

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. \_\_\_\_\_

RYAN TURIZO,  
individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

DOCTOR'S ASSOCIATES LLC,

Defendant.

\_\_\_\_\_ /

**NOTICE OF REMOVAL OF CIVIL ACTION UNDER 28 U.S.C. § 1441(a)**

PLEASE TAKE NOTICE that Defendant Doctor's Associates LLC ("DAL" or "Defendant"), by and through its undersigned counsel, hereby files this notice of removal in the above-captioned action, currently pending in the Seventeenth Judicial Circuit in and for Broward County, Florida, as Case No. CACE-21-012011 18 (the "State Court Action"). This removal is made pursuant to 28 U.S.C. §§ 1331, 1441(a), and 47 U.S.C. § 227, *et seq.* Defendant provides "a short and plain statement of the grounds for removal" pursuant to 28 U.S.C. § 1446(a). For the reasons set forth below, this Court has subject matter jurisdiction.

**I. BACKGROUND**

1. On June 17, 2021, Plaintiff Ryan Turizo ("Plaintiff"), individually on behalf of himself and others similarly situated, filed a putative class action complaint (the "Complaint") against Defendant Doctor's Associates LLC in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida. The Complaint asserted a single count based on an alleged

violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the “TCPA”). A true and correct copy of the Complaint is attached as **Exhibit A**.

2. On June 21, 2021, Defendant was served with the Complaint. A true and correct copy of the Affidavit of Process Server is attached as **Exhibit B**.

3. On July 21, 2021, Plaintiff filed a First Amended Class Action Complaint (“FAC”) which, in addition to the TCPA claim, asserts a new claim and additional class definition based on an alleged violation of the Florida Telephone Solicitation Act (“FTSA”), Fla. Stat. § 501.059, arising out of the same facts underlying the TCPA claim. A true and correct copy of the FAC is attached as **Exhibit C**.

4. True and correct copies of all process, pleadings, and orders in the State Court Action that are not included in Exhibit A, Exhibit B or Exhibit C are attached as **Exhibit D**.

5. This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is filed within thirty (30) days after Plaintiff’s service of the initial Complaint upon Defendant.

6. Nothing in this Notice of Removal shall constitute a waiver of Defendant’s right to assert any defense. Defendant denies any liability to Plaintiff or to the putative class that he seeks to represent, denies that Plaintiff has stated a claim, and denies that Plaintiff is entitled to recover any of the relief requested in the Complaint.

## **II. VENUE**

7. Venue is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division embracing the location where the State Court Action was pending.

### III. JURISDICTION

#### A. Removal is Proper Because Plaintiff's Lawsuit Involves a Federal Question

8. This action is a civil action for which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, and is one which may be removed pursuant to 28 U.S.C. § 1441(a).

9. Specifically, the FAC alleges that Defendant sent unsolicited text messages to Plaintiff and other individuals who did not provide consent to receive such text messages, and have also registered their phone numbers on the National Do Not Call Registry in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the "TCPA"). Compl. ¶¶ 1, 3, 10-12.

10. Federal courts have original jurisdiction over claims under the TCPA. *Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 372 (2012) (holding that "federal and state courts have concurrent jurisdiction over private suits arising under the TCPA"); *Osorio v. State Farm Bank, F.S.B.*, 746 F.3d 1242, 1249 (11th Cir. 2014) (ruling that jurisdiction over TCPA claim was "proper under the Federal-Question Statute, 28 U.S.C. § 1331").

11. Additionally, this Court has supplemental jurisdiction over the single state claim alleging violation of the FTSA. Pursuant to 28 U.S.C. § 1367(a), "[i]n any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution." Here, Plaintiff's FTSA claim arises out of the same alleged text messages and conduct underlying the TCPA claim. Therefore, this Court has supplemental jurisdiction over the FTSA claim. *See, e.g., Speidel v. Am. Honda Fin. Corp.*, No. 2:14-cv-19-FtM-38CM, 2014 WL 820703 (M.D. Fla. March 3, 2014) (denying plaintiff's request to remand state law claims arising under the Florida

Consumer Collection Practices Act and common law, and exercising supplemental jurisdiction on the basis that the state law and TCPA claims are all derived from the same alleged debt collection practices of the defendant).

**B. The Complaint Alleges Facts that Establish Article III Standing**

12. While a single text message may not confer Article III standing, *Salcedo v. Hanna*, 936 F.3d 1162, 1172 (11th Cir. 2019), the Eleventh Circuit subsequently held that “[t]he receipt of more than one unwanted telemarketing call made in violation of the provisions enumerated in the TCPA is a concrete injury in fact that meets the minimum requirements of Article III standing.” *Cordoba v. DIRECTV, LLC*, 942 F.3d 1259, 1269 (11th Cir. 2019).

13. Plaintiff has alleged a concrete injury based on multiple texts and intangible harm. The Complaint alleges that “Defendant bombarded Plaintiff’s cellular telephone” with multiple “text message solicitations” between October 19, 2020 and July 7, 2021, and that “Defendant’s unsolicited text messages caused Plaintiff harm, including invasion of privacy, aggravation, and annoyance.” FAC ¶¶ 10, 22. Further, the alleged texts “inconvenienced Plaintiff, caused disruptions to Plaintiff’s daily life, caused Plaintiff to waste time dealing with Defendant’s unsolicited text message calls, used Plaintiff’s phone storage, and depleted Plaintiff’s phone’s battery.” *Id.* ¶ 22. Accordingly, the Complaint establishes grounds for Article III standing.

**IV. NOTICE**

14. As required by 28 U.S.C. § 1446(d), Defendant will serve written notice of this Notice of Removal on Plaintiff, and Defendant will file a copy of this Notice of Removal with the clerk of the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida.

**V. CONCLUSION**

WHEREFORE, for the foregoing reasons, removal is proper pursuant to 28 U.S.C. §§ 1331 and 1441(a), and Defendant respectfully requests that this action, previously pending in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, proceed as if this case had been originally initiated in this Court.

Dated: July 21, 2021

Respectfully submitted,

**GREENBERG TRAURIG, P.A.**

333 S.E. 2<sup>nd</sup> Avenue

Suite 4400

Miami, FL 33131

Telephone: 305-579-0500

Facsimile: 305-579-0717

By: /s/ Mark A. Salky

MARK A. SALKY

Florida Bar No. 58221

salkym@gtlaw.com

*Attorneys for Defendant DOCTOR'S ASSOCIATES  
LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21st day of July 2021, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on counsel of record identified below either via transmission of Notices of Electronic Filing generated by CM/ECF, or in some other authorized manner for those counsel or parties who are not authorized to receive Notices of Electronic Filing.

/s/ Mark A. Salky  
MARK A. SALKY

**Hirald P.A.**

Manuel S. Hirald, Esq.

401 East Las Olas Boulevard

Suite 1400

Ft. Lauderdale, FL 33301  
Email: [mhiraldo@hirdolaw.com](mailto:mhiraldo@hirdolaw.com)  
*Attorneys for Plaintiff Ryan Turizo*

**EXHIBIT A**

*SL*

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA**

**CASE NO.**

**RYAN TURIZO,**  
individually and on behalf of all  
others similarly situated,

**CLASS ACTION**

Plaintiff,

**JURY TRIAL DEMANDED**

v.

**DOCTOR'S ASSOCIATES, LLC,**

Defendant.

\_\_\_\_\_ /

**SUMMONS**

THE STATE OF FLORIDA:  
To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the complaint or petition in this action on defendant:

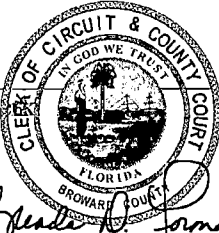
**DOCTOR'S ASSOCIATES, LLC**  
**Registered Agent:**  
**Corporation Service Company**  
**251 Little Falls Drive**  
**Wilmington, DE 19808**

Each defendant is required to serve written defenses to the complaint or petition on **MANUEL S. HIRALDO, HIRALDO P.A., Plaintiff's attorney, whose address is 401 E. Las Olas Blvd., Ste. 1400, Fort Lauderdale, FL 33301, Tel: (954) 400-4713,** within twenty (20) days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court either before service on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

DATED on \_\_\_\_\_ **JUN 21 2021**

As Clerk of the Court

BY: \_\_\_\_\_  
As Deputy Clerk

  
**BRENDA D. FORMAN**



**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA**

**CASE NO.**

**RYAN TURIZO,**  
individually and on behalf of all  
others similarly situated,

Plaintiff,

**CLASS ACTION**

**JURY TRIAL DEMANDED**

v.

**DOCTOR'S ASSOCIATES, LLC,**

Defendant.  
\_\_\_\_\_ /

**CLASS ACTION COMPLAINT**

Plaintiff Ryan Turizo brings this class action against Defendant Doctor's Associates, LLC and alleges as follows upon personal knowledge as to Plaintiff and Plaintiff's own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by Plaintiff's attorneys.

**NATURE OF THE ACTION**

1. This is a putative class action pursuant to the Telephone Consumer Protection Act, 47 U.S.C. §§ 227, *et seq.* (the "TCPA").
2. Defendant is the franchisor of the Subway brand for the United States.
3. To promote its franchisees, Defendant engages in unsolicited text messaging, including to individuals who have registered their telephone numbers on the National Do Not Call Registry.
4. Through this action, Plaintiff seeks injunctive relief to halt Defendant's unlawful conduct, which has resulted in the invasion of privacy, harassment, aggravation, and disruption of

the daily life of thousands of individuals. Plaintiff also seeks statutory damages on behalf of Plaintiff and members of the Class, and any other available legal or equitable remedies.

**JURISDICTION, VENUE, AND PARTIES**

5. This Court has subject matter jurisdiction pursuant to Florida Rule of Civil Procedure 1.220 and Section 26.012(2), Florida Statutes. The matter in controversy exceeds the sum or value of \$30,000 exclusive of interest, costs, and attorney's fees.

6. Defendant is subject to personal jurisdiction in Florida because this suit arises out of and relates to Defendant's contacts with this state. Defendant initiated and directed, or caused to be initiated and directed by its agent(s), telemarketing and/or advertising text messages into Florida. Specifically, Defendant initiated and directed, or caused to be initiated and directed, the transmission of unsolicited advertisement or telemarketing text messages to Plaintiff's cellular telephone number to sell goods, services or products in Florida. Plaintiff's telephone number has an area code that specifically coincides with locations in Florida, and Plaintiff received such messages while residing in and physically present in Florida.

7. Plaintiff is a natural person who, at all times relevant to this action, was a citizen and permanent resident of the Broward County, Florida.

8. Defendant is a Delaware corporation whose principal office is located in Milford, Connecticut.

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

**FACTS**

10. Between October 2020 and May 2021, Defendant bombarded Plaintiff's cellular telephone with the following text message solicitations:

782-929 >

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Text Message  
Mon, Oct 19, 9:37 AM

Deals, deals and more deals. All in the Subway app. Download now and opt-in for push alerts so you never miss out. [bit.ly/APPSbwy](https://bit.ly/APPSbwy) HELP/STOP call [8447887525](tel:8447887525)

Thu, Feb 11, 9:37 AM

15% off a Footlong w/code 15OFF in the app @Subway [bit.ly/15OFFftlng](https://bit.ly/15OFFftlng) Select shops. Extras/Add-ons addt'l. 1 use. Exp 2/24/21. HELP/STOP call [8447887525](tel:8447887525)

Thu, May 20, 9:35 AM

Want to give your career a fresh start? Subway Restaurants are now hiring Sandwich Artists and

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782-929 >

~~15OFF~~ in the app @ Subway  
[bit.ly/15OFFftng](https://bit.ly/15OFFftng) Select shops.  
Extras/Add-ons addtl. 1 use.  
Exp 2/24/21. HELP/STOP call  
[8447887525](tel:8447887525)

Thu, May 20, 9:35 AM

Want to give your career a  
fresh start? Subway  
Restaurants are now hiring  
Sandwich Artists and  
Managers! Apply today @ [bit.ly/  
SbwyJobs](https://bit.ly/SbwyJobs) HELP/STOP call  
[8447887525](tel:8447887525)

Today 10:46 AM

Stay cool w/ SUBWAY's \$1 ANY  
size fountain beverage offer!  
Use code 1DRINK & order  
online/in-app. [bit.ly/  
Sbwy1offDrk](https://bit.ly/Sbwy1offDrk) HELP/STOP call  
[8447887525](tel:8447887525)

11. Plaintiff received the subject text message calls within this circuit and, therefore, Defendant's violation of the TCPA occurred within this circuit.

12. Plaintiff's cellular telephone number has been registered on the National Do Not Call Registry since September 18, 2020.

13. Plaintiff utilizes his cellular telephone number for personal purposes only and the number is Plaintiff's residential telephone line.

14. At the time Plaintiff received the text messages, he was the subscriber and sole user of the cellular telephone that received the messages.

15. Defendant's text messages constitute solicitations and marketing because they promote Defendant's business, goods and services.

16. Upon information and belief, Defendant caused similar text messages to be sent to individuals residing within this judicial district.

17. Defendant's unsolicited text messages caused Plaintiff harm, including invasion of privacy, aggravation, and annoyance. Defendant's call also inconvenienced Plaintiff, caused disruptions to Plaintiff's daily life, caused Plaintiff to waste time dealing with Defendant's unsolicited text message calls, used Plaintiff's phone's storage, and depleted Plaintiff's phone's battery. Additionally, Defendant's unsolicited messages violated Plaintiff's substantive rights under the TCPA from be free from harassing calls like Defendant's.

### CLASS ALLEGATIONS

#### PROPOSED CLASS

18. Plaintiff brings this lawsuit as a class action on behalf of himself individually and on behalf of all other similarly situated persons as a class action pursuant to Florida Rule of Civil Procedure 1.220(b)(2) and (b)(3). The "Class" that Plaintiffs seeks to represent is comprised of and defined as:

**DO NOT CALL REGISTRY CLASS: All persons in the United States who from four years prior to the filing of this action (1) Defendant, or anyone on Defendant's behalf, (2) placed more than one text message call within any 12-month period; (3) where the person's telephone number that had been listed on the National Do Not Call Registry for at least thirty days; (4) for the purpose of encouraging the purchase or rental of, or investment in, Defendant's property, goods, or services.**

19. Plaintiff reserves the right to modify the Class definitions as warranted as facts are learned in further investigation and discovery.

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

**NUMEROSITY**

21. Upon information and belief, Defendant has placed automated text message calls to cellular telephone numbers belonging to thousands of consumers throughout the United States without their prior express written consent. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

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

**COMMON QUESTIONS OF LAW AND FACT**

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

- a) Whether Defendant sent solicitations to individuals who had registered their telephone numbers on the National Do Not Call Registry;
- b) Whether Defendant failed to honor opt-out requests;
- c) Whether Defendant continued sending solicitations to individuals who had requested for Defendant to stop calling;
- d) Whether Defendant's conduct was knowing and willful;
- e) Whether Defendant is liable for damages, and the amount of such damages; and
- f) Whether Defendant should be enjoined from such conduct in the future.

24. The common questions in this case are capable of having common answers. If Plaintiff's claim that Defendant routinely transmits unsolicited text message calls to telephone

numbers assigned to cellular telephone services is accurate, Plaintiff and the Class members will have identical claims capable of being efficiently adjudicated and administered in this case.

**TYPICALITY**

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

**PROTECTING THE INTERESTS OF THE CLASS MEMBERS**

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

**PROCEEDING VIA CLASS ACTION IS SUPERIOR AND ADVISABLE**

27. A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit, because individual litigation of the claims of all members of the Class is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by the Class are in the millions of dollars, the individual damages incurred by each member of the Class resulting from Defendant's wrongful conduct are too small to warrant the expense of individual lawsuits. The likelihood of individual Class members prosecuting their own separate claims is remote, and, even if every member of the Class could afford individual litigation, the court system would be unduly burdened by individual litigation of such cases.

28. The prosecution of separate actions by members of the Class would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another may not. Additionally, individual actions may be dispositive of the interests of the Class, although certain class members are not parties to such actions.

**COUNT I**  
**Violations of TCPA, 47 U.S.C. § 227(c)**  
**(On Behalf of Plaintiff and the Do Not Call Registry Class)**

29. Plaintiff re-alleges and incorporates the allegations of paragraphs 1-28 as if fully set forth herein.

30. The TCPA's implementing regulation, 47 C.F.R. § 64.1200(c), provides that "[n]o person or entity shall initiate any telephone solicitation" to "[a] residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the federal government."

31. 47 C.F.R. § 64.1200(e), provides that § 64.1200(c) and (d) "are applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers."<sup>1</sup>

32. 47 C.F.R. § 64.1200(d) further provides that "[n]o person or entity shall initiate any call for telemarketing purposes to a residential telephone subscriber unless such person or entity has instituted procedures for maintaining a list of persons who request not to receive telemarketing calls made by or on behalf of that person or entity."

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

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<sup>1</sup> *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014 (2003) Available at [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-03-153A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-03-153A1.pdf)



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

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

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

**PRAYER FOR RELIEF**

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

- a) An order certifying this case as a class action on behalf of the Class as defined above, and appointing Plaintiff as the representative of the Class and Plaintiff's counsel as Class Counsel;
- b) An award of actual and statutory damages for Plaintiff and each member of the Class;

- c) As a result of Defendant's negligent violations of 47 U.S.C. §§ 227, *et seq.*, and 47 C.F.R. § 64.1200, Plaintiff seeks for Plaintiff and each member of the Class \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3).
- d) As a result of Defendant's knowing and/or willful violations of 47 U.S.C. §§ 227, *et seq.*, and 47 C.F.R. § 64.1200, Plaintiff seeks for Plaintiff and each member of the Class 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).
- e) An order declaring that Defendant's actions, as set out above, violate the TCPA;
- f) An injunction requiring Defendant to cease all unsolicited call activity, and to otherwise protect the interests of the Class;
- g) An injunction prohibiting Defendant from using, or contracting the use of, an ATDS without obtaining, recipient's consent to receive calls made with such equipment;
- h) Such further and other relief as the Court deems necessary.

**JURY DEMAND**

Plaintiff hereby demand a trial by jury.

**DOCUMENT PRESERVATION DEMAND**

Plaintiff demands that Defendants take affirmative steps to preserve all records, lists, electronic databases or other itemizations associated with the allegations herein, including all records, lists, electronic databases or other itemizations in the possession of any vendors, individuals, and/or companies contracted, hired, or directed by Defendant to assist in sending the alleged communications.

Dated: June 17, 2021

Respectfully submitted,

By: **HIRALDO P.A.**

/s/ Manuel S. Hiraldo

Manuel S. Hiraldo, Esq.

*(pro hac vice)*

401 East Las Olas Boulevard

Suite 1400

Ft. Lauderdale, FL 33301

mhiraldo@hirdolaw.com

# **EXHIBIT B**

# Affidavit of Process Server

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA

RYAN TURIZO VS DOCTOR'S ASSOCIATES, LLC CACE-21-012011  
PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT CASE NUMBER

I, KEVIN S. DUNN being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service. RECEIVED 06/21/2021

**Service:** I served DOCTOR'S ASSOCIATES, LLC  
NAME OF PERSON / ENTITY BEING SERVED

with (list documents) SUMMONS & COMPLAINT

by leaving with LYNANNE GARES (MANAGING AGENT) At  
NAME RELATIONSHIP

Residence \_\_\_\_\_  
ADDRESS CITY / STATE

Business C/O CORPORATION SERVICE COMPANY, 251 LITTLE FALLS DRIVE, WILMINGTON, DE 19808  
ADDRESS CITY / STATE

On 06/21/2021 AT 3:30 PM  
DATE TIME

Thereafter copies of the documents were mailed by prepaid, first class mail on \_\_\_\_\_  
DATE

from \_\_\_\_\_  
CITY STATE ZIP

**Manner of Service:**

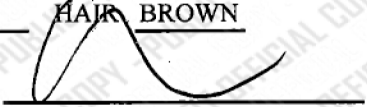
- CORPORATE
- Personal:** By personally delivering copies to the person being served.
- Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of \_\_\_\_\_ and explaining the general nature of the papers.
- Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.
- Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.

**Non-Service:** After due search, careful inquiry and diligent attempts at the address (es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- Unknown at Address
- Moved, Left no Forwarding
- Service Canceled by Litigant
- Unable to Serve in Timely Fashion
- Address Does Not Exist
- Other \_\_\_\_\_

**Service Attempts:** Service was attempted on: (1) \_\_\_\_\_ (2) \_\_\_\_\_  
DATE TIME DATE TIME  
(3) \_\_\_\_\_ (4) \_\_\_\_\_ (5) \_\_\_\_\_  
DATE TIME DATE TIME DATE TIME

Age 45 Sex FEMALE Race WHITE Height 5'5 Weight 180 HAIR BROWN

  
SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 21ST day of JUNE, 2021.

DENORRIS ANGELO BRITT  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires May 1, 2022

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC  
NOTARY PUBLIC for the state of DELAWARE

2021002054

# **EXHIBIT C**

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA**

**CASE NO. CACE-21-012011**

**RYAN TURIZO,**  
individually and on behalf of all  
others similarly situated,

**CLASS ACTION**

Plaintiff,

**JURY TRIAL DEMANDED**

v.

**DOCTOR’S ASSOCIATES, LLC,**

Defendant.

\_\_\_\_\_ /

**FIRST AMENDED CLASS ACTION COMPLAINT**

Plaintiff Ryan Turizo brings this class action against Defendant Doctor’s Associates, LLC and alleges as follows upon personal knowledge as to Plaintiff and Plaintiff’s own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by Plaintiff’s attorneys.

**NATURE OF THE ACTION**

1. This is a putative class action pursuant to the Telephone Consumer Protection Act, 47 U.S.C. §§ 227, *et seq.* (the “TCPA”), and the Florida Telephone Solicitation Act (“FTSA”), Fla. Stat. § 501.059, as amended by Senate Bill No. 1120.<sup>1</sup>
2. Defendant is the franchisor of the Subway brand for the United States.
3. To promote its franchise locations and related goods and services, Defendant engages in unsolicited text messaging, including to individuals who have registered their telephone

\_\_\_\_\_  
<sup>1</sup> The amendment to the FTSA became effective on July 1, 2021.



numbers on the National Do Not Call Registry, and to those who have not provided Defendant with their prior express written consent as required by the FTSA.

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

### **JURISDICTION, VENUE, AND PARTIES**

5. This Court has subject matter jurisdiction pursuant to Florida Rule of Civil Procedure 1.220 and Section 26.012(2), Florida Statutes. The matter in controversy exceeds the sum or value of \$30,000 exclusive of interest, costs, and attorney's fees.

6. Defendant is subject to personal jurisdiction in Florida because this suit arises out of and relates to Defendant's contacts with this state. Defendant initiated and directed, or caused to be initiated and directed by its agent(s), telemarketing and/or advertising text messages into Florida. Specifically, Defendant initiated and directed, or caused to be initiated and directed, the transmission of unsolicited advertisement or telemarketing text messages to Plaintiff's cellular telephone number to sell goods, services or products in Florida. Plaintiff's telephone number has an area code that specifically coincides with locations in Florida, and Plaintiff received such messages while residing in and physically present in Florida.

7. Plaintiff is a natural person who, at all times relevant to this action, was a citizen and permanent resident of the Broward County, Florida.

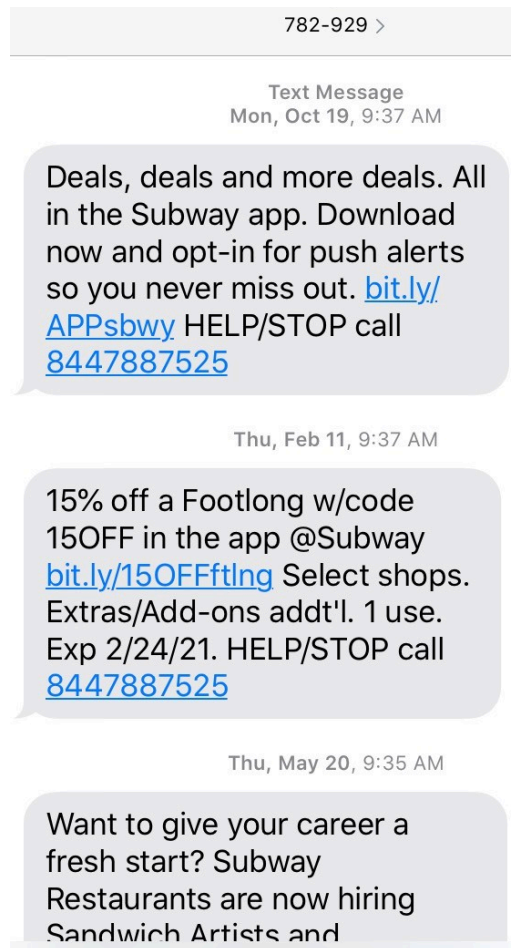
8. Defendant is a Delaware corporation whose principal office is located in Milford, Connecticut.



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

**FACTS**

10. Between on or about October 19, 2020 and continuing through July 7, 2021, including after Defendant was served with this lawsuit, Defendant bombarded Plaintiff's cellular telephone with the following text message solicitations:



782-929 >

15OFF in the app @Subway  
[bit.ly/15OFFftng](https://bit.ly/15OFFftng) Select shops.  
Extras/Add-ons addtl. 1 use.  
Exp 2/24/21. HELP/STOP call  
[8447887525](tel:8447887525)

Thu, May 20, 9:35 AM

Want to give your career a  
fresh start? Subway  
Restaurants are now hiring  
Sandwich Artists and  
Managers! Apply today @ [bit.ly/  
SbwyJobs](https://bit.ly/SbwyJobs) HELP/STOP call  
[8447887525](tel:8447887525)

Today 10:46 AM

Stay cool w/ SUBWAY's \$1 ANY  
size fountain beverage offer!  
Use code 1DRINK & order  
online/in-app. [bit.ly/  
Sbwy1offDrk](https://bit.ly/Sbwy1offDrk) HELP/STOP call  
[8447887525](tel:8447887525)

782-929 >

To order online, click here:  
[bit.ly/1DRINKOnline](https://bit.ly/1DRINKOnline)  
If you'd like to order in-app,  
click here: [bit.ly/1DRINKinapp](https://bit.ly/1DRINKinapp)  
  
Select shops. App/online only.  
Plus tax. Exp. 7/8/21. HELP/  
STOP call [8447887525](tel:8447887525)

Mon, Jun 28, 10:42 AM

Make Monday less "meh" w/  
ANY fountain drink for \$1 @  
SUBWAY. Use promo code  
1DRINK. In-app: [bit.ly/1drnkapp](https://bit.ly/1drnkapp)  
or Online: [bit.ly/1DrnkOO](https://bit.ly/1DrnkOO) HELP/  
STOP call [8447887525](tel:8447887525)

Sat, Jul 3, 10:48 AM

Declare independence from  
thirst! Get ANY fountain drink  
for \$1 @ SUBWAY w/ code  
1DRINK. Online: [bit.ly/1drkOO](https://bit.ly/1drkOO).

782-929 >

make monday less meh w/  
ANY fountain drink for \$1 @  
SUBWAY. Use promo code  
1DRINK. In-app: [bit.ly/1drnkapp](https://bit.ly/1drnkapp)  
or Online: [bit.ly/1DrnkOO](https://bit.ly/1DrnkOO) HELP/  
STOP call [8447887525](tel:8447887525)

Sat, Jul 3, 10:48 AM

Declare independence from  
thirst! Get ANY fountain drink  
for \$1 @ SUBWAY w/ code  
1DRINK. Online: [bit.ly/1drkOO](https://bit.ly/1drkOO).  
In-app: [bit.ly/a1drk](https://bit.ly/a1drk) HELP/STOP  
call [8447887525](tel:8447887525)

Wed, Jul 7, 10:36 AM

LAST CHANCE! Get ANY size  
fountain beverage for \$1 @  
SUBWAY with promo code  
1DRINK either in-app: [bit.ly/1DRKa](https://bit.ly/1DRKa)  
or online: [bit.ly/1drkO](https://bit.ly/1drkO)  
HELP/STOP call [8447887525](tel:8447887525)



11. Defendant continues to send text message solicitations to Plaintiff's cellular telephone.

12. Plaintiff received the subject text message calls within this circuit and, therefore, Defendant's violation of the TCPA occurred within this circuit.

13. Plaintiff's cellular telephone number has been registered on the National Do Not Call Registry since September 18, 2020.

14. Plaintiff is the regular user of the telephone number that received the above telephonic sales text message calls.

15. Plaintiff utilizes his cellular telephone number for personal purposes only and the number is Plaintiff's residential telephone line.

16. At the time Plaintiff received the text messages, he was the subscriber and sole user of the cellular telephone that received the messages.

17. Defendant's text messages constitute solicitations and marketing because they promote Defendant's business, goods and services.

18. To transmit the above telephonic sales text message calls, Defendant utilized a computer software system that automatically selected and dialed Plaintiff's and the Class members' telephone numbers.

19. Plaintiff never provided Defendant with express written consent authorizing Defendant to transmit telephonic sales calls to Plaintiff's cellular telephone number utilizing an automated system for the selection or dialing of telephone numbers.

20. Upon information and belief, Defendant failed to secure prior express written consent from the other individuals in Florida to whom it sent text message solicitations.

21. Upon information and belief, Defendant caused similar text messages to be sent to individuals residing within this judicial district.

22. Defendant's unsolicited text messages caused Plaintiff harm, including invasion of privacy, aggravation, and annoyance. Defendant's call also inconvenienced Plaintiff, caused disruptions to Plaintiff's daily life, caused Plaintiff to waste time dealing with Defendant's unsolicited text message calls, used Plaintiff's phone's storage, and depleted Plaintiff's phone's battery. Additionally, Defendant's unsolicited messages violated Plaintiff's substantive rights under the TCPA and FTSA from be free from harassing calls like Defendant's.

## CLASS ALLEGATIONS

### PROPOSED CLASS

23. Plaintiff brings this lawsuit as a class action on behalf of himself individually and on behalf of all other similarly situated persons as a class action pursuant to Florida Rule of Civil Procedure 1.220(b)(2) and (b)(3). The “Class” that Plaintiffs seeks to represent is comprised of and defined as:

**DO NOT CALL REGISTRY CLASS: All persons in the United States who from four years prior to the filing of this action (1) Defendant, or anyone on Defendant’s behalf, (2) placed more than one text message call within any 12-month period; (3) where the person’s telephone number that had been listed on the National Do Not Call Registry for at least thirty days; (4) for the purpose of encouraging the purchase or rental of, or investment in, Defendant’s property, goods, or services.**

**FTSA CLASS: All persons in Florida who, (1) were sent a telephonic sales call regarding Defendant’s goods and/or services, (2) using the same equipment or type of equipment utilized to call Plaintiff.**

24. Plaintiff reserves the right to modify the Class definitions as warranted as facts are learned in further investigation and discovery.

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

### NUMEROSITY

26. Upon information and belief, Defendant has placed text message solicitation calls to cellular telephone numbers belonging to thousands of consumers throughout the United States without their prior express written consent. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

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

**COMMON QUESTIONS OF LAW AND FACT**

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

- a) Whether Defendant sent solicitations to individuals who had registered their telephone numbers on the National Do Not Call Registry;
- b) Whether Defendant's conduct was knowing and willful;
- c) Whether Defendant initiated telephonic sales calls to Plaintiff and the Class members;
- d) Whether Defendant can meet its burden of showing that it had prior express written consent to make such calls;
- e) Whether Defendant is liable for damages, and the amount of such damages; and
- f) Whether Defendant should be enjoined from such conduct in the future.

29. The common questions in this case are capable of having common answers. If Plaintiff's claim that Defendant routinely transmits unsolicited text message calls to telephone numbers assigned to cellular telephone services is accurate, Plaintiff and the Class members will have identical claims capable of being efficiently adjudicated and administered in this case.

**TYPICALITY**

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

**PROTECTING THE INTERESTS OF THE CLASS MEMBERS**

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

**PROCEEDING VIA CLASS ACTION IS SUPERIOR AND ADVISABLE**

32. A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit, because individual litigation of the claims of all members of the Class is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by the Class are in the millions of dollars, the individual damages incurred by each member of the Class resulting from Defendant's wrongful conduct are too small to warrant the expense of individual lawsuits. The likelihood of individual Class members prosecuting their own separate claims is remote, and, even if every member of the Class could afford individual litigation, the court system would be unduly burdened by individual litigation of such cases.

33. The prosecution of separate actions by members of the Class would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another may not. Additionally, individual actions may be dispositive of the interests of the Class, although certain class members are not parties to such actions.

**COUNT I**  
**Violations of the TCPA, 47 U.S.C. § 227(c)**  
**(On Behalf of Plaintiff and the Do Not Call Registry Class)**

34. Plaintiff re-alleges and incorporates the allegations of paragraphs 1-33 as if fully set forth herein.



35. The TCPA's implementing regulation, 47 C.F.R. § 64.1200(c), provides that "[n]o person or entity shall initiate any telephone solicitation" to "[a] residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the federal government."

36. 47 C.F.R. § 64.1200(e), provides that § 64.1200(c) and (d) "are applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers."<sup>2</sup>

37. 47 C.F.R. § 64.1200(d) further provides that "[n]o person or entity shall initiate any call for telemarketing purposes to a residential telephone subscriber unless such person or entity has instituted procedures for maintaining a list of persons who request not to receive telemarketing calls made by or on behalf of that person or entity."

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

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

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<sup>2</sup> *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014 (2003) Available at [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-03-153A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-03-153A1.pdf)

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

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

**COUNT II**  
**Violation of the FTSA, Fla. Stat. § 501.059**  
**(On Behalf of Plaintiff and the FTSA Class)**

42. Plaintiff re-alleges and incorporates the allegations of paragraphs 1-34 as if fully set forth herein.

43. It is a violation of the FTSA to “make or knowingly allow a telephonic sales call to be made if such call involves an automated system for the selection or dialing of telephone numbers or the playing of a recorded message when a connection is completed to a number called without the prior express written consent of the called party.” Fla. Stat. § 501.059(8)(a).

44. A “telephonic sales call” is defined as a “telephone call, text message, or voicemail transmission to a consumer for the purpose of soliciting a sale of any consumer goods or services, soliciting an extension of credit for consumer goods or services, or obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.” Fla. Stat. § 501.059(1)(i).

45. “Prior express written consent” means an agreement in writing that:

1. Bears the signature of the called party;
2. Clearly authorizes the person making or allowing the placement of a telephonic sales call by telephone call, text message, or voicemail transmission to deliver or cause to be delivered to the called party a telephonic sales call using an automated system for the selection or dialing of telephone numbers, the playing of a recorded message when a connection is completed to a number called, or the transmission of a prerecorded voicemail;
3. Includes the telephone number to which the signatory authorizes a telephonic sales call to be delivered; and
4. Includes a clear and conspicuous disclosure informing the called party that:
  - a. By executing the agreement, the called party authorizes the person making or allowing the placement of a telephonic sales call to deliver or cause to be delivered a telephonic sales call to the called party using an automated system for the selection or dialing of telephone numbers or the playing of a recorded message when a connection is completed to a number called; and
  - b. He or she is not required to directly or indirectly sign the written agreement or to agree to enter into such an agreement as a condition of purchasing any property, goods, or services.

Fla. Stat. § 501.059(1)(g).

46. Defendant failed to secure prior express written consent from Plaintiff and the Class members.

47. In violation of the FTSA, Defendant made and/or knowingly allowed telephonic sales calls to be made to Plaintiff and the Class members without Plaintiff's and the Class members' prior express written consent.

48. Defendant made and/or knowingly allowed the telephonic sales calls to Plaintiff and the Class members to be made utilizing an automated system for the selection or dialing of telephone numbers.

49. As a result of Defendant's conduct, and pursuant to § 501.059(10)(a) of the FTSA, Plaintiff and Class members were harmed and are each entitled to a minimum of \$500.00 in damages

for each violation. Plaintiff and the Class members are also entitled to an injunction against future calls.

*Id.*

**PRAYER FOR RELIEF**

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

- a) An order certifying this case as a class action on behalf of the Class as defined above, and appointing Plaintiff as the representative of the Class and Plaintiff's counsel as Class Counsel;
- b) An award of actual and statutory damages for Plaintiff and each member of the Class;
- c) As a result of Defendant's negligent violations of 47 U.S.C. §§ 227, *et seq.*, and 47 C.F.R. § 64.1200, Plaintiff seeks for Plaintiff and each member of the Class \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3).
- d) As a result of Defendant's knowing and/or willful violations of 47 U.S.C. §§ 227, *et seq.*, and 47 C.F.R. § 64.1200, Plaintiff seeks for Plaintiff and each member of the Class 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).
- e) An order declaring that Defendant's actions, as set out above, violate the TCPA;
- f) An award of statutory damages for Plaintiff and each member of the Class under the FTSA;
- g) An order declaring that Defendant's actions, as set out above, violate the FTSA;
- h) An injunction requiring Defendant to cease all unsolicited call activity, and to otherwise protect the interests of the Class;

- i) An injunction prohibiting Defendant from using, or contracting the use of, an ATDS without obtaining, recipient's consent to receive calls made with such equipment;
- j) Such further and other relief as the Court deems necessary.

**JURY DEMAND**

Plaintiff hereby demand a trial by jury.

**DOCUMENT PRESERVATION DEMAND**

Plaintiff demands that Defendants take affirmative steps to preserve all records, lists, electronic databases or other itemizations associated with the allegations herein, including all records, lists, electronic databases or other itemizations in the possession of any vendors, individuals, and/or companies contracted, hired, or directed by Defendant to assist in sending the alleged communications.

Dated: July 21, 2021

Respectfully submitted,

By: **HIRALDO P.A.**

/s/ Manuel S. Hiraldo  
Manuel S. Hiraldo, Esq.  
Florida Bar No. 030380  
401 East Las Olas Boulevard  
Suite 1400  
Ft. Lauderdale, FL 33301  
mhiraldo@hiral dolaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that on July 21, 2021, I electronically served the foregoing on all counsel of record.

/s/ Manuel S. Hiraldo  
Manuel S. Hiraldo, Esq.  
Florida Bar No. 030380  
401 East Las Olas Boulevard  
Suite 1400  
Ft. Lauderdale, FL 33301  
mhiraldo@hirdolaw.com

# **COMPOSITE EXHIBIT D**

## Ryan Turizo Plaintiff vs. Doctors Associates, LLC, Defendant

**Broward County Case Number:** CACE21012011  
**State Reporting Number:** 062021CA012011AXXXCE  
**Court Type:** Civil  
**Case Type:** Other  
**Incident Date:** N/A  
**Filing Date:** 06/17/2021  
**Court Location:** Central Courthouse  
**Case Status:** Pending  
**Magistrate Id / Name:** N/A  
**Judge ID / Name:** 18 Fahnstock, Fabienne E.

### - Party(ies)

Total: 2

Party Type	Party Name	Address	Attorneys / Address ★ Denotes Lead Attorney
Plaintiff	<b>Turizo, Ryan</b>		★ Hiraldo, Manuel S Retained Bar ID: 30380 HIRALDO, PA 401 E. Las Olas Blvd Suite 1400 Fort Lauderdale, FL 33301 <b>Status: Active</b>
Defendant	<b>Doctors Associates, LLC,</b>		

### - Disposition(s)

Total: 0

Date	Statistical Closure(s)		
Date	Disposition(s)	View	Page(s)

### - Event(s) & Document(s)

Total: 6



Date	Description	Additional Text	View	Pages
06/21/2021	<b>Clerk's Certificate of Compliance W-2020-73CIV/2020-74-UFC</b>			1
06/21/2021	<b>Summons Returned Served</b>	06/21/2021 Party: <i>Defendant</i> Doctors Associates, LLC,		1
06/17/2021	<b>Per AOSC20-23 Amd12, Case is determined General</b>			
06/17/2021	<b>Civil Cover Sheet</b>	Amount: \$100,001.00		3
06/17/2021	<b>Complaint (eFiled)</b>	CLASS ACTION Party: <i>Plaintiff</i> Turizo, Ryan		11
06/17/2021	<b>eSummons Issuance</b>	Party: <i>Defendant</i> Doctors Associates, LLC,		1

— Hearing(s)

Total: 0

**There is no Disposition information available for this case.**

— Related Case(s)

Total: 0

**There is no related case information available for this case.**

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT IN  
AND FOR BROWARD COUNTY, FLORIDA

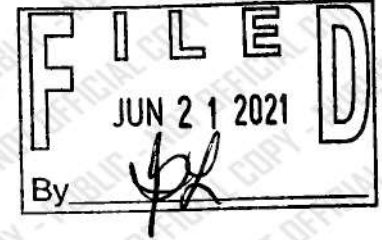
Case No: CACE-21-012011

Ryan Turizo  
Plaintiff

Judge Division: 18

VS

Sectors Associates  
Defendant UC



CLERK'S CERTIFICATE OF COMPLIANCE

I hereby certify that pursuant to Administrative Order, No. 2020-73Civ/2020-74-UFC:  
"ADMINISTRATIVE ORDER DIRECTING CLERK OF COURTS WITH REGARD TO  
DISMISSED CIVIL OR FAMILY CASES",

The Clerk has conducted a search for all previous existing civil cases related to  
these two parties.

Listed below are all the aforementioned related cases: NONE

Brenda D. Forman  
Circuit and County Courts

By: [signature]

Deputy Clerk

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

RYAN TURIZO, individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) HIRALDO P.A.; Manuel S. Hiraldo, Esq. 401 East Las Olas Blvd., #1400, Ft. Lauderdale, FL 33301

DEFENDANTS

DOCTOR'S ASSOCIATES, LLC,

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) GREENBERG TRAUERIG, P.A.; Mark A. Salky, Esq. 333 S.E. 2nd Avenue, #4400, Miami, FL 33131

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff Federal Question (U.S. Government Not a Party) 3
2 U.S. Government Defendant Diversity (Indicate Citizenship of Parties in Item III) 4

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State PTF 1 DEF 1
Citizen of Another State PTF 2 DEF 2
Citizen or Subject of a Foreign Country PTF 3 DEF 3
Incorporated or Principal Place of Business In This State PTF 4 DEF 4
Incorporated and Principal Place of Business In Another State PTF 5 DEF 5
Foreign Nation PTF 6 DEF 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Grid of categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Includes items like 110 Insurance, 210 Land Condemnation, 310 Airplane, 440 Other Civil Rights, etc.

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

- 1 Original Proceeding
2 Removed from State Court
3 Re-filed (See VI below)
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation Transfer
7 Appeal to District Judge from Magistrate Judgment
8 Multidistrict Litigation - Direct File
9 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

(See instructions): a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE:

DOCKET NUMBER:

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq.; Claims under TCPA and state law for alleged unsolicited text messages LENGTH OF TRIAL via 5-7 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 30,000 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE DATE SIGNATURE OF ATTORNEY OF RECORD

**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.C.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; 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.** 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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge’s decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

**VI. Related/Refiled Cases.** This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

**VII. 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

**VIII. 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 dollar amount (in thousands of dollars) 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.

**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: [Class Action Claims Subway Telemarketing Texts Violated Federal Law](#)

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