

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

MICHAEL VEDERMAN, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

**BLUEGREEN VACATIONS UNLIMITED,
INC.**, a Florida corporation,

Defendant.

Case No.

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Michael Vederman (“Plaintiff”) brings this Class Action Complaint and Demand for Jury Trial (“Complaint”) against Defendant Bluegreen Vacations Unlimited, Inc. (“Defendant” or “Defendant Bluegreen”) to stop its practice of making unsolicited telephone calls to the telephones of consumers nationwide who are registered on the do not call registry and to obtain redress, including injunctive relief, for all persons injured by its conduct. Plaintiff, for his Complaint, alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his attorney.

NATURE OF THE ACTION

1. Defendant is company that provides consumers with vacation packages and time-share rentals/purchases.
2. In an attempt to market and sell its services, within a single year, Defendant made multiple unsolicited promotional telephone calls to the landline telephones of Plaintiff and the

other members of the putative Class who are registered on the do not call registry. This violates the Telephone Consumer Protection Act, 47 U.S.C. § 227 (the “TCPA”).

3. By making the telephone calls at issue in this Complaint, Defendant caused Plaintiff and the other members of the Class actual harm, including the annoyance, nuisance, and invasion of privacy that necessarily accompanies the receipt of unsolicited and harassing telephone calls.

4. The TCPA was enacted in part to protect consumers who registered on the do not call registry from, among other things, receiving more than one unsolicited phone call to their residential landlines within a 12-month period from any one entity to whom they have not given prior consent, and with whom they have not done business, exactly like those alleged in this case.

5. In response to Defendant’s unlawful conduct, Plaintiff filed this action seeking an injunction requiring Defendant to cease all unsolicited telephone calling activities and an award of statutory damages to the members of the Class under the TCPA, together with costs and reasonable attorneys’ fees.

PARTIES

6. Plaintiff Michael Vederman is a natural person and a resident of Houston, Texas.

7. Defendant Bluegreen Vacations Unlimited, Inc. is a Florida company with its principal place of business located at 4960 Conference Way North, Suite 100, Boca Raton, Florida 33431. Defendant is registered to conduct business in Florida. Defendant conducts business throughout this District, the State of Florida, and the United States.

JURISDICTION AND VENUE

8. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331, as the action arises under the TCPA, which is a federal statute. This Court has personal jurisdiction over Defendant because Defendant conducts a significant amount of business in this District, solicits consumers in this District, made and continues to make unsolicited calls in this District, and because the wrongful conduct giving rise to this case occurred in, was directed to, and/or emanated from this District.

9. Venue is proper in this District under 28 U.S.C. § 1391(b) because Defendant is registered to conduct business in this District, it conducts a significant amount of business within this District and markets to this District, and because the wrongful conduct giving rise to this case occurred in, was directed to, and/or emanated from this District. Venue is additionally proper because Defendant resides in this District.

COMMON FACTUAL ALLEGATIONS

10. Defendant is a company offering its vacation and travel services to consumers throughout the nation. Defendant purchases lists of consumers to call without receiving their consent.

11. Defendant has turned to unsolicited telemarketing as a way to increase its customer base as it seeks to expand its customer base during the prime vacation season. Widespread telemarketing is a primary method by which Defendant recruits new customers.

12. Online consumer complaints related to Defendant's telemarketing calls are numerous. A few of the complaints are:

- I have received 15 calls from this company since June29 at 1:38 PST. I am not interested in a cruise that I supposedly entered a drawing for. Please STOP calling me!! There is no name given – only you entered a contest ...¹
- Please please don't believe this call!! Said I won vaca and cruise but refused to send me any paperwork or email. He sad, "that's not how it worked" I told him to take me

¹ <http://800notes.com/Phone.aspx/1-561-515-8621/5>

off his list and he hung up on me. He also creeped me out because when I called he said first and last name. And my name isn't what pops up on caller IDs because my number is under someone else in my fam.²

- Received a call from this number telling me about some cruise and vacation. was asking for 276\$ for reservation fee. wanted credit card number. I did not provide my credit card number, and he hung up. He said he would also do \$200 dinner card after preview. He told his name was Steve. Agent ID was 4527.³
- They call every single day, twice every hour, claiming that we've won a prize. I explained that we have never even been to the mall that the sweepstakes is from and then he changed his story to say that someone else entered us. I finally went off on the guy today and he laughed at me!! He told me that he knows my husband's name, e-mail, phone number, and home address and that the police won't do anything. In fact he encouraged me to call them in a threatening way.⁴
- They just called me. I filled out a form at the Valley View Mall and I'm in California. NOT! Scam.⁵
- They called me. I didn't answer but called back and then hung up after they said something about winning a cruise. I called again and put the microphone on mute and just let them wait. It's been 2 minutes already and they haven't hung up. That'll show them.⁶
- They called me over 50 times. The first time I politely declined their offer and they have continued to harass me daily, even calling at 9pm when I'm in bed with my children.⁷
- A scam, assumed bought phone number from some database. Claim I filled out a sweepstake to win a car from a mall I've never heard of. I never fill out sweepstakes. Total scam.⁸

13. Defendant makes telemarketing calls and/or has hired agents to make their telemarketing calls for them.

14. Defendant and/or its agent places repeated and unwanted calls to consumers whose phone numbers are registered with the National Do Not Call Registry and continued to do so after consumers' request that the calls stop. Consumers register their phone numbers on the Do Not Call list for the express purpose of avoiding unwanted telemarketing calls like those alleged here. Defendant does not check its numbers against the Do Not Call list, and does not

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

remove from its telemarketing lists the numbers of consumers who are on the Do Not Call list. Furthermore, Defendant continues to call consumers registered on the national do not call registry, even after they inform Defendant to stop calling them.

15. Companies such as Defendant who wish to avoid calling numbers listed on the National Do Not Call Registry can easily and inexpensively do so by “scrubbing” their call lists against the National Do Not Call Registry database. The scrubbing process identifies those numbers on the National Do Not Call Registry, allowing telemarketers to remove those numbers and ensure that no calls are placed to consumers who opt-out of telemarketing calls.

16. To avoid violating the TCPA by calling registered numbers, telemarketers must scrub their call lists against the Registry at least once every thirty-one days. *See* 16 C.F.R. § 310.4(b)(3)(iv).

17. At all times material to this Complaint Defendant was and is fully aware that unsolicited telemarketing calls are being made to consumers’ residential landlines through its own efforts and/or its agents.

18. Defendant knowingly made (and continues to make) unsolicited telemarketing calls without the prior express consent of the call recipients and knowingly continued to call them after requests to stop. In so doing, Defendant not only invaded the personal privacy of Plaintiff and members of the putative Classes, but also intentionally and repeatedly violated the TCPA.

FACTS SPECIFIC TO PLAINTIFF MICHAEL VEDERMAN

19. On June 29, 2003 Plaintiff registered his landline phone number on the National Do Not Call Registry specifically to avoid telemarketing calls.




20. Starting in or around July of 2017, and more than 30 days after Plaintiff's landline phone number was registered on the National Do Not Call Registry, Plaintiff began receiving multiple calls on his landline telephone from the phone number (713) 588-0819.

21. Bluegreen called Plaintiff on July 3, 2017 at 2:04 p.m. to offer him an affordable vacation and time-share package.

22. Plaintiff explained to Bluegreen's representative that he was on the National Do Not Call Registry and to stop calling him.

23. However, despite Plaintiff's request, Bluegreen called him again on July 6, 2017 at 9:49 a.m. Plaintiff picked up the call and once again demanded that Bluegreen stop calling him.

24. Bluegreen's unwanted calls persisted and it again called Plaintiff on July 8, 2017 at 9:52 a.m and Plaintiff answered the call and continued to demand they stop calling him.

07/08/2017 09:52 AM		Houston TX (713) 588-0819	00:45
07/06/2017 09:49 AM		Houston TX (713) 588-0819	00:14
07/03/2017 02:04 PM		Houston TX (713) 588-0819	00:24

25. Plaintiff does not have a relationship with Bluegreen, has never provided his telephone number directly to Bluegreen, or requested that Bluegreen place calls to him or offer him its services. Simply put, Plaintiff has never provided his prior express consent to Bluegreen to place calls to him and has no business relationship with Bluegreen.

26. As a result of Bluegreen's repeated intrusive and unwanted telemarketing calls within a 12-month period, Plaintiff suffered actual harm in the form of annoyance, nuisance, and invasion of privacy.

27. At the time it placed calls to Plaintiff, Defendant was aware that the above-described telephone calls were and are being made to consumers like Plaintiff who had not consented to receive them and whose telephone numbers were registered with the National Do Not Call Registry.

28. Each time it called Plaintiff after the first call on July 8, 2017, Defendant was also aware that it had placed more than one telemarketing call to Plaintiff's number within a 12-month period.

CLASS ALLEGATIONS

29. Plaintiff brings this action on behalf of himself and two Classes defined as follows (the "Classes"):

No Consent DNC Class: All individuals in the United States from four years ago to the date of the filing of the instant action who (1) had his or her telephone number(s) registered with the National Do Not Call Registry for at least thirty days, (2) who thereafter received more than one telephone call made by or on behalf of Defendant within a 12-month period, and (3) for whom Defendant obtained prior express consent to call in the same manner as Defendant claims it obtained consent to call the Plaintiff.

Stop Calling DNC Class: All individuals in the United States from four years ago to the date of the filing of the instant action who (1) had his or her telephone number(s) registered with the National Do Not Call Registry for at least thirty days; (2) who received more than one telephone call made by or on behalf of Defendant within a 12-month period; (3) after they have already requested that Defendant stop calling them.

30. Excluded from the Classes are (1) Defendant, its agents, subsidiaries, parents, successors, predecessors, and any entity in which the Defendant or its parents have a controlling interest and its current and former employees, officers, and directors, (2) the Judge or Magistrate Judge to whom this case is assigned and the Judge's or Magistrate Judge's immediate family, (3) persons who execute and file a timely request for exclusion, (4) the legal representatives,

successors, or assigns of any such excluded person, and (5) Plaintiff's counsel and Defendant's counsel.

31. **Numerosity:** The exact size of the Classes is unknown and not available to Plaintiff at this time, but it is clear that individual joinder is impracticable. On information and belief, Defendant made telephone calls to thousands of consumers who fall into the definition of the Classes. Members of the Classes can be easily identified through Defendant's records.

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

- (a) Whether Defendant systematically made telephone calls to members of the Classes who Defendant did not have a current record of consent to make such telephone calls;
- (b) Whether Defendant's conduct constitutes a violation of the TCPA; and
- (c) Whether members of the Class are entitled to treble damages based on the willfulness of Defendant's conduct.
- (d) Whether Defendant systematically made calls to consumers registered on the do not call registry, after they had previously demanded to Defendant to stop calling them.

33. **Adequate Representation:** Plaintiff will fairly and adequately represent and protect the interests of the Classes, and has retained counsel competent and experienced in class actions. Plaintiff has no interests antagonistic to those of the Classes, and Defendant has no defenses unique to Plaintiff. Plaintiff and his counsel are committed to vigorously prosecuting

this action on behalf of the members of the Classes, and have the financial resources to do so. Neither Plaintiff nor his counsel has any interest adverse to the Classes.

34. **Appropriateness:** This class action is also appropriate for certification because Defendant has acted or refused to act on grounds generally applicable to the Classes and as a whole, thereby requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the members of the Classes and making final class-wide injunctive relief appropriate. Defendant's business practices apply to and affect the members of the Classes uniformly, and Plaintiff's challenge of those practices hinges on Defendant's conduct with respect to the Classes as a whole, 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 expense of individual prosecution of the complex litigation necessitated by Defendant's actions. Thus, it would be virtually impossible for the members of the Classes to obtain effective relief from Defendant's misconduct on an individual basis. A class action provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court. Economies of time, effort, and expense will be fostered and uniformity of decisions will be ensured.

FIRST CAUSE OF ACTION
Violation of 47 U.S.C. § 227
(On behalf of Plaintiff and the No Consent DNC Class)

35. Plaintiff incorporates the foregoing factual allegations as if fully set forth herein.

36. 47 U.S.C. §227(c) provides that 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" 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.

37. 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."

38. 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. The procedures instituted must meet the following minimum standards:

(1) Written policy. Persons or entities making calls for telemarketing purposes must have a written policy, available upon demand, for maintaining a do-not-call list.

(2) Training of personnel engaged in telemarketing. Personnel engaged in any aspect of telemarketing must be informed and trained in the existence and use of the do-not-call list.

(3) Recording, disclosure of do-not-call requests. If a person or entity making a call for telemarketing purposes (or on whose behalf such a call is made) receives a request from a residential telephone subscriber not to receive calls from that person or entity, the person or entity must record the request and place the subscriber's name, if provided, and telephone number on the do-not-call list at the time the request is made. Persons or entities making calls for telemarketing purposes (or on whose behalf such calls are made) must honor a residential subscriber's do-not-call request within a reasonable time from the date such request is made. This period may not exceed thirty days from the date of such request

(4) Identification of sellers and telemarketers. A person or entity making a call for telemarketing purposes must provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted. The telephone number provided may not be a 900 number or any

other number for which charges exceed local or long distance transmission charges.

(5) Affiliated persons or entities. In the absence of a specific request by the subscriber to the contrary, a residential subscriber's do-not-call request shall apply to the particular business entity making the call (or on whose behalf a call is made), and will not apply to affiliated entities unless the consumer reasonably would expect them to be included given the identification of the caller and the product being advertised.

(6) Maintenance of do-not-call lists. A person or entity making calls for telemarketing purposes must maintain a record of a consumer's request not to receive further telemarketing calls. A do-not-call request must be honored for 5 years from the time the request is made."

39. Defendant violated 47 C.F.R. § 64.1200(c) by initiating, or causing to be initiated, telephone solicitations to residential telephone subscribers such as Plaintiff and the No Consent DNC Class members who registered their respective telephone numbers on the National Do Not Call Registry. These consumers requested to not receive calls from Defendant as set forth in 47 C.F.R. § 64.1200(d)(3).

40. Defendant made more than one unsolicited telephone call to Plaintiff within a 12-month period without Plaintiff's prior express consent to receive such calls. Defendant also made more than one unsolicited telephone call to each member of the No Consent DNC Class within a 12-month period without their prior express consent to receive such calls. Plaintiff and members of the No Consent DNC Class never provided any form of consent to receive telephone calls from Defendant, oral or written, and/or Defendant does not have a current record of consent to place telemarketing calls to them. Defendant violated 47 U.S.C. § 227(c)(5) because Plaintiff and the No Consent DNC Class received more than one telephone calls in a 12-month period made by or on behalf of Defendant in violation of 47 C.F.R. § 64.1200, as described above.

41. Defendant violated 47 C.F.R. § 64.1200(d) by initiating calls for telemarketing purposes to residential telephone subscribers, such as Plaintiff and the No Consent DNC Class,

without instituting procedures that comply with the regulatory minimum standards for maintaining a list of persons who request not to receive telemarketing calls from them, and by not informing and training its personnel engaged in any aspect of telemarketing in the existence and use of the do-not-call list.

42. As a result of Defendant's unlawful conduct, Plaintiff and the No Consent DNC Class suffered actual damages and, under section 47 U.S.C. § 227(c), Plaintiff and each member of the No Consent DNC Class are each entitled to receive up to \$500 in damages for each violation of 47 C.F.R. § 64.1200.

43. To the extent Defendant's conduct is deemed to be knowing and/or willful violations of the TCPA, Plaintiffs and the No Consent Do Not Call Class are entitled to an award of treble damages up to \$1,500.00 for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(c)(5).

SECOND CAUSE OF ACTION
Violation of 47 U.S.C. § 227
(On behalf of Plaintiff and the Stop Call DNC Class)

44. Defendant violated 47 C.F.R. §64.1200 by initiating calls for telemarketing purposes to telephone subscribers such as Plaintiff and the Stop Call DNC Class who were registered on the national do not call registry and who specifically told Defendant to stop calling them, and who received two more calls within a 12-month period from Defendant after informing Defendant to stop calling them. Defendant made these calls without instituting procedures that comply with the regulatory minimum standards for maintaining a list of persons who request not to receive telemarketing calls from them and by failing to adequately inform and train its personnel in the existence and use of the do not call list.

45. As a result of Defendant's unlawful conduct, Plaintiff and the Stop Call DNC Class suffered actual damages and, under section 47 U.S.C. § 227(c), Plaintiff and each member of the Class is each entitled to receive up to \$500 in damages for each violation of 47 C.F.R. § 64.1200.

46. To the extent Defendant's conduct is deemed to be knowing and/or willful violations of the TCPA, Plaintiffs and the Stop Call DNC Class are entitled to an award of treble damages up to \$1,500.00 for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(c)(5).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Michael Vederman, individually and on behalf of the Classes, prays for the following relief:

47. An order certifying the Classes as defined above, appointing Plaintiff Michael Vederman as the representative of the Classes, and appointing his counsel as Class Counsel;

48. An award of actual and statutory damages;

49. An order requiring Defendant to disgorge any ill-gotten funds acquired as a result of its unlawful telephone calling practices;

50. An injunction requiring Defendant and/or its agents to cease all unsolicited telephone calling activities, to honor do not call requests, and otherwise protecting the interests of the Classes;

51. A declaratory judgment declaring that Defendant's calls violated the TCPA, that Defendant did not institute procedures that comply with the regulatory minimum standards for maintaining a list of persons who are registered on the National Do Not Call Registry and scrubbing those numbers from their dialing list;

52. A declaratory judgment declaring that Defendant did not institute procedures that comply with the regulatory minimum standards for maintaining a list of persons who request not to receive telemarketing calls from them and to stop calling them;

53. An award of reasonable attorneys' fees and costs; and

54. 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,

MICHAEL VEDERMAN, individually and on behalf of Classes of similarly situated individuals

Dated: September 13, 2017

By: /s/Stefan Coleman
One of Plaintiff's Attorneys

Stefan Coleman (0030188)
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Miami, Florida 33131
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Fax: 888.498.8946

*Motions for admission *pro hac vice* to be filed

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

MICHAEL VEDERMAN, individually and on behalf of all others similarly situated,

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

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

Stefan Coleman, Law Offices of Stefan Coleman, 201 S. Biscayne Blvd., 28th floor, Miami, Florida 33131; t: 877.333.9427; f: 888-498-8946

DEFENDANTS

BLUEGREEN VACATIONS UNLIMITED, INC., a Florida corporation,

County of Residence of First Listed Defendant Palm Beach (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.

Main table for Nature of Suit with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, 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. Section 227 Telephone Consumer Protection Act

Brief description of cause: Violation of the Telephone Consumer Protection Act (TCPA)

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE September 13, 2017 SIGNATURE OF ATTORNEY OF RECORD s/Stefan Coleman

FOR OFFICE USE ONLY

Table for office use with columns: RECEIPT #, AMOUNT, APPLYING IFP, JUDGE, MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Civil Action No. [redacted]

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)* [redacted] was received by me on *(date)* [redacted].

I personally served the summons on the individual at *(place)* [redacted] on *(date)* [redacted]; or

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

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

I returned the summons unexecuted because [redacted]; or

Other *(specify)*: [redacted]

My fees are \$ [redacted] for travel and \$ [redacted] for services, for a total of \$ [redacted] 0 .

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

Date: [redacted]

[redacted]
Server's signature

[redacted]
Printed name and title

[redacted]
Server's address

Additional information regarding attempted service, etc:
[redacted]

[redacted]

[redacted]

[redacted]

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Bluegreen Vacations Unlimited Accused of Placing Illegal Telemarketing Calls](#)
