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Attorneys for Plaintiffs and the Alleged Class

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

EDWIN WILLIAMS, individually and
on behalf of all others similarly
situated,

Plaintiff,

v.

ZEETO, LLC, a Delaware limited
liability company,

Defendant.

Case No. **'21CV1646 L BLM**

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

Plaintiff Edwin Williams (“Williams” or “Plaintiff”) brings this Class Action Complaint and Demand for Jury Trial (“Complaint”) against Defendant Zeeto, LLC (“Defendant” or “Zeeto”) to: (1) stop Defendant’s practice of sending text messages using an “automatic telephone dialing system” (“ATDS”) to the

1 cellphones of consumers nationwide without their prior express consent; (2) stop
2 Defendant's practice of sending repeated text messages to consumers on the
3 National Do Not Call Registry; (3) obtain an injunction prohibiting Defendant's
4 continued sent text messages to consumers; and (4) obtain redress for all persons
5 injured by Defendant's conduct.

6 Plaintiff, for his Complaint, alleges as follows upon personal knowledge as to
7 himself and his own acts and experiences, and, as to all other matters, upon
8 information and belief, including investigation conducted by his attorneys.

9 JURISDICTION & VENUE

10 1. The Court has subject matter jurisdiction over this action pursuant to
11 28 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection
12 Act, 47 U.S.C. § 227, *et seq.*, ("TCPA" or the "Act") a federal statute. The Court
13 also has jurisdiction under the Class Action Fairness Act, 28 U.S.C. § 1332
14 ("CAFA"). The alleged Class consists of over 100 persons, there is minimal
15 diversity, and the claims of the class members when aggregated together exceed \$5
16 million. Further, none of the exceptions to CAFA applies.

17 2. This Court has personal jurisdiction over Defendant because Zeeto is
18 headquartered in and resides in this district, has solicited and entered into business
19 contracts in this District, and a significant portion of the unlawful conduct alleged
20 in this Complaint occurred in and/or emanated from this District.

21 3. Venue is proper pursuant to 28 U.S.C. § 1391(b) because a significant
22 portion of Defendant's wrongful conduct giving rise to this case occurred in and/or
23 emanated from this District.

24 PARTIES

25 4. Plaintiff Edwin Williams is an individual residing in Statesboro,
26 Bulloch County, Georgia, 30461.

1 5. Defendant Zeeto is a limited liability company registered and existing
2 under the laws of the State of Delaware, whose principal place of business is 925 B.
3 Street, Ste. 303, San Diego, CA 92101.

4 **COMMON FACTUAL ALLEGATIONS**

5 6. Defendant Zeeto is a business that offers digital marketing, permission
6 based marketing, and online advertising.¹

7 7. Zeeto makes sales through online advertisements, text message
8 advertisements, and its websites, <https://www.zeeto.io> and www.getitfree.us, where
9 it gathers personal billing information, addresses, and telephone numbers from
10 consumers.

11 8. Unfortunately for consumers, Defendant, in an attempt to secure more
12 business, engages in an aggressive telemarketing campaign by repeatedly sending
13 unsolicited, repetitive text message advertisements to consumer's telephones using
14 an automatic telephone dialing system ("ATDS")—often without consent and in
15 violation of the law.

16 9. While autodialed calls or text messages may be made where a
17 caller/sender obtains prior express written consent, Defendant sends these text
18 messages to telephones using an ATDS without consumers' prior written express
19 consent in violation of the TCPA.

20 10. At no time did Defendant obtain prior express consent from the
21 Plaintiff or the members of the Class orally or in writing to receive autodialed text
22 messages.

23 11. In placing the text messages at issue in this Complaint, Defendant
24 and/or its agents utilized an ATDS. Specifically, the hardware and software used by
25

26 ¹ [https://www.bbb.org/us/ca/san-diego/profile/sales-lead-generation/zeeto-media-1126-](https://www.bbb.org/us/ca/san-diego/profile/sales-lead-generation/zeeto-media-1126-172004020)
27 [172004020](https://www.bbb.org/us/ca/san-diego/profile/sales-lead-generation/zeeto-media-1126-172004020)

1 Defendant and/or its agents has the capacity to store and/or produce numbers using
2 a random or sequential number generator, and to dial such numbers, *en masse*, in an
3 automated fashion without human intervention. Defendant's automated dialing
4 equipment includes features substantially similar to a predictive dialer in that it is
5 capable of sending numerous text messages simultaneously, without human
6 intervention.

7 12. The text messages were sent by or on Zeeto's behalf and with its
8 knowledge and approval. Zeeto knew about the messages, received the benefits of
9 the messages, directed that the messages be sent, and/or ratified the sending of the
10 messages.

11 13. The TCPA was enacted to protect consumers from unsolicited
12 telephone text messages like those alleged in this case. In response to Defendant's
13 unlawful conduct, Plaintiff files the instant lawsuit and seeks an injunction
14 requiring Defendant to cease all unsolicited text messages activities to consumers as
15 complained of herein and an award of statutory damages to the members of the
16 Class, together with costs and reasonable attorneys' fees.

17 **FACTS SPECIFIC TO PLAINTIFF WILLIAMS**

18 14. Plaintiff is the of the cellphone number ending in 9607.

19 15. In or around June 2020, Plaintiff Williams received a text message
20 from a number he did not recognize, nor had any affiliation with. The text message
21 contained a link to getitfree.us, a website owned and operated by Defendant.

22 16. Following the initial text message from getitfree.us, Williams received
23 numerous text messages that all listed and provided advertisements for getitfree.us.

24 17. Plaintiff continued to receive repeated, unsolicited text messages from
25 several unknown numbers, all of which contain the link getitfree.us.

26 18. Some of the copied text messages can be found below:

Hey edwin! You're just a few steps away from getting new Milwaukee tools shipped to your doorstep:

getitfree.us/Milwaukee

Reply BYE to opt out

Hungry edwin? Get Burger King chicken nuggets delivered straight to your door! Tap here:

sms.getitfree.us/s/LvTUhg

Reply BYE to opt out

Now's your chance edwin! Get free samples of Gain Ultra Flings today. Redeem here:

sms.getitfree.us/s/_Oxfjw

Reply BYE to opt out

Hey edwin, this offer hits it out of the park! Get a free Grand Slam at Denny's! Tap here:

sms.getitfree.us/s/lXygVw

Reply BYE to opt out

Father's Day is just around the corner! Check out all our favorite freebies to help you celebrate

Father's Day: sms.getitfree.us/s/63u6aA

Reply BYE to opt out

#[632590870](https://sms.getitfree.us/s/63u6aA)

Check it out edwin! Get a free slice of cheesecake from Cheesecake Factory today! Redeem here:

sms.getitfree.us/s/168FUA

Reply BYE to opt out

#[632590870](https://sms.getitfree.us/s/168FUA)

(912) 531-9607 • Jun 13, 2020

Father's Day is just around the corner! Check out all our favorite freebies to help you celebrate

Father's Day: sms.getitfree.us/s/63u6aA

Reply BYE to opt out

#[623-259-0870](https://sms.getitfree.us/s/63u6aA) 3 in a row same #

Check it out edwin! Get a free slice of cheesecake from Cheesecake Factory today! Redeem here:

sms.getitfree.us/s/168FUA

Reply BYE to opt out

Offer confirmed edwin! Get a free Burger and Fries from Steak 'n Shake today! Redeem here:

sms.getitfree.us/s/gU4CqA

Reply BYE to opt out

(912) 531-9607 • Jun 23, 2020

1 19. All of the text messages were sent via an ATDS at the direction and
2 oversight of Defendant. Defendant knew about, directed, ratified, and benefitted
3 from the text messages.

4 20. Defendant was, and still is, aware that the above-described autodialed
5 text messages were sent to consumers like Plaintiff who have not consented to
6 receive them.

7 21. On information and belief, the equipment used to send the texts at
8 issue has the capacity to use a random or sequential number generator in the process
9 of storing numbers from a pre-produced list for texting at a later date.

10 22. The equipment at issue also has the capacity to produce telephone
11 numbers using a random or sequential number generator. Specifically, the texting
12 software, by virtue of being inextricably linked to a computer operating system, has
13 the capacity to generator random or sequential telephone numbers.

14 23. By sending unsolicited text messages as alleged herein, Defendant has
15 caused Plaintiff and members of the Class actual harm. This includes the
16 aggravation, nuisance, and invasions of privacy that result from the placement of
17 such text messages, in addition to the wear and tear on their phones, interference
18 with the use of their phones, consumption of battery life, loss of value realized for
19 monies consumers paid to their carriers for the receipt of such messages, and the
20 diminished use, enjoyment, value, and utility of their telephone plans. Furthermore,
21 Defendant sent the messages knowing they trespassed against and interfered with
22 Plaintiff and the other Class members' use and enjoyment of, and the ability to
23 access, their phones, including the related data, software, and hardware
24 components.

25 24. To redress these injuries, Plaintiff, on behalf of himself and Class of
26 similarly situated individuals, brings this suit under the TCPA, which prohibits

1 unsolicited telemarketing calls and text messages to cell phones. On behalf of the
2 Class, Plaintiff seeks an injunction requiring Defendant to cease all unauthorized
3 calling activities and an award of statutory damages to Class members, together
4 with costs, pre- and post-judgment interest, and reasonable attorneys' fees.

5 CLASS ACTION ALLEGATIONS

6 25. Plaintiff brings this action in accordance with Federal Rule of Civil
7 Procedure 23(b)(2) and Rule 23(b)(3) on behalf of himself and the following Class
8 defined as follows:

9 **No Consent Text Class:** All persons in the United States from four
10 years prior to the filing of the instant action who (1) Defendant (or a
11 third person acting on behalf of Defendant) sent text messages, (2) on
12 the person's cellular telephone number, (3) using the same dialing
13 equipment used to text Plaintiff, (4) for the purpose of promoting a
14 product or service, and (5) for whom Defendant claims to have obtained
prior express consent in the same manner it claims Plaintiff consented.

15 **DNC Registry Class:** All persons in the United States from four years
16 prior to the filing of the initial complaint in this action to the present
17 who: (1) having never authorized unsolicited text messages from
18 Defendant; (2) Defendant, or a third person acting on behalf of
19 Defendant, sent at least two text messages within any 12-month period
20 after the person replied "STOP", "BYE", or a substantially similar
21 command; (3) where the person's telephone number had been listed on
22 the National Do Not Call Registry for at least thirty (30) days; (4) for
the same purpose as text messages were sent to Williams; (5) for whom
Defendant claims it obtained prior express consent in the same manner
as Defendant claims it supposedly obtained prior express consent to send
text messages to Williams.

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

1 employees, officers and directors; (3) persons who properly execute and file a
2 timely request for exclusion from the Class; (4) persons whose claims in this matter
3 have been finally adjudicated on the merits or otherwise released; (5) Plaintiff's
4 counsel and Defendant's counsel; and (6) the legal representatives, successors, and
5 assignees of any such excluded persons. Plaintiff anticipates the need to amend the
6 class definitions following a period of appropriate discovery regarding the purpose
7 of the text messages, any consent obtained, and any third party on whose behalf the
8 text messages were sent.

9 27. **Numerosity:** The exact number of members within the Class is
10 unknown and not available to Plaintiff at this time, but individual joinder is
11 impracticable. On information and belief, Defendant has sent unsolicited text
12 messages to thousands of consumers who fall into the defined Class. The number of
13 members of the Class and Class membership can be identified through objective
14 criteria, including Defendant's phone records.

15 28. **Typicality:** Plaintiff's claims are typical of the claims of other
16 members of the Class in that Plaintiff and the members of the Class sustained the
17 same legal injuries and damages arising out of Defendant's uniform wrongful
18 conduct. If Plaintiff has an entitlement to relief, so do the rest of the Class
19 Members.

20 29. **Adequate Representation:** Plaintiff will fairly and adequately
21 represent and protect the interests of the Class and has retained counsel competent
22 and experienced in complex class actions, including class actions under the TCPA.
23 Neither Plaintiff nor his counsel has any interest in conflict with or antagonistic to
24 those of the Class, and Defendant has no defenses unique to Plaintiff.

25 30. **Commonality and Predominance:** There are questions of law and
26 fact common to the claims of Plaintiff and the Class, and those questions will drive

1 the litigation and predominate over any questions that may affect individual
2 members of the Class. Common questions for the Class include, but are not
3 necessarily limited to the following:

4 (a) Whether Defendant's conduct violated the TCPA;

5 (b) Whether the text messages were sent by or on behalf of
6 Defendant and/or whether Defendant knew about, approved, or benefitted
7 from the messages;

8 (c) Whether Defendant sent the text messages using an ATDS;

9 (d) Whether Defendant had any prior express written consent to
10 send the text messages; and

11 (e) Whether Defendant's conduct was willful or knowing such that
12 members of the Class are entitled to treble damages.

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

18 32. **Superiority & Manageability:** This case is also appropriate for class
19 certification because class proceedings are superior to all other available methods
20 for the fair and efficient adjudication of this controversy. Joinder of all parties is
21 impracticable, and the damages suffered by the individual members of the Class
22 will likely be relatively small, especially given the burden and expense of individual
23 prosecution of the complex litigation necessitated by Defendant's actions. Thus, it
24 would be virtually impossible for the individual members of the Class to obtain
25 effective relief from Defendant's misconduct. Even if members of the Class could
26 sustain such individual litigation, it would still not be preferable to a class action,

1 because individual litigation would increase the delay and expense to all parties due
 2 to the complex legal and factual controversies presented in this Complaint. By
 3 contrast, a class action presents far fewer management difficulties and provides the
 4 benefits of single adjudication, economies of scale, and comprehensive supervision
 5 by a single Court. Economies of time, effort and expense will be fostered, and
 6 uniformity of decisions ensured. Also, there are no pending governmental actions
 7 against Defendant for the same conduct.

8 **FIRST CAUSE OF ACTION**

9 **Violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*** 10 **On behalf of Plaintiff and the No Consent Class**

11 33. Plaintiff incorporates the foregoing allegations as if fully set forth
 12 herein.

13 34. Defendant sent unsolicited and unwanted autodialed telemarketing text
 14 messages to cellular telephone numbers belonging to Plaintiff and the other
 15 members of the No Consent Class, without their prior express written consent in an
 16 effort to generate leads for Defendant's business.

17 35. Defendant failed to obtain any prior express consent that included, as
 18 required by 47 C.F.R. § 64.1200(f)(8)(i), a "clear and conspicuous" disclosure
 19 informing the person signing that:

20 (A) By executing the agreement, such person authorizes the seller to
 21 deliver or cause to be delivered to the signatory telemarketing text
 22 messages using an automatic telephone dialing system; and

23 (B) The person is not required to sign the agreement (directly or
 24 indirectly), or agree to enter into such an agreement as a condition of
 25 purchasing any property, goods, or services.

26 36. Further, Defendant sent the autodialed text messages using equipment
 27 that has the capacity to store or produce telephone numbers to be contacted using a

1 random or sequential number and to dial such numbers, *en masse*, simultaneously
2 and without human intervention.

3 37. By sending unsolicited text messages to Plaintiff and members of the
4 No Consent Class's cellular telephones without prior express consent, and by
5 utilizing an ATDS, Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii).

6 38. As a result of Defendant's unlawful conduct, Plaintiff and the members
7 of the No Consent Class suffered actual damages in the form of monies paid to
8 receive the unsolicited autodialed text messages on their cellular telephones and,
9 under Section 227(b)(3), are each entitled to, *inter alia*, a minimum of \$500 in
10 damages for each such violation of the TCPA.

11 39. Should the Court determine that Defendant's conduct was willful and
12 knowing, the Court may, pursuant to section 227(b)(3), treble the amount of
13 statutory damages recoverable by Plaintiff and the other members of the No
14 Consent Class.

15 **SECOND CAUSE OF ACTION**
16 **Violation of the TCPA, 47 U.S.C. § 227, *et seq.***
17 **(On behalf of Plaintiff and the DNC Registry Class)**

18 40. Plaintiff incorporates by reference the forgoing allegations as if fully
19 set forth herein.

20 41. 47 U.S.C. § 227(c) provides that any "person who has received more
21 than one telephone call within any 12-month period by or on behalf of the same
22 entity in violation of the regulations prescribed under this subsection may" bring a
23 private action based on a violation of said regulations, which were promulgated to
24 protect telephone subscribers' privacy and their right to avoid receiving telephone
25 solicitation to which they object.

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

6 43. 47 C.F.R. § 64.1200(e), provides that § 64.1200(c) and (d) "are
 7 applicable to any person or entity making telephone solicitations or telemarketing
 8 calls to wireless telephone numbers to the extent described in the Commission's
 9 Report and Order, CG Docket No. 02-278, FCC 03-153, '*Rules and Regulations*
 10 *Implementing the Telephone Consumer Protection Act of 1991*.'" The Report and
 11 Order, in turn, provides as follows:

12 The Commission's rules provide that companies making telephone
 13 solicitations to residential telephone subscribers must comply with time
 14 of day restrictions and must institute procedures for maintaining do-
 15 not-call lists. For the reasons described above, we conclude that these
 16 rules apply to calls made to wireless telephone numbers. We believe
 17 that wireless subscribers should be afforded the same protections as
 18 wireline subscribers.²

19 44. 47 C.F.R. § 64.1200(d) further provides that "[n]o person or entity
 20 shall initiate any call for telemarketing purposes to a residential telephone
 21 subscriber unless such person or entity has instituted procedures for maintaining a
 22 list of persons who request not to receive telemarketing call made by or on behalf of
 23 that person or entity. The procedures instituted must meet the following minimum
 24 standards:

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

28 ² 68 Fed. Reg. 44143, 44166 (July 25, 2003).

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

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

15 (4) Identification of sellers and telemarketers. A person or entity
16 making a call for telemarketing purposes must provide the called
17 party with the name of the individual caller, the name of the person
18 or entity on whose behalf the call is being made, and a telephone
19 number or address at which the person or entity may be contacted.
20 The telephone number provided may not be a 900 number or any
21 other number for which charges exceed local or long-distance
22 transmission charges.

23 (5) Affiliated persons or entities. In the absence of a specific request by
24 the subscriber to the contrary, a residential subscriber's do-not-call
25 request shall apply to the particular business entity making the call
26 (or on whose behalf a call is made), and will not apply to affiliated
27 entities unless the consumer reasonably would expect them to be
28 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 not
to receive further telemarketing calls. A do-not-call request must be
honored for 5 years from the time the request is made.

45. Defendant violated 47 C.F.R. § 64.1200(c) by initiating, or causing to be initiated, multiple text message telephone solicitations to telephone subscribers such as Plaintiff and the DNC Registry Class members who registered their respective cellphone numbers on the National Do-Not-Call Registry at least thirty (30) days prior to the start of the calls. These consumers requested to not receive text messages from Defendant as set forth in 47 C.F.R. § 64.1200(d)(3).

46. Moreover, Defendant violated 47 C.F.R. § 64.1200(d) by failing to maintain a written policy for maintaining a do-not-call list, by failing to train its personnel involved in telemarketing regarding the existence and use of any such policy or do-not-call list, by failing to accurately record do-not-call requests internally, and by failing to honor do-not-call requests.

47. Here, Defendant sent Plaintiff multiple unsolicited text messages after he had submitted valid “STOP” and “BYE” requests.

48. Defendant sent multiple unsolicited text messages during a 12-month period to Plaintiff and the members of the DNC Registry class despite the fact that Plaintiff and the DNC Registry class members had had their phone numbers listed on the DNC Registry for at least thirty (30) days.

49. As a result of Defendant’s unlawful conduct, Plaintiff and the members of the No Consent Class are each entitled, under 47 C.F.R. § 227(c), *inter alia*, to receive up to \$500 in damages for such violations of 47 C.F.R. § 64.1200.

50. To the extent Defendant’s misconduct is determined to be willful and knowing, the Court should, pursuant to 47 U.S.C. § 227(c)(5), treble the amount of statutory damages recoverable by the members of the DNC Registry Class.

PRAYER FOR RELIEF

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

- 1 A. An order certifying the Class as defined above, appointing Plaintiff as
2 the representative of the Class, and appointing his counsel as Class
3 Counsel;
4 B. An order declaring that Defendant's actions, as set out above, violate
5 the TCPA;
6 C. An injunction requiring Defendant to cease all practices of sending
7 unsolicited text messages to consumers whose numbers are listed on
8 the Do Not Call Registry;
9 D. An injunction requiring Defendant to honor STOP requests and similar
10 requests and otherwise protecting the interests of the Class;
11 E. An award of actual monetary loss from such violations or the sum of
12 five hundred dollars (\$500.00) for each violation, whichever is greater
13 all to be paid into a common fund for the benefit of the Plaintiff and
14 the Class Members;
15 F. An award of trebled damages if willful or knowing violations are
16 shown;
17 G. An award of reasonable attorneys' fees and costs to be paid out of the
18 common fund prayed for above; and
19 H. Such other and further relief that the Court deems reasonable and just.

20 **JURY DEMAND**

21 Plaintiff requests a trial by jury of all claims that can be so tried.
22

23 Dated: September 15, 2021

EDWIN WILLIAMS, individually and on
behalf of all others similarly situated,

24 By: /s/ Michael R. Lozeau
25 One of Plaintiff's Attorneys

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15 *Counsel for Plaintiff and the Putative Class*
16 *pro hac vice application to be filed
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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

Edwin Williams, individually and on behalf of all others
similar situated

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

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

Lozeau Drury LLP, 1939 Harrison Street, Suite 150,
Oakland, CA 94612, 510-836-4200

DEFENDANTS

Zeeto, LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'21CV1646 L BLM

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

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 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 | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input checked="" type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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:
Violations of the Telephone Consumer Protection Act

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

13/9/2021

SIGNATURE OF ATTORNEY OF RECORD

/s/ Michael. R. Lozeau

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: [Zeeto Hit with Class Action Over Alleged Text Message Ads](#)
