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

<p>13 MARTIN TRIM, individually and 14 on behalf of others similarly 15 situated,</p> <p>16 Plaintiff,</p> <p>17 vs.</p> <p>18 WAKEFIELD & ASSOCIATES, 19 INC.,</p> <p>20 Defendant.</p>	<p>Case No: <u>'20CV2420 JLS BLM</u></p> <p><u>CLASS ACTION</u></p> <p>COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF:</p> <p>1. UNLAWFUL RECORDING OF CONFIDENTIAL TELEPHONE CALLS, CAL. PEN. CODE § 632</p> <p>2. UNLAWFUL RECORDING OF CELLULAR TELEPHONE CALLS, CAL. PEN. CODE § 632.7</p> <p>3. NEGLIGENCE</p> <p>JURY TRIAL DEMANDED</p>
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INTRODUCTION

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2 1. Martin Trim (“Plaintiff”), individually and on behalf of all other similarly situated
3 California residents (“Class Members”), brings this action for damages and injunctive
4 relief against Wakefield & Associates, Inc. (“Defendant”), and its present, former, or
5 future direct and indirect parent companies, subsidiaries, affiliates, agents, related
6 entities for unauthorized recordings of conversations with Plaintiff and Class
7 Members without any notification nor warning to Plaintiff or Class Members in
8 violation of the Cal. Pen. Code § 630, et seq. (“CIPA”).
- 9 2. The California State Legislature passed CIPA in 1967 to protect the right of privacy
10 of the people of California, replacing prior laws, which permitted the recording of
11 telephone conversations with the consent of one party to the conversation. The
12 California Penal Code is very clear in its prohibition against unauthorized recording
13 without the consent of the other person to the conversation: “Every person who,
14 intentionally and without the consent of all parties to a confidential communication,
15 by means of any electronic amplifying or recording device, eavesdrops upon or
16 records the confidential communication [violates this section].” Penal Code § 632(a).
- 17 3. The conversations at issue herein were all subject to the protections of the Health
18 Insurance Portability and Accountability Act (“HIPAA”) as telephone calls and
19 communications relating to the individual’s medical conditions and care. As such,
20 the telephone communications at issue herein were all “confidential” as a matter of
21 law and thus subject to the protection of California Penal Code §632.
- 22 4. In addition to the general protections afforded to confidential communications by
23 California Penal Code §632, California Penal Code § 632.7 was added to CIPA in
24 1992 due to specific privacy concerns over the increased use of cellular and cordless
25 telephones. Section 632.7 prohibits secretly recording all communications involving
26 cellular and cordless telephones, not just confidential communications. Penal Code
27 637.2 permits Plaintiff to bring this action for any violation of Penal Code § 632 and
28 provides for statutory damages of \$5,000 for each violation.

1 5. Plaintiff brings this class action on behalf of two related, but separate classes as more
2 fully defined infra, consisting of 1) the Confidential HIPAA Communication class
3 and 2) the Cellular subclass.

4 6. Plaintiff makes these allegations on information and belief, with the exception of
5 those allegations that pertain to Plaintiff, or to Plaintiff's counsel, which Plaintiff
6 alleges on his personal knowledge.

7 7. Unless otherwise stated, all the conduct engaged in by Defendant took place in
8 California.

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

11 9. Unless otherwise indicated, the use of Defendant's name in this Complaint includes
12 all agents, employees, officers, members, directors, heirs, successors, assigns,
13 principals, trustees, sureties, subrogees, representatives, and insurers of the named
14 Defendant.

15 **JURISDICTION & VENUE**

16 10. Jurisdiction is proper under the Class Action Fairness Act ("CAFA"), 28 U.S.C. §
17 1332(d)(2), because Plaintiff, a resident of the State of California, seeks relief on
18 behalf of a California class, which will result in at least one class member belonging
19 to a different state than that of Defendant, a Colorado Corporation.

20 11. Plaintiff is requesting statutory damages of \$5,000 per violation pursuant to Cal.
21 Civ. Code § 1785.31, which, when aggregated among a proposed class number in
22 the tens of thousands, exceeds the \$5,000,000 threshold for federal court
23 jurisdiction.

24 12. Therefore, both diversity jurisdiction and the damages threshold under CAFA are
25 present, and this Court has jurisdiction.

26 13. Because Defendant conducts business within the State of California, personal
27 jurisdiction is established.

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1 14. Venue is proper pursuant to 28 U.S.C. § 1391 for the following reasons: (i) Plaintiff
2 resides in the County of San Diego, State of California which is within this judicial
3 district; (ii) the conduct complained of herein occurred within this judicial district;
4 and (iii) Defendant conducted business within this judicial district at all times
5 relevant.

6 **PARTIES & DEFINITIONS**

7 15. Plaintiff is, and at all times mentioned herein was, a natural person and resident of
8 the State of California, County of San Diego, in this judicial district.

9 16. Defendant is, and at all times mentioned herein was, a Colorado corporation with
10 its headquarters located in Aurora, Colorado. Plaintiff alleges that at all times
11 relevant herein Defendant conducted business in the State of California, in the
12 County of San Diego, within this judicial district. Defendant is, and at all times
13 mentioned herein was, a “person”, as defined by Cal. Pen. Code § 632(b).

14 **FACTUAL ALLEGATIONS**

15 18. Sometime prior to July of 2019, Plaintiff’s minor son was provided medical services
16 by American Medical Response (“AMR”). For reasons that not relevant here, an
17 alleged resulting debt was transferred from AMR to Defendant and Defendant
18 began calling Plaintiff to collect.

19 19. Defendant records all of its collection calls. For inbound calls, Defendant advises
20 the calls are recorded at the outset of the calls, but not for outbound calls.

21 20. For outbound calls, Defendant has a script that its agents use when a call connects
22 with a live person. It instructs the agent to first confirm the identity of the person
23 they called by asking for personal identification information such as their name and
24 date of birth before the agent advises that the call is recorded. As part of the
25 verification process and prior to warning the call is recorded, the agent is told to
26 explain who they are and why they are calling. All this occurs prior to warning the
27 call is recorded as a matter of policy. The verification process can take over forty
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1 seconds before the warning is given. Very often the warning is not given at all,
2 which is what happened to Plaintiff.

3 21. When placing a call, the first thing Defendant should say is that the call is recorded.
4 Doing so after forty seconds of conversation does not satisfy the consent
5 requirement. It is impossible to consent to something after it has already happened.

6 22. Upon information and belief, Defendant has another script for wrong number calls
7 where the policy is to not warn the call is recorded at all. Defendant follows the
8 same verification process, but instead of advising the call is recorded after
9 verification, the agent disconnects without any notice of the recording.

10 23. Defendant is a large company with thousands of delinquent accounts in California.
11 Defendant has many resources devoted to medical debt collection. The vast
12 majority of debtors that Defendant calls have never called Defendant and never
13 heard an inbound call recording warning, including Plaintiff. As a result, when
14 Defendant places the first collection call to such Class Members, they are
15 completely unaware that Defendant is recording the call.

16 24. On January 20, 2020, Defendant placed an outbound collection call to Plaintiff's
17 cellular telephone from the number (888) 582-3359. The agent discussed medical
18 assistance provided to Plaintiff. The agent went on to talk about billing for the
19 medical services. The parties also addressed Plaintiff's alleged financial
20 obligations to Defendant.

21 25. The information discussed during the telephone conversation is considered
22 Protected Health Information ("PHI") pursuant to HIPAA and thus is "confidential"
23 information as a matter of law. Under HIPAA, protected health information is
24 individually identifiable information relating to the past, present, or future health
25 status of an individual that is created, collected, or transmitted, or maintained by a
26 HIPAA-covered entity in relation to the provision of healthcare, payment for
27 healthcare services, or use in healthcare operations (PHI healthcare business uses).

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1 26. At the inception of the call to Plaintiff on January 20, 2020, Defendant did not
2 advise Plaintiff that the call was being recorded, and Plaintiff did not consent to the
3 call being recorded. Indeed, at no point did Defendant inform Plaintiff that the call
4 was being recorded. Nonetheless, Defendant was in fact surreptitiously recording
5 the entirety of the approximately one-minute-long phone conversation between
6 Plaintiff and Defendant.

7 27. Plaintiff was completely unaware that the January 20, 2020, call was recorded.

8 28. Defendant covertly recorded a telephone call with Plaintiff, in which Plaintiff
9 proffered personal information considered to be PHI protected by HIPAA, all the
10 while Defendant did not provide any disclosure to Plaintiff regarding its
11 unauthorized recording.

12 29. Plaintiff was personally affected by Defendant's aforementioned conduct because
13 Plaintiff was shocked, upset and angry that Defendant audio recorded a telephone
14 conversation with Plaintiff without Plaintiff's knowledge or consent.

15 30. Since Defendant is a HIPPA covered entity, all the calls made by Defendant to the
16 Class Members are HIPPA protected. Under HIPPA, an entire file is protected no
17 matter how detailed it is. HIPPA does not require any analysis of the information
18 in the file or the recordings, they are per se confidential.

19 31. California Penal Code § 632(a) prohibits recording of such confidential
20 communications, including PHI protected by HIPAA, without the consent of the
21 other person to the conversation and states:

22 "A person who, intentionally and without the consent of
23 all parties to a confidential communication, uses an
24 electronic amplifying or recording device to eavesdrop
25 upon or record the confidential communication, whether
26 the communication is carried on among the parties in the
27 presence of one another or by means of a telegraph,
28 telephone, or other device, except a radio [violates this
section]."

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1 32. California Penal Code § 632.7(a) is clear in its prohibition against such unauthorized
2 recording of cellular communications without the consent of the other party to the
3 conversation:

4 “Every person who, without the consent of all parties to a
5 communication, intercepts or receives and intentionally
6 records, or assists in the interception or reception and
7 intentional recordation of, a communication transmitted
8 between two cellular radio telephones, a cellular radio
9 telephone and a landline telephone, two cordless
10 telephones, a cordless telephone and a landline telephone,
[violates this section].”

11 33. California Penal Code § 637.2 permits Plaintiff to bring this action for any violation
12 of California Penal Code § 632.7(a) and provides for statutory damages of \$5,000
13 for each violation.

14 34. Defendant recorded or otherwise made an unauthorized connection to Plaintiff’s
15 confidential conversation with Defendant and its employees in violation of
16 California’s statutory and common law against such unlawful intrusions into a
17 person’s private affairs, including the California Constitution’s prohibition in
18 Article 1, Section 1.

19 35. This suit seeks only damages and injunctive relief for recovery of economic injury
20 and it expressly is not intended to request any recovery for personal injury and
21 claims related thereto.

22 36. Plaintiff is informed and believes, and thereon alleges, that Defendant intentionally
23 recorded a confidential communication regarding PHI protected by HIPAA as
24 prohibited by California Penal Code § 632.

25 37. Plaintiff is informed and believes, and thereon alleges, that Defendant intentionally
26 recorded a communication transmitted between a cellular radio telephone and a
27 landline telephone without Plaintiff’s consent as prohibited by California Penal
28 Code § 632.7(a).

1 38. Defendant violated Plaintiff's constitutionally protected privacy rights by failing to
2 advise or otherwise provide notice at the beginning of the recorded conversation
3 with Plaintiff that the call would be recorded, and Defendant did not try to obtain
4 the Plaintiff's consent before such recording.

5 39. The recording or other unauthorized connection was done over the telephone,
6 without Plaintiff's prior knowledge or consent. Plaintiff was damaged thereby, as
7 detailed herein, in at least an amount permitted by the statutory damages mandated
8 by California Penal Code § 637.2(a).

9 40. Defendant, its employees or agents, secretly recorded a call made involving
10 Defendant and Plaintiff. At no time before, during, or after any of the calls was
11 Plaintiff warned, told, advised or otherwise given any indication by Defendant, its
12 employees or agents, that the calls were recorded.

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

15 42. Plaintiff seeks statutory damages and injunctive relief under California Penal Code
16 § 637.2.

17 **CLASS ACTION ALLEGATIONS**

18 43. Plaintiff brings this lawsuit as a class action on behalf of himself and Class Members
19 of the proposed Classes. This action satisfies the numerosity, commonality,
20 typicality, adequacy, predominance, and superiority requirements of those
21 provisions.

22 44. Plaintiff proposes the following two Classes consisting of and defined as follows:

23 A. The HIPAA Confidential Communication Class for Violation of
24 Penal Code §632, consisting of;

25 All persons in California with a healthcare debt with Defendant
26 whose conversations were recorded without their consent, by
27 Defendant, and or its agents, within the one year prior to the
28 filing of the Complaint.

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1 B. The Cellular Phone Communication Sub-Class for Violation of
2 Penal Code §632.7, consisting of;

3 All persons in California whose cellular telephone
4 conversations were recorded without their consent, by
5 Defendant, and or its agents, within the one year prior to the
6 filing of the Complaint.

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

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

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

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

- 25 • Whether the recorded calls concerned PHI protected by HIPAA
- 26 • Whether, within the statutory period Defendant recorded any call with the
27 Class Members;
- 28 • Whether Defendant had, and continues to have, a policy during the relevant
period of recording telephone calls made to the Class Members;

- 1 • Whether Defendant’s policy or practice of recording telephone
- 2 communications with Class Members constitutes a violation of Cal. Penal
- 3 Code § 632.7;
- 4 • Whether Plaintiff and the Class Members were damaged thereby, and the
- 5 extent of damages for such violation; and
- 6 • Whether Defendant should be enjoined from engaging in such conduct in
- 7 the future.

8 49. Typicality Plaintiff’s conversation was unlawfully recorded without a warning of
9 such recording, and thus, his injuries are also typical to Class Members. Further,
10 the communication was concerning matters which, by definition is PHI pursuant to
11 HIPAA and therefore constitutes a “confidential” communication pursuant to
12 California Penal Code §632.

13 50. Plaintiff and Class Members were harmed by the acts of Defendant in at least the
14 following ways: Defendant, either directly or through its agents, illegally recorded
15 the Plaintiff and Class Members’ conversations with Defendant, and Defendant
16 invading the privacy of said Plaintiff and Class. Plaintiff and Class Members were
17 damaged thereby.

18 51. Adequacy: Plaintiff is qualified to, and will, fairly and adequately protect the
19 interests of each Class Member with whom he is similarly situated, as demonstrated
20 herein. Plaintiff acknowledges that he has an obligation to make known to the Court
21 any relationships, conflicts, or differences with any Class Member. Plaintiff’s
22 attorneys, the proposed class counsel, are versed in the rules governing class action
23 discovery, certification, and settlement. In addition, the proposed class counsel is
24 experienced in handling claims involving consumer actions and violations of the
25 California Penal Code sections 632 and 632.7. Plaintiff has incurred, and
26 throughout the duration of this action, will continue to incur costs and attorneys’
27 fees that have been, are, and will be, necessarily expended for the prosecution of
28 this action for the substantial benefit of each Class Member.

1 52. Predominance: Questions of law or fact common to the Class Members predominate
2 over any questions affecting only individual members of the Class. The elements of
3 the legal claims brought by Plaintiff and Class Members are capable of proof at trial
4 through evidence that is common to the Class rather than individual to its members.

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

7 a. Class-wide damages are essential to induce Defendant to comply with
8 California law.

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

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

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

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

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

24 54. Plaintiff and the Class Members have all suffered and will continue to suffer harm
25 and damages as a result of Defendant's unlawful and wrongful conduct. A class
26 action is also superior to other available methods because as individual Class
27 Members have no way of discovering that Defendant recorded their telephone
28 conversations without Class Members' knowledge or consent.

1 55. The Class may also be certified because:

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

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

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

20 **FIRST CAUSE OF ACTION**

21 **RECORDING OF CONFIDENTIAL CALLS**

22 **UNDER CALIFORNIA PENAL CODE § 632**

23 58. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

24 59. At all relevant times hereto, Defendant had and followed a policy and practice of
25 using a telecommunications system that enabled it to surreptitiously record
26 telephone communications between Defendant and Plaintiff and Class Members.

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1 60. Because of the nature of its business, Defendant’s communications with Plaintiff
2 and the Class Members were, by definition, concerning PHI pursuant to HIPAA
3 and were therefore “confidential” communications as a matter of law.

4 61. At all relevant times Plaintiff and all Class Members have an expectation of privacy
5 in their conversations with Defendants and their employees and agents concerning
6 information considered PHI pursuant to HIPAA, and did not expect, or have
7 knowledge of, any such illegal recording or other unauthorized connections to their
8 conversations.

9 62. At all relevant times hereto, Defendant had and followed a policy and practice of
10 not advising or warning Plaintiff and Class Members at the beginning of a
11 conversation that their confidential telephone communications with Defendant
12 would be recorded.

13 63. Defendant failed to obtain consent of Plaintiff and Class Members prior to recording
14 any of their confidential telephone conversations.

15 64. Because Defendant and its employees and agents recorded or otherwise made
16 unauthorized connections to Plaintiff’s and other Class Members’ conversations,
17 Defendant is liable for the greater of \$5,000 per violation or three times the amount
18 of actual damages sustained by each Plaintiff. Plaintiffs are seeking only the
19 statutory damages for the members of the Class under this cause of action.

20 65. Such conduct by these Defendants was willful, deliberate, malicious and intentional,
21 and in violation of California Penal Code §§ 632 and 637.2. Such conduct violated
22 the California Privacy Act, set forth in California Penal Code §§ 630, *et seq.*

23 66. As a result of such unlawful conduct, Plaintiff and the Class Members were
24 damaged, in an amount according to proof.

25 **SECOND CAUSE OF ACTION**

26 **RECORDING OF CELLULAR CALLS**

27 **UNDER CALIFORNIA PENAL CODE § 632.7**

28 67. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

1 68. At all relevant times hereto, Defendant had and followed a policy and practice of
2 using a telecommunications system that enabled it to surreptitiously record cellular
3 telephone communications between Defendant and Plaintiff and Class Members.

4 69. At all relevant times hereto, Defendant intentionally and secretly recorded cellular
5 telephone calls concerning confidential matters between Defendant and Plaintiff
6 and Class Members.

7 70. At all relevant times hereto, Defendant had and followed a policy and practice of
8 not advising or warning Plaintiff and Class Members at the beginning of a
9 conversation that their cellular telephone communications with Defendant would
10 be recorded.

11 71. Defendant failed to obtain consent of Plaintiff and Class Members prior to recording
12 any of their cellular telephone conversations.

13 72. This conduct by Defendant violated section 632.7(a) of the California Penal Code.

14 73. Plaintiff and Class Members are entitled to recovery of statutory punitive damages
15 in the amount of \$5,000 per violation of Cal. Pen. Code § 632.7.

16 74. Plaintiff's counsel is also entitled to attorneys' fees and costs pursuant to Cal.
17 Code of Civ. Proc. § 1021.5.

18 **THIRD CAUSE OF ACTION**

19 **NEGLIGENCE**

20 75. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

21 76. Defendant owed a duty to Plaintiff and the Class to exercise reasonable care in
22 recording as well as in engaging in confidential conversations with Plaintiffs and
23 the Class members.

24 77. Defendant breached its duties by failing to obtain consent from Plaintiff and the
25 Class or in any way warning them that their calls were being recorded at the onset
26 of the calls. Instead, Defendant covertly recorded cellular telephone calls
27 concerning confidential matters between Defendant and Plaintiff and Class
28 Members without their knowledge and or authorization.

1 78. But for Defendant’s wrongful and negligent breach of its duties owed to Plaintiff
2 and the Class, their privacy would not have been improperly invaded. Defendant’s
3 negligence was a direct and legal cause of the intrusion of into Plaintiff and Class’
4 privacy resulting in damages.

5 79. The injury and harm suffered by Plaintiff and the Class members was the reasonably
6 foreseeable result of Defendant’s failure to exercise reasonable care with its
7 disclosures, and which the Cal. Pen. Code § 632.7 was designed to prevent.

8 80. These damages include, but are not limited to, invasion of Plaintiff and the Class’
9 constitutionally protected right to privacy, emotional distress, shock, and effort and
10 money in responding to Defendant’s negligence. However, Plaintiff only seeks
11 statutory damages in this class action.

12 **PRAYER FOR RELIEF**

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

- 16 • Certify the Class as requested herein;
17 • Appoint Plaintiff to serve as the Class Representative for the Class; and
18 • Appoint Plaintiff’s Counsel as Class Counsel in this matter for the Class.

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

21 **RECORDING OF CONFIDENTIAL CALLS**

22 **UNDER CALIFORNIA PENAL CODE § 632**

- 23 • \$5,000 to each Class Member pursuant to California Penal Code § 637.2(a);
24 • Reasonable attorneys’ fees pursuant to Cal. Code of Civ. Proc. § 1021.5;
25 • Injunctive relief to prevent the further occurrence of such illegal acts pursuant
26 to California Penal Code § 637.2(b);
27 • An award of costs to Plaintiff; and
28 • Any other relief the Court may deem just and proper including interest.

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RECORDING OF CELLULAR CALLS
UNDER CALIFORNIA PENAL CODE § 632.7

- \$5,000 to each Class Member pursuant to California Penal Code § 637.2(a);
- Reasonable attorneys’ fees pursuant to Cal. Code of Civ. Proc. § 1021.5;
- Injunctive relief to prevent the further occurrence of such illegal acts pursuant to California Penal Code § 637.2(b);
- An award of costs to Plaintiff; and
- Any other relief the Court may deem just and proper including interest.

NEGLIGENCE

- Special, general, and compensatory;
- Injunctive relief, prohibiting such conduct in the future; and
- Any other relief the Court may deem just and proper.

TRIAL BY JURY

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

Respectfully submitted,

SWIGART LAW GROUP

Date: December 11, 2020

By: s/ Juliana G. Blaha
Juliana G. Blaha, Esq.
Juliana@SwigartLawGroup.com
Attorneys for Plaintiff

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Alleges Wakefield & Associates Covertly Records Calif. Debt Collection Calls Discussing Medical Care](#)
