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6  
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8 *Attorneys for Plaintiff and the Class*

9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 CARLA VARIO, individually and on behalf  
of all others similarly situated,

12 Plaintiff,

13 v.

14 UBER TECHNOLOGIES, INC., a Delaware  
15 corporation,

16 Defendant.

Case No.

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

17  
18 1. Plaintiff Carla Vario (“Vario” or “Plaintiff”) brings this Class Action Complaint  
19 against Defendant Uber Technologies, Inc. (“Defendant” or “Uber”) to stop its practice of sending  
20 unsolicited text messages to cellular telephones after the cellphone owner opted-out of the receipt  
21 of additional messages, and obtain redress for all persons similarly injured by its conduct.  
22 Plaintiff, for her Complaint, alleges as follows upon personal knowledge as to herself and her own  
23 acts and experiences, and, as to all other matters, upon information and belief, including  
24 investigation conducted by her attorneys.

25 **PARTIES**

26 2. Plaintiff Carla Vario is a natural person over the age of eighteen (18) who resides  
27 in New Port Richey, Pasco County, Florida.

1           3. Defendant Uber Technologies, Inc. is a corporation incorporated and existing  
 2 under the laws of the State of Delaware whose primary place of business and corporate  
 3 headquarters is located at 1455 Market Street, 4th Floor, San Francisco, California 94103.

4                                       **JURISDICTION & VENUE**

5           4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §  
 6 1331, as the action arises under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. §  
 7 227, *et seq.*, a federal statute. This Court also has jurisdiction under the Class Action Fairness Act  
 8 (“CAFA”), 28 U.S.C. § 1332, because the alleged Class consists of over 100 persons, there is  
 9 minimal diversity, and the claims of the class members when aggregated together exceeds \$5  
 10 million. Further, none of the exceptions to CAFA apply.

11          5. This Court has personal jurisdiction over Uber and venue is proper in this District  
 12 because it solicits significant business in this District, is registered to do business in this District,  
 13 is headquartered in this District, and a substantial part of the events or omissions giving rise to the  
 14 claim occurred in this District.

15                                       **COMMON ALLEGATIONS OF FACT**

16          6. Bulk text messaging, or SMS, has emerged as a direct method of communicating  
 17 with consumers. The term "Short Message Service" or “SMS” is a messaging system that allows  
 18 cellular telephone subscribers to use their cellular telephones to send and receive short text  
 19 messages, usually limited to 160 characters. An SMS message is a text message call directed to a  
 20 wireless device through the use of the telephone number assigned to the device.

21          7. When an SMS message call is successfully made, the recipient’s cell phone rings  
 22 or vibrates, alerting him or her that a call is being received. As cellular telephones are mobile and  
 23 are frequently carried on their owner’s person, calls to cellular telephones, including SMS  
 24 messages, may be received by the called party virtually anywhere worldwide and instantaneously.

25          8. Defendant Uber is a peer-to-peer ridesharing service headquartered in San  
 26 Francisco, California.

1           9.       In an effort to effectuate Uber’s business, Defendant utilizes bulk SMS messaging  
2 to reach consumers.

3           10.       Defendant made, or had made on its behalf, the same (or substantially the same)  
4 text messages calls *en masse* to thousands of cellular telephone numbers throughout the United  
5 States, using the same number even after such persons replied “Stop”.

6           11.       In sending the text messages at issue in this Complaint, Defendant utilized an  
7 automatic telephone dialing system. Specifically, the hardware and software used by Defendant  
8 (or its agent) has the capacity to store, produce, and dial random or sequential numbers, and/or  
9 receive and store lists of telephone numbers, and to dial such numbers, *en masse*, in an automated  
10 fashion without human intervention. Defendant’s automated dialing equipment includes features  
11 substantially similar to a predictive dialer, inasmuch as it is capable of making numerous text  
12 message calls simultaneously (all without human intervention).

13           12.       The problem for Uber is that it fails to properly honor opt-out requests.

14           13.       That is, Uber continues to send unauthorized SMS messages to cellular subscribers  
15 who have expressly “opted-out” or requested not to receive text messages by responding “STOP”  
16 or with similar commands. Any SMS text message (other than a final, one-time confirmation text  
17 message confirming the recipient’s desire to not receive such messages) sent to a cellular  
18 subscriber after receiving an express STOP or similar request was sent without prior express  
19 consent in violation of the TCPA.

20           14.       The FCC has made clear that companies must provide an opt-out mechanism in  
21 their text messages and that—at most—a single text may be sent after the consumer exercises  
22 his/her right to opt out confirming the opt out. *See* In re Rules and Regulations Implementing the  
23 Tel. Consumer Protection Act of 1991, Declaratory Ruling as to Petition of SoundBite  
24 Communications, Inc., CG Docket No. 20–278 (Nov. 29, 2012) (“SoundBite Ruling”); *see also*  
25 *Gager v. Dell Fin. Servs., LLC*, 727 F.3d 265, 272 (3d Cir. 2013) (“In sum, we find that the  
26 TCPA provides consumers with the right to revoke their prior express consent to be contacted on  
27  
28

1 cellular phones by autodialing systems.”); *see also* *Munro v. King Broad. Co.*, No. C13-1308JLR,  
2 2013 WL 6185233, at \*3 (W.D. Wash. Nov. 26, 2013) (“[T]he weight of authority suggests that  
3 consent may be revoked under the TCPA and that if messages continue after consent is revoked,  
4 those messages violate the TCPA.”) (unpublished decision) (collecting cases).

5 15. Notwithstanding such authorities, Defendant ignores the FCC and industry  
6 guidelines and instead fails to honor requests by consumers to opt-out or unsubscribe to the SMS  
7 text messages.

8 16. Despite receiving multiple express "STOP" requests from Plaintiff and other  
9 cellular subscribers, Defendant continues to send automated text messages to these subscribers.

10 17. Defendant knows or acts in conscious disregard of the fact that its SMS text  
11 messages to these cellular subscribers are unauthorized. “STOP” requests are, by design, sent to  
12 Defendant thereby directly informing (and at the very least putting on actual and constructive  
13 notice) Defendant that any subsequent messages are unauthorized. Ultimately, consumers are  
14 forced to bear the costs and annoyance of receiving these unsolicited and unauthorized text  
15 messages.

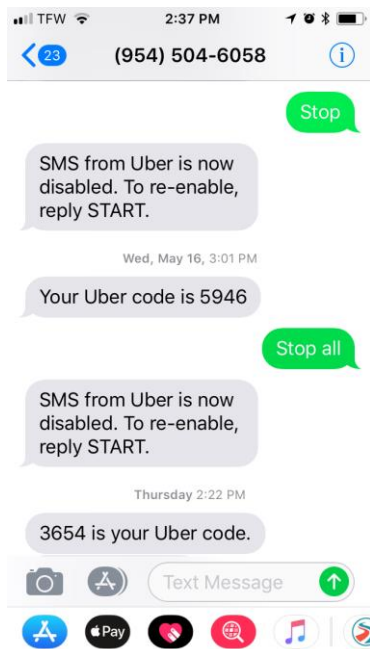
16 **FACTS SPECIFIC TO PLAINTIFF**

17 18. In or around April 2018, Plaintiff Vario began receiving text messages on her  
18 cellular telephone from Uber, which purported to convey a code.

19 19. In an effort to end the persistent transmission of text messages from Uber, Plaintiff  
20 replied “Stop.”

21 20. Thereafter, Defendant responded by acknowledging the stop request by stating  
22 “SMS from Uber is now disabled. To re-enable, reply START.” Plaintiff never replied START to  
23 re-enable.

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21. Later the same day, Uber sent additional text messages to Plaintiff, again providing her with an “Uber code.”

22. Plaintiff continued to receive virtually identical text messages, which were sent for a commercial purpose, on a daily basis. The messages advertised Uber’s ride-sharing services and provided a code for the use/accessing of such services.

23. Every text message was sent from the telephone number 954-504-6058, which is owned by Defendant or its agent.

24. Despite repeated attempts to opt-out of future text messages—including various opt-out words, such as “Stop,” “Stop all,” and “Sms off”—Defendant, despite acknowledging the opt-out requests, refused to end the transmission of text messages.

25. By continuing to make unauthorized text message calls as alleged herein, Uber has caused Plaintiff and other consumers actual harm and cognizable legal injury. This includes the aggravation, nuisance, and invasion of privacy that results from the receipt of such unwanted text messages in addition to a loss of value realized for the monies consumers paid to their wireless carriers for the receipt of such text messages. Furthermore, the text messages interfered with

1 Plaintiff's and the other Class members' use and enjoyment of their cellphones, including the  
2 related data, software, and hardware components. The text messages were annoying and persisted  
3 despite being told to Stop. Defendant also caused substantial injury to their phones by causing  
4 wear and tear on their property, consuming battery life, interfering with their use and enjoyment,  
5 and appropriating cellular minutes and data.

6 26. In the present case, a consumer could be subjected to multiple unsolicited text  
7 message advertisements given the fact that Defendant does not provide any functioning  
8 mechanism to opt-out and, thus, fails to honor validly submitted opt-out requests.

9 27. Having tried to no avail to get the messages to stop, Plaintiff, on behalf of himself  
10 and a class of similarly situated individuals, brings suit under the Telephone Consumer Protection  
11 Act, 47 U.S.C. § 227, *et seq.*—which prohibits unsolicited voice and text calls to cell phones—to  
12 end the unlawful conduct of Defendant.

13 28. On behalf of the Class, Plaintiff also seeks an injunction requiring Defendant to  
14 cease all wireless spam activities and an award of statutory damages to the class members,  
15 together with costs and reasonable attorneys' fees.

#### 16 **CLASS ACTION ALLEGATIONS**

17 29. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23(b)(2)  
18 and Rule 23(b)(3) on behalf of herself and the Class defined as follows:

19 **Replied Stop Class:** All persons in the United States who (1) from August 18, 2017  
20 through the date notice is sent to the Class; (2) received at least one text message on  
21 their cellular telephone, (3) from Defendant, or a third person acting on behalf of  
22 Defendant, (4) replied to the text message with the words STOP, END, CANCEL,  
23 or similar language, and (5) thereafter received at least one additional text message  
24 to their same cellular telephone number other than a message simply confirming  
25 their opt-out request.

26 30. The following people are excluded from the Class: (1) any Judge or Magistrate  
27 presiding over this action and members of their families; (2) Defendant, Defendant's subsidiaries,  
28 parents, successors, predecessors, and any entity in which the Defendant or its parents have a  
controlling interest and its current or former employees, officers and directors; (3) persons who

1 properly execute and file a timely request for exclusion from the Class; (4) persons whose claims  
2 in this matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiff's  
3 counsel and Defendant's counsel; and (6) the legal representatives, successors, and assignees of  
4 any such excluded persons. Plaintiff anticipates the need to amend the class definition following  
5 appropriate discovery.

6       31.     **Numerosity:** The exact number of members within the Class is unknown and not  
7 available to Plaintiff at this time, but it is clear that individual joinder is impracticable. On  
8 information and belief, Defendant has placed text messages to thousands of consumers who fall  
9 into the defined Class. The exact number of members of the Class can only be identified through  
10 Defendant's records.

11       32.     **Typicality:** Plaintiff's claims are typical of the claims of other members of the  
12 Class, in that Plaintiff and the members of the Class sustained damages arising out of Defendant's  
13 uniform wrongful conduct.

14       33.     **Adequate Representation:** Plaintiff will fairly and adequately represent and  
15 protect the interests of the Class and has retained counsel competent and experienced in complex  
16 class actions. Plaintiff and her counsel have no interests antagonistic to those of the Class, and  
17 Defendant has no defenses unique to Plaintiff.

18       34.     **Commonality and Predominance:** There are several questions of law and fact  
19 common to the claims of Plaintiff and the Class, and those questions predominate over any  
20 questions that may affect individual members of the Class. Common questions for the Class  
21 include, but are not necessarily limited to, the following:

- 22             (a)     Whether Defendant's conduct violated the TCPA;
- 23             (b)     Whether members of the Class are entitled to treble damages based on the  
24 willfulness of Defendant's conduct; and
- 25             (c)     Whether Defendant systematically sent text messages to consumers after  
26 they opted-out of the receipt of further text messages by responding Stop.

1           35.     **Conduct Similar Towards All Class Members:** By committing the acts set forth  
2 in this pleading, Defendant has acted or refused to act on grounds substantially similar towards all  
3 members of the Class so as to render final injunctive relief and corresponding declaratory relief  
4 appropriate so as to warrant certification under Rule 23(b)(2).

5           36.     **Superiority & Manageability:** This case is also appropriate for class certification  
6 under Rule 23(b)(3) because class proceedings are superior to all other available methods for the  
7 fair and efficient adjudication of this controversy. Joinder of all parties is impracticable, and the  
8 damages suffered by the individual members of the Class will likely be relatively small,  
9 especially given the burden and expense of individual prosecution of the complex litigation  
10 necessitated by Defendant's actions. Thus, it would be virtually impossible for the individual  
11 members of the Class to obtain effective relief from Defendant's misconduct. Even if members of  
12 the Class could sustain such individual litigation, it would still not be preferable to a class action,  
13 because individual litigation would increase the delay and expense to all parties due to the  
14 complex legal and factual controversies presented in this Complaint. By contrast, a class action  
15 presents far fewer management difficulties and provides the benefits of single adjudication,  
16 economy of scale, and comprehensive supervision by a single Court. Economies of time, effort  
17 and expense will be fostered and uniformity of decisions ensured. Also, there are no pending  
18 governmental actions against Defendant for the same conduct.

19    **CAUSE OF ACTION**

20                   **Violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq.**  
21                   **(On behalf of Plaintiff and the Replied Stop Class)**

22           37.     Plaintiff incorporates by reference the foregoing allegations as if fully set forth  
23 herein.

24           38.     Defendant sent unsolicited and unwanted text message advertisements to telephone  
25 numbers belonging to Plaintiff and the other members of the Replied Stop Class on their cellular  
26 telephones after the recipient informed Defendant that s/he no longer wished to receive text  
27 messages from Defendant.



1            39. Defendant sent the text messages using equipment that had the capacity to store or  
2 produce telephone numbers to be called using a random or sequential number generator, and/or  
3 receive and store lists of phone numbers, and to dial such numbers, *en masse*, without human  
4 intervention. That is, Defendant utilized equipment that sent the text messages to Plaintiff and  
5 other members of the Replied Stop Class simultaneously and without human intervention.

6            40. The text messages to Plaintiff and the Replied Stop Class were sent after any  
7 supposed consent had been expressly revoked by responding with an opt-out request, such as  
8 STOP, END, CANCEL, or similar language. This alone violates the TCPA.

9            41. Additionally, Defendant's supposed opt-out mechanism is not cost free. Among  
10 other things, it requires the transmission of data from the user's cell phone that results in a  
11 reduction of the user's allowable data.

12            43. Based on such conduct, Defendant has violated 47 U.S.C. § 227(b)(1)(A)(iii).

13            44. As a result of Defendant's unlawful conduct, Plaintiff and the other members of  
14 the Replied Stop Class are each entitled to, under section 227(b)(3)(B), a minimum of \$500.00 in  
15 damages for each violation of such act.

16            45. Defendant's conduct was willful. Defendant had ample notice of the Stop requests  
17 and even confirmed the receipt of said requests. Thus, in the event that the Court determines that  
18 Defendant's conduct was willful and knowing, it may, under section 227(b)(3)(C), treble the  
19 amount of statutory damages recoverable by Plaintiff and the other members of the Class.

20                                    **PRAYER FOR RELIEF**

21            **WHEREFORE**, Plaintiff Carla Vario, on behalf of herself and the Class, prays for the  
22 following relief:

23            A. An order certifying the Class as defined above, appointing Plaintiff Vario  
24 as the representative of the Class, and appointing her counsel as Class Counsel;

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B. An award of actual monetary loss from such violations or the sum of five hundred dollars (\$500.00) for each violation, whichever is greater all to be paid into a common fund for the benefit of the Plaintiff and the Class Members;

C. An order declaring that Defendant’s actions, as set out above, violate the TCPA

D. An order declaring that Defendant’s actions, as set out above, were willful, and awarding treble damages;

E. A declaratory judgment that Defendant’s telephone calling equipment constitutes an automatic telephone dialing system under the TCPA;

F. An injunction requiring Defendant to cease all unsolicited calling activities, and otherwise protecting the interests of the Class;

G. An award of reasonable attorneys’ fees and costs to be paid out of the common fund prayed for above; and

H. Such other and further relief that the Court deems reasonable and just.

**JURY DEMAND**

Plaintiff requests a trial by jury of all claims that can be so tried.

Respectfully submitted,

Dated: June 27, 2018

**CARLA VARIO**, individually and on behalf of all others similarly situated,

By: s/ Rebecca Davis  
One of Plaintiff’s Attorneys

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Attorneys for Plaintiff and the Class

*\* Pro Hac Vice admission to be sought*

CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Carla Vario, individually and on behalf of all others similarly situated,
(b) County of Residence of First Listed Plaintiff Pasco County, FL
(c) Attorneys (Firm Name, Address, and Telephone Number)
Lozeau Drury LLP 410 12th Street, Suite 250, Oakland, California 94607. (510) 836-4200

DEFENDANTS
Uber Technologies, Inc.
County of Residence of First Listed Defendant
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)
PTF DEF
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)
CONTRACT: 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment Of Veteran's Benefits, 151 Medicare Act, 152 Recovery of Defaulted Student Loans (Excludes Veterans), 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise
REAL PROPERTY: 210 Land Condemnation, 220 Foreclosure, 230 Rent Lease & Ejectment, 240 Torts to Land, 245 Tort Product Liability, 290 All Other Real Property
PERSONAL INJURY: 310 Airplane, 315 Airplane Product Liability, 320 Assault, Libel & Slander, 330 Federal Employers' Liability, 340 Marine, 345 Marine Product Liability, 350 Motor Vehicle, 355 Motor Vehicle Product Liability, 360 Other Personal Injury, 362 Personal Injury - Medical Malpractice
PERSONAL INJURY: 365 Personal Injury - Product Liability, 367 Health Care/Pharmaceutical Personal Injury Product Liability, 368 Asbestos Personal Injury Product Liability, 370 Other Fraud, 371 Truth in Lending, 380 Other Personal Property Damage, 385 Property Damage Product Liability
PRISONER PETITIONS: Habeas Corpus: 463 Alien Detainee, 510 Motions to Vacate Sentence, 530 General, 535 Death Penalty; Other: 540 Mandamus & Other, 550 Civil Rights, 555 Prison Condition, 560 Civil Detainee-Conditions of Confinement
FORFEITURE/PENALTY: 625 Drug Related Seizure of Property 21 USC § 881, 690 Other
LABOR: 710 Fair Labor Standards Act, 720 Labor/Management Relations, 740 Railway Labor Act, 751 Family and Medical Leave Act, 790 Other Labor Litigation, 791 Employee Retirement Income Security Act
IMMIGRATION: 462 Naturalization Application, 465 Other Immigration Actions
BANKRUPTCY: 422 Appeal 28 USC § 158, 423 Withdrawal 28 USC § 157
PROPERTY RIGHTS: 820 Copyrights, 830 Patent, 840 Trademark
SOCIAL SECURITY: 861 HIA (1395ff), 862 Black Lung (923), 863 DIWC/DIWW (405(g)), 864 SSID Title XVI, 865 RSI (405(g))
FEDERAL TAX SUITS: 870 Taxes (U.S. Plaintiff or Defendant), 871 IRS-Third Party 26 USC § 7609
OTHER STATUTES: 375 False Claims Act, 376 Qui Tam (31 USC § 3729(a)), 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations, 480 Consumer Credit, 490 Cable/Sat TV, 850 Securities/Commodities/Exchange, 890 Other Statutory Actions, 891 Agricultural Acts, 893 Environmental Matters, 895 Freedom of Information Act, 896 Arbitration, 899 Administrative Procedure Act/Review or Appeal of Agency Decision, 950 Constitutionality of State 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, et seq.
Brief description of cause: Violations of the Telephone Consumer Protection Act - unlawful text message calls

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S), IF ANY (See instructions): JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2) (Place an "X" in One Box Only)
[X] SAN FRANCISCO/OAKLAND [ ] SAN JOSE [ ] EUREKA-MCKINLEYVILLE

DATE: 06/27/2018 SIGNATURE OF ATTORNEY OF RECORD: /s/ Rebecca Davis

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

**Authority For Civil Cover Sheet.** The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate 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 Federal Rule of Civil Procedure 8(a), 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.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
  - (3) Federal question. This refers to suits under 28 USC § 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.
  - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
  - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
  - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
  - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

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This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Alleges Uber Fails to Honor Text Message Opt-Out Requests](#)