litigate their claims against Defendant, so it would be impracticable for Class members to individually seek redress for Defendant’s wrongful conduct. Even if Class members could afford individual litigation, the court system could not. Individualized litigation creates a potential for inconsistent or contradictory judgments, and increases the delay and expense to all parties and the court system. By contrast, the class action device presents far fewer management difficulties, and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court.

VI. CLAIMS ALLEGED

COUNT I

Violation of the TCPA, 47 U.S.C. § 227 (On behalf of the Class)

71. Plaintiff incorporates by reference paragraphs 1-70 as if fully set forth herein.

72. Defendant and/or its agents sent unsolicited commercial text messages to the wireless telephone number of Plaintiff and the other Class members *en masse* without their prior express written consent.

73. Defendant sent the text messages, or had them sent on its behalf, using equipment that had the capacity to store or produce telephone numbers to be called using a random or sequential number generator, and to dial such numbers.

74. Defendant utilized equipment that sent the text messages to Plaintiff and other Class members simultaneously and without human intervention.

75. By sending the unsolicited text messages to Plaintiff and the Class, Defendant has violated 47 U.S.C. § 227(b)(1)(A)(iii).

76. As a result of Defendant's unlawful conduct, the Class members suffered actual damages in the form of invasion of privacy, nuisance, and monies paid to receive the unsolicited text messages on their wireless phones.

77. Under section 227(b)(3)(B), Plaintiff and the Class members are each entitled to, *inter alia*, a minimum of \$500.00 in damages for each such violation of the TCPA.

78. Should the Court determine that Defendant's conduct was willful or knowing, the Court may, pursuant to section 227(b)(3)(C), treble the amount of statutory damages recoverable by Plaintiff and the other Class members.

VII. JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of all claims in this Complaint so triable.

VIII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff James Thomas, individually and on behalf of the members of the Class proposed in this Complaint, respectfully requests that the Court enter an Order as

follows:

- A. Certifying the Class as defined above, appointing Plaintiff as the representative of the Class, and appointing his counsel as Class Counsel;
- B. Finding Defendant liable for violating the TCPA;
- C. Awarding of actual or statutory damages;
- D. Requiring Defendant to cease all text message activities initiated without prior express written consent, and otherwise protecting the interests of the Class;
- E. Awarding of reasonable attorneys' fees and costs; and
- F. Awarding such other and further relief that the Court deems reasonable and just.

Dated: May 17, 2018

Respectfully submitted,

/s/ Benjamin W. Raslavich
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Fax: 312.878.1342

**Pro Hac Vice* to be submitted

***Counsel for Plaintiff
and the Proposed Putative Class***

Exhibit 1



420-86



Text Message
Wed, Sep 27, 10:01 AM

The final Rays series of the 2017 season begins Friday night. Join us at the ballpark! <http://atmlb.com/2xD1wAd>
Reply STOP to cancel

Wed, Nov 15, 10:07 AM

Holiday Flex Packs are on sale now! Get 5 tickets for \$75 and a Rays Fleece Blanket with each pack.
#RaysUp <http://atmlb.com/2juGz5H>
Text STOP to cancel



Text Message



Exhibit 2

4:03



420-86



Wed, Nov 15, 10:07 AM

Holiday Flex Packs are on sale now! Get 5 tickets for \$75 and a Rays Fleece Blanket with each pack.

#RaysUp <http://atmlb.com/2juGz5H>

Text STOP to cancel

Mon, Nov 27, 9:12 AM

TODAY ONLY: Purchase a Flex Pack (5 tickets for \$75) & get an Archer Emoji Pillow with your Rays Fleece Blanket!

<http://atmlb.com/2ibzHdj> Text STOP to

cancel



Text Message



Exhibit 3

4:03



420-86



Wed, Nov 15, 10:07 AM

Holiday Flex Packs are on sale now! Get 5 tickets for \$75 and a Rays Fleece Blanket with each pack.

#RaysUp <http://atmlb.com/2juGz5H>

Text STOP to cancel

Mon, Nov 27, 9:12 AM

TODAY ONLY: Purchase a Flex Pack (5 tickets for \$75) & get an Archer Emoji Pillow with your Rays Fleece Blanket!

<http://atmlb.com/2ibzHdj> Text STOP to

cancel



Text Message



Exhibit 4

10:51



420-86



Fri, Jan 19, 10:34 AM

Baseball is nearly here so don't miss any of the action! Rays Spring Training single game tickets are on sale now. <http://atmlb.com/2mSPrRz> Text STOP to cancel

Today 10:50 AM

Join the Rays as we celebrate the 20th anniversary of Rays baseball with events all year long! <http://atmlb.com/2B0pkjx> Text STOP to cancel



Text Message



Exhibit 5

10:51



420-86



Fri, Jan 19, 10:34 AM

Baseball is nearly here so don't miss any of the action! Rays Spring Training single game tickets are on sale now. <http://atmlb.com/2mSPrRz> Text STOP to cancel

Today 10:50 AM

Join the Rays as we celebrate the 20th anniversary of Rays baseball with events all year long! <http://atmlb.com/2B0pkjx> Text STOP to cancel



Text Message



Exhibit 6



420-86



Fri, Feb 9, 10:33 AM

Fan Fest is tomorrow!
Help us lead off the
start of the season at
Tropicana Field from
11am-4pm. [http://
atmlb.com/2EJEoll](http://atmlb.com/2EJEoll) Text
STOP to cancel

Today 11:28 AM

Batter up! Single Game
Tickets are on sale now
exclusively through
raysbaseball.com. Get
your tickets today!
[http://atmlb.com/
2C3DCRG](http://atmlb.com/2C3DCRG) Text STOP to
cancel



Text Message



Exhibit 7



420-86



Fri, Feb 9, 10:33 AM

Fan Fest is tomorrow!
Help us lead off the
start of the season at
Tropicana Field from
11am-4pm. [http://
atmlb.com/2EJEoll](http://atmlb.com/2EJEoll) Text
STOP to cancel

Today 11:28 AM

Batter up! Single Game
Tickets are on sale now
exclusively through
raysbaseball.com. Get
your tickets today!
[http://atmlb.com/
2C3DCRG](http://atmlb.com/2C3DCRG) Text STOP to
cancel

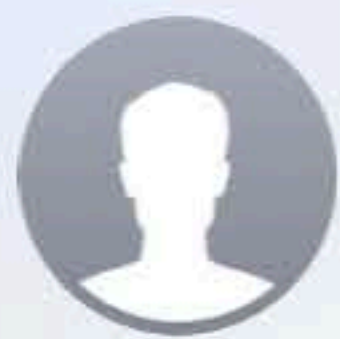


Text Message



Exhibit 8

11:11 ↗



420-86



Fri, Feb 16, 11:28 AM

Batter up! Single Game Tickets are on sale now exclusively through raysbaseball.com. Get your tickets today! <http://atmlb.com/2C3DCRG> Text STOP to cancel

Today 11:06 AM

Opening Day is one week away! Get your tickets now and join the Rays for the start of the 2018 season. <http://atmlb.com/2HTrLoi> Text STOP to cancel



Text Message



Exhibit 9

12:25 ↗



420-86



Thu, Mar 29, 10:06 AM

Happy Opening Day 2018! The Rays season begins today at 4:00pm as they take on the Boston Red Sox. Game info: <https://bit.ly/2GXec8h> Text STOP to cancel

Today 12:05 PM

Today only: \$20-Press Level tickets for Blue Jays vs. Rays matchup on Saturday, May 5 at 6:10! <https://atmlb.com/2qYO85D> Text STOP to cancel




Text Message 



Exhibit 10

12:25 ↗



420-86




Thu, Mar 29, 10:06 AM

Happy Opening Day 2018! The Rays season begins today at 4:00pm as they take on the Boston Red Sox. Game info: <https://bit.ly/2GXec8h> Text STOP to cancel

Today 12:05 PM

Today only: \$20-Press Level tickets for Blue Jays vs. Rays matchup on Saturday, May 5 at 6:10! <https://atmlb.com/2qYO85D> Text STOP to cancel



Text Message 



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

JAMES THOMAS, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Kuhn Raslavich, P.A.
2124 W. Kennedy Blvd., Suite B
Tampa, Florida 33606

DEFENDANTS

TAMPA BAY RAYS BASEBALL LTD, a Florida limited partnership

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	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"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <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	CIVIL RIGHTS <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	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. 227

Brief description of cause:

Telephone Consumer Protection Act

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

05/17/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ Benjamin W. Raslavich

FOR OFFICE USE ONLY

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

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Reset

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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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: [Tampa Bay Rays Tagged with Class Action Lawsuit Over Alleged Unsolicited Text Messages](#)
