

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

CASSANDRA VALLIANOS, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

HOWARD SCHULTZ, a Washington
individual,

Defendant.

Case No. 2:19-cv-00464

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

CLASS ACTION COMPLAINT

Plaintiff Cassandra Vallianos (“Vallianos” or “Plaintiff”) brings this Class Action Complaint and Demand for Jury Trial against Defendant Howard Schultz. (“Schultz” or “Defendant”) to stop Schultz from violating the Telephone Consumer Protection Act by sending unsolicited, autodialed text messages to consumers, including to consumers who have registered their phone numbers on the national Do Not Call registry (“DNC”), and to otherwise obtain injunctive and monetary relief for all persons injured by Schultz’s conduct. Plaintiff, for her

1 Complaint, alleges as follows upon personal knowledge as to herself and her own acts and
2 experiences, and, as to all other matters, upon information and belief, including investigation
3 conducted by her attorneys.

4 **INTRODUCTION**

5 1. Schultz, the founder of Starbucks, commenced a book tour on January 28, 2019 to
6 promote his new book “From the Ground Up.” As Schultz himself wrote in an open letter “I’ll
7 be in many cities talking about my book, my childhood, and sharing thoughts about the changing
8 roles of leadership, business and citizenship in America.”¹

9 2. Schultz, in an interview with the New York Times on January 27, 2019, said he
10 “planned to crisscross the county for the next three months as part of a **book tour** before
11 deciding whether to enter the presidential race.”² [emphasis added]

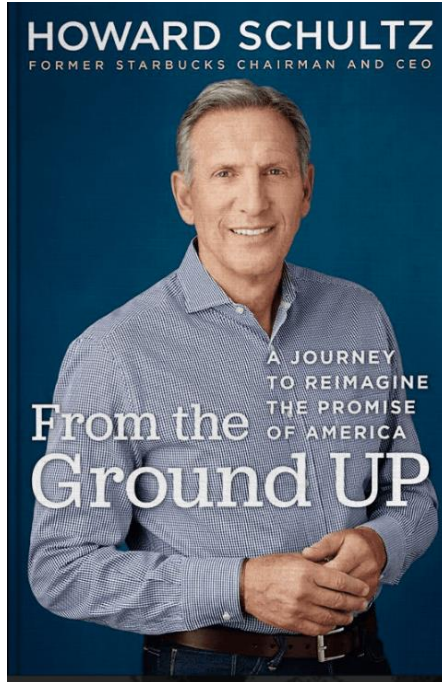
12 3. Schultz’s book – “From the Ground Up – A Journey to Reimagine the Promise of
13 America” is sold in book stores and online between \$14 and \$18.³

14
15
16
17
18
19
20
21
22
23
24

¹ <http://gcrmag.com/news/article/starbucks-founder-howard-schultz-announces-book-tour>

² <https://www.nytimes.com/2019/01/27/us/politics/howard-schultz-president-2020.html?module=inline>

³ <https://www.barnesandnoble.com/w/from-the-ground-up-howard-schultz/1129662524?ean=9780593132548#/>



4

1
2
3
4
5
6
7
8
9
10
11 4. In order to promote his book and to explore his potential presidential bid as a
12 centrist, Schultz engaged in text message marketing in violation of the Telephone Consumer
13 Protection Act (“TCPA”).

14 5. On information and belief, Schultz or his agents, collected voter records of
15 individuals who registered as “No Party Affiliation” (who may be drawn to Schultz’s message
16 and his book) and sent them text messages directing them to his website where they could watch
17 one of his speaking engagements *and* where they could purchase his book “From the Ground
18 Up.”

19 6. Schultz sends these solicitation text messages without any consent from the text
20 recipients.

21 7. To make matters worse, Schultz sent these solicitation text messages to consumer
22 phone numbers that are registered on the DNC for the specific purpose of avoiding these types of
23 unwanted text messages.

24

⁴ <https://www.howardschultz.com/>

1 8. In Plaintiff's case, Schultz sent two autodialed text messages to her cellular phone
2 without having her consent, and despite Plaintiff having registered her phone number on the
3 DNC more than 30 days prior to receiving the text messages.

4 9. In response to these text messages, Plaintiff files this class action lawsuit seeking
5 injunctive relief, requiring Schultz to cease sending unsolicited, autodialed text messages to
6 consumers' cellular telephone numbers, and to other phone numbers registered on the DNC, as
7 well as an award of statutory damages to the members of the Classes.

8 **PARTIES**

9 10. Plaintiff Vallianos is a Sunrise, Florida resident.

10 11. Defendant Schultz is a Seattle, Washington resident.

11 **JURISDICTION AND VENUE**

12 12. This Court has federal question subject matter jurisdiction over this action under
13 28 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C.
14 §227 ("TCPA").

15 13. This Court has personal jurisdiction over Defendant and venue is proper in this
16 District under 28 U.S.C. § 1391(b) because Defendant resides in this District, and because the
17 wrongful conduct giving rise to this case was directed from this District.

18 **COMMON ALLEGATIONS**

19 **Schultz Goes on a Book Tour Around the Country**

20 14. Schultz began his book tour on January 28, 2019 to promote his book "From the
21 Ground Up" and to promote his platform as a centrist exploring a presidential bid.

22 15. Schultz has visited multiple cities on his book tour including Seattle, New York
23 City, and Miami.

24 16. Often times, Schultz would give a speech or an interview at one of these events

1 with a book signing afterwards to promote his book, other times, he would place his book next to
2 him during his speech or interview.

3 17. On January 28, 2019 Schultz appeared on stage for an interview at Barnes &
4 Noble in front of a 400-person audience to promote his book and message.



15 *Figure 1: "From the Ground Up" Book Tour January 28th Event in New York's Barnes & Noble*



24 ⁵ <https://www.youtube.com/watch?v=gQ0fBLD5cuA>

1 18. On January 30, 2019 Arizona State University hosted Schultz for an event called
2 “From the Ground Up.” At the event, the University book store provided books for purchase
3 prior to the event⁶ and during the event Schultz prominently displayed the book for the crowd.



10 19. On January 31, 2019 Schultz held an event in the Moore Theatre in Seattle,
11 Washington discussing his new book “From the Ground Up” which was made available for sale
12 in the lobby of the Moore Theatre.^{7 8}



21 *Figure 2: “From the Ground Up” Book Tour at the Moore Theatre in Seattle on January 31, 2019*

22
23
24 ⁶ <https://asuevents.asu.edu/content/ground-conversation-asu-president-michael-m-crow-and-howard-schultz>

⁷ <https://www.elliottbaybook.com/event/howard-schultz>

⁸ <https://www.youtube.com/watch?v=SDOpLSSetbw>



Figure 3: "From the Ground Up" Books Sold in the Lobby of Moore Theatre on January 30, 2019.

20. On February 4, 2019 in Chicago Schultz had an event with Mellody Hobson called "From the Ground Up: In Conversation with Howard Schultz."⁹



Figure 4: "From the Ground Up" Book Tour in Chicago January 4, 2019

21. On February 5, 2019 Schultz spoke at the Battle Theatre at Harvard University as part of "a discussion of his latest book *From the Ground Up*."¹⁰

⁹ <https://www.chicagoideas.com/events/from-the-ground-up-in-conversation-with-howard-schultz>

¹⁰ http://www.harvard.com/event/howard_schultz/



Figure 5: "From the Ground Up" Book Tour at Harvard University February 5, 2019

22. On February 14, 2019 Schultz hosted an event "Howard Schultz In Conversation with Doris Kearns Goodwin" in Washington DC.^{11 12}



Figure 6: "From the Ground Up" Book Tour in Washington DC on February 14, 2019

23. On February 21, 2019 Schultz held an event in the Ann and Jerry Moss Theatre in Santa Monica where he discussed his book "From the Ground Up" with Maria Shriver.¹³

¹¹ <https://www.sixthandi.org/event/howard-schultz/>

¹² <https://www.youtube.com/watch?v=p2tgI5MShWg>

¹³ <https://livetalksla.org/events/howard-schultz/>



Figure 7: “From the Ground Up” Book Tour in Santa Monica on February 21, 2019

24. On March 6, 2019 Schultz spoke at Rice University which hosted a “discussion on leadership and the lessons he has learned over the course of his life and business career. Schultz ... also share[d] insights from his biography, ‘From the Ground Up: A Journey to Reimage the Promise of America.’”^{14 15}

25. On March 11, 2019 Schultz held an event at the Carter Center in Atlanta with Van Jones called “From the Ground Up.” The event was promoted and sold for \$28 per ticket which “reflects the price of a first edition copy of the book plus tax.”¹⁶

¹⁴ <https://news.rice.edu/2019/03/04/howard-schultz-to-discuss-leadership-business-career-at-rice-march-6/>

¹⁵ <https://www.eventbrite.com/e/a-conversation-with-asu-president-michael-m-crow-and-howard-schultz-registration-55114298350>

¹⁶ <https://www.facebook.com/events/the-carter-center/sold-out-howard-schultz-with-van-jones-from-the-ground-up/598454247277096/>



8 *Figure 8: “From the Ground Up” Book Tour in Atlanta, Georgia on March 11, 2019*

9 26. On March 13, 2019 Schultz continued his book tour at Miami-Dade College.

10 Like many of the other engagements, after speaking he “stepped down from a stage and signed
11 copies of his books.”¹⁷



18 27. In order to advertise the speaking engagement and book signing at Miami Dade
19 College, Schultz sent out unsolicited text messages to consumers.

20 28. The text messages were sent out with a link, directing consumers to Schultz’s
21 website:

22
23
24 ¹⁷ <https://www.miamiherald.com/news/politics-government/national-politics/article227455289.html>

¹⁸ <https://www.miamiherald.com/news/politics-government/national-politics/article227455289.html>

Howard Schultz will be speaking in Miami at 12:30! Watch live: <https://hs.media/mia-a030>

29. When a consumer visits <https://hs.media/mia030>, they are lead directly to the homepage <https://www.howardschultz.com>.

30. On Shultz’s homepage HowardSchultz.com, consumers are provided with an image of Schultz’s book “From the Ground Up,” as well as an “ORDER NOW” button to purchase a copy between \$14 - \$18.

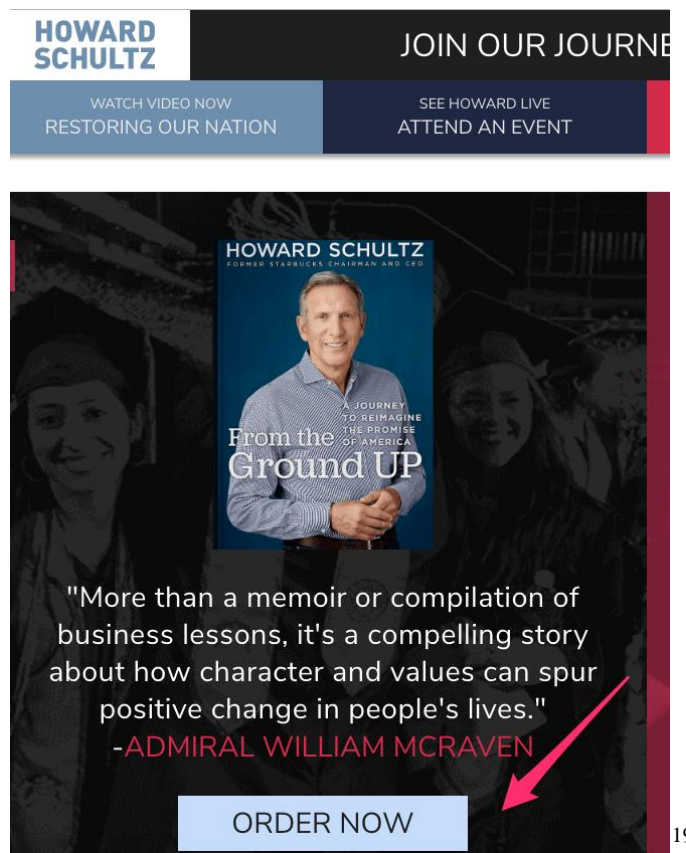


Figure 9: “Order Now” button on HowardSchultz.com Homepage

¹⁹ <https://www.howardschultz.com/>

1 **Schultz Sent Unsolicited Autodialed Text Messages to Consumers**

2 31. Upon information and belief, Schultz collected voter records to determine who is
3 registered as being “No Party Affiliation” who may be drawn to his book and political platform.
4 He then targeted those consumers with autodialed solicitation text messages to promote his book
5 and his speaking engagements.

6 32. In sending the unsolicited text messages at issue, Defendant, or a third party
7 acting on its behalf, used an automatic telephone dialing system; hardware and/or software with
8 the capacity to store or produce cellular telephone number to be called, using a random or
9 sequential number generator. This is evident from the circumstances surrounding the text
10 messages, including the ability to trigger an automated response by replying “STOP,” the text
11 messages’ commercial and generic content, and that substantively identical texts were sent to
12 multiple recipients, which is consistent with the use of an automatic telephone dialing system to
13 send text messages.

14 33. Defendant sent text messages using phone number 866-457-1676.

15 34. Defendant Schultz sent multiple unsolicited text messages to consumer phone
16 numbers, regardless of whether they were registered on the DNC.

17 **Plaintiff Received Unsolicited Autodialed Text Messages to Her Cell**

18 **Phone Despite Being on the DNC List**

19 35. On November 28, 2006, Plaintiff Vallianos registered her cellular phone number
20 on the DNC in order to avoid receiving unwanted phone and text solicitations.

21 36. Her cellular phone number is not currently associated with a business and is for
22 personal use.

23 37. On the website FLVOTERS.COM, Vallianos is listed as being “No Party
24 Affiliation” based on how she voted in previous elections:

Vallianos, Cassandra Loretta was born [REDACTED] is female, registered as No Party Affiliation, residing at [REDACTED] Sunrise, Florida [REDACTED]. Florida voter ID number [REDACTED]. Her telephone number is [REDACTED] 7170. Her email address is [REDACTED]. This is the most recent information, from the Florida voter list as of 31 January 2019.

Previous information:

31 May 2018 voter list: Cassandra Loretta Vallianos, [REDACTED] No Party Affiliation. ←

30 June 2015 voter list: Cassandra Loretta Vallianos, [REDACTED] No Party Affiliation.

31 May 2012 voter list: Cassandra L. Vallianos, [REDACTED] No Party Affiliation.

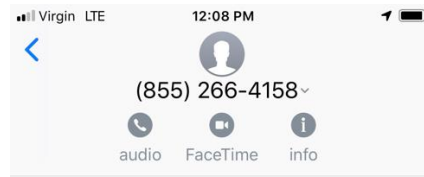
38. On March 13, 2019 at 11:53 AM, Vallianos received an unsolicited, autodialed text message to her cell phone from the Defendant from the phone number 866-457-1676:



39. When 866-457-1676 is called, the number is not in service.

40. On March 13, 2019 at 12:04 PM, Vallianos received a second unsolicited, autodialed text message from Defendant using phone number 855-266-4158 on her cellular phone:

²⁰ <https://flvoters.com/pages/v100494.html>



Text Message
Today 12:04 PM

Howard Schultz will be speaking about his vision for America in Miami at 12:30! Watch live: <https://hs.media/mia030>

41. When 855-266-4158 is called, the number is also not in service.

42. Plaintiff has never had a relationship with Schultz, and has never provided Schultz express written consent to contact her.

43. The unauthorized text messages sent by Schultz, as alleged herein, have harmed Plaintiff in the form of annoyance, nuisance, and invasion of privacy, and disturbed Vallianos's use and enjoyment of her cellular phone, in addition to the wear and tear on the phones' hardware (including the phones' battery) and the consumption of memory on the phone.

44. In addition, Defendant violated the DNC by sending 2 solicitation text messages within a 1-year period to Plaintiff's phone number that was registered on the Do Not Call registry.

45. Seeking redress for these injuries, Vallianos, on behalf of herself and two Classes of similarly situated individuals, brings suit under the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, which prohibits unsolicited autodialed text messages to cellular telephones, including solicitation text messages to a phone number protected by the DNC.

CLASS ALLEGATIONS

Class Treatment Is Appropriate for Plaintiff's TCPA Claims

1 46. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23(b)(2)
2 and Rule 23(b)(3) on behalf of herself and all others similarly situated and seeks certification of
3 the following Classes:

4 **Autodialed No Consent Class:** All persons in the United States who from four
5 years prior to the filing of this action through class certification (1) Defendant (or
6 an agent acting on behalf of Defendant) text messaged, (2) on the person's
7 cellular telephone number, (3) using a text messaging platform substantially
8 similar to the text messaging platform Defendant used to text message Plaintiff,
9 (4) for whom Defendant claims (a) it obtained prior express consent in the same
10 manner as Defendant claims it supposedly obtained prior express consent to text
11 message Plaintiff, or (b) it did not obtain prior express consent.

12 **Do Not Call Registry Class:** All persons in the United States who from four
13 years prior to the filing of this action through class certification (1) Defendant (or
14 an agent acting on behalf of Defendant) texted more than one time; (2) within any
15 12-month period (3) where the person's telephone number had been listed on the
16 DNC for at least thirty days; (4) for a substantially similar reason that Defendant
17 texted Plaintiff; and (5) for whom Defendant claims (a) it obtained prior express
18 consent in the same manner as Defendant claims it supposedly obtained prior
19 express consent to text message Plaintiff, or (b) Defendant did not obtain prior
20 express consent.

21 47. The following individuals are excluded from the Classes: (1) any Judge or
22 Magistrate presiding over this action and members of their families; (2) Defendant, its
23 subsidiaries, parents, successors, predecessors, and any entity in which Defendant or its parents
24 have a controlling interest and their current or former employees, officers and directors; (3)
Plaintiff's attorneys; (4) persons who properly execute and file a timely request for exclusion
from the Classes; (5) the legal representatives, successors or assigns of any such excluded
persons; and (6) persons whose claims against Defendant have been fully and finally adjudicated
and/or released. Plaintiff anticipates the need to amend the Class definition following appropriate
discovery.

48. **Numerosity:** On information and belief, there are hundreds, if not thousands of
members of the Classes such that joinder of all members is impracticable.

1 49. **Commonality and Predominance:** There are many questions of law and fact
2 common to the claims of Plaintiff and the Classes, and those questions predominate over any
3 questions that may affect individual members of the Classes. Common questions for the Classes
4 include, but are not necessarily limited to the following:

- 5 (a) whether Defendant used an automatic telephone dialing system to send text
6 messages to Plaintiff and the members of the Autodialed No Consent Class;
7 (b) whether Defendant sent unsolicited text messages to phone numbers
8 registered on the DNC;
9 (c) whether Defendant's conduct constitutes a violation of the TCPA; and
10 (d) whether members of the Classes are entitled to treble damages based on the
11 willfulness of Defendant's conduct.

12 50. **Adequate Representation:** Plaintiff will fairly and adequately represent and
13 protect the interests of the Classes, and has retained counsel competent and experienced in class
14 actions. Plaintiff has no interests antagonistic to those of the Classes, and Defendant has no
15 defenses unique to Plaintiff. Plaintiff and her counsel are committed to vigorously prosecuting
16 this action on behalf of the members of the Classes, and have the financial resources to do so.
17 Neither Plaintiff nor her counsel has any interest adverse to the Classes.

18 51. **Appropriateness:** This class action is also appropriate for certification because
19 Defendant has acted or refused to act on grounds generally applicable to the Classes and as a
20 whole, thereby requiring the Court's imposition of uniform relief to ensure compatible standards
21 of conduct toward the members of the Classes and making final class-wide injunctive relief
22 appropriate. Defendant's business practices apply to and affect the members of the Classes
23 uniformly, and Plaintiff's challenge of those practices hinges on Defendant's conduct with
24 respect to the Classes, not on facts or law applicable only to Plaintiff. Additionally, the damages
suffered by individual members of the Classes will likely be small relative to the burden and

1 expense of individual prosecution of the complex litigation necessitated by Defendant's actions.
2 Thus, it would be virtually impossible for the members of the Classes to obtain effective relief
3 from Defendant's misconduct on an individual basis. A class action provides the benefits of
4 single adjudication, economies of scale, and comprehensive supervision by a single court.

5 **FIRST CAUSE OF ACTION**

6 **Telephone Consumer Protection Act**
7 **(Violations of 47 U.S.C. § 227)**
8 **(On Behalf of Plaintiff and the Autodial No Consent Class)**

9 52. Plaintiff repeats and realleges paragraphs 1 through 51 of this Complaint and
10 incorporates them by reference.

11 53. Defendant and/or its agents sent unwanted solicitation text messages to cellular
12 telephone numbers belonging to Plaintiff and the other members of the Autodialed No Consent
13 Class using an autodialer.

14 54. These solicitation text messages were sent *en masse* without the consent of the
15 Plaintiff and the other members of the Autodialed No Consent Class to receive such solicitation
16 text messages.

17 55. Defendant's conduct was negligent, wilful, or knowing.

18 56. Defendant has, therefore, violated 47 U.S.C. § 227(b)(1)(A)(iii). As a result of
19 Defendant's conduct, Plaintiff and the other members of the Autodialed No Consent Class are
20 each entitled to between \$500 and \$1,500 for each and every text message.

21 **SECOND CAUSE OF ACTION**

22 **Telephone Consumer Protection Act**
23 **(Violation of 47 U.S.C. § 227)**
24 **(On Behalf of Plaintiff and the Do Not Call Registry Class)**

57. Plaintiff repeats and realleges the paragraphs 1 through 51 of this Complaint and
incorporates them by reference.

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

5 59. 47 C.F.R. § 64.1200(e), provides that § 64.1200(c) and (d) "are applicable to any
6 person or entity making telephone solicitations or telemarketing calls to wireless telephone
7 numbers."²¹

8 60. 47 C.F.R. § 64.1200(d) further provides that "[n]o person or entity shall initiate
9 any call for telemarketing purposes to a residential telephone subscriber unless such person or
10 entity has instituted procedures for maintaining a list of persons who request not to receive
11 telemarketing calls made by or on behalf of that person or entity."

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

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

22 63. Defendant violated 47 U.S.C. § 227(c)(5) because Plaintiff and the Do Not Call
23

24 ²¹ *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

1 Registry Class received more than one phone call/text message in a 12-month period by or on
2 behalf of Defendant in violation of 47 C.F.R. § 64.1200, as described above. As a result of
3 Defendant's conduct as alleged herein, Plaintiff and the Do Not Call Registry Class suffered
4 actual damages and are entitled to between \$500 an \$1,500 per violation.

5 **PRAYER FOR RELIEF**

6 **WHEREFORE**, Plaintiff Vallianos, individually and on behalf of the Classes, prays for
7 the following relief:

- 8 a) An order certifying the Classes as defined above, and appointing Plaintiff as the
9 representative of the Classes and her attorneys as Class Counsel;
- 10 b) An award of actual and/or statutory damages and costs;
- 11 c) An order declaring that Defendant's actions, as set out above, violate the TCPA;
- 12 d) An injunction requiring Defendant to cease all unsolicited texting activity, and to
13 otherwise protect the interests of the Classes; and
- 14 e) Such further and other relief as the Court deems just and proper.

15 **JURY DEMAND**

16 Plaintiff Vallianos requests a jury trial.

17 Respectfully Submitted,

18 **CASSANDRA VALLIANOS**, individually and on
19 behalf of those similarly situated individuals

20 Dated: March 28, 2019

s/ Eric R. Draluck

Eric R. Draluck
WSBA No. 19881
PO Box 11647
Bainbridge Island, WA 98110
Telephone: (206) 605-1424
edraluck@gmail.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Stefan Coleman*
LAW OFFICES OF STEFAN COLEMAN, P.A.
201 S. Biscayne Blvd, 28th Floor
Miami, FL 33131
Telephone: (877) 333-9427
Facsimile: (888) 498-8946
law@stefancoleman.com

Avi R. Kaufman*
KAUFMAN P.A.
400 NW 26th Street
Miami, FL 33127
Telephone: (305) 469-5881
kaufman@kaufmanpa.com

Attorneys for Plaintiff and the putative Classes

**Pro Hac Vice motion forthcoming*

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

CASSANDRA VALLIANOS, individually and on behalf of all others similarly situated,

Plaintiff(s)

v.

HOWARD SCHULTZ, a Washington individual,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Howard Schultz

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Avi R. Kaufman
kaufman@kaufmanpa.com
KAUFMAN P.A.
400 NW 26th Street
Miami, FL 33127
Telephone: (305) 469-5881



If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

Cassandra Vallianos, individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Eric Draluck PO Box 11647 Bainbridge Island, WA 98110 (206) 605-1424 edraluck@gmail.com

DEFENDANTS

Howard Schultz

County of Residence of First Listed Defendant King County, WA (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, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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:

Violation of the Telephone Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

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

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

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

March 27, 2019 s/ Eric Draluck

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Howard Schultz Sued Over Alleged Telemarketing Texts Promoting Book Tour, Presidential Bid](#)
