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17 *Benjamin Bodde*

18 **UNITED STATES DISTRICT COURT**  
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 BENJAMIN BODDE, Individually and  
21 On Behalf of All Others Similarly  
22 Situated,

23 Plaintiff,

24 v.

25 VRX MEDIA GROUP, LLC,

26 Defendant.

27 **Case No.: '21CV320 BEN RBB**

28 **CLASS ACTION**

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF  
PURSUANT TO THE TELEPHONE  
CONSUMER PROTECTION ACT,  
47 U.S.C. § 227, ET SEQ.**

**JURY TRIAL DEMANDED**



**INTRODUCTION**

1  
2 1. Plaintiff BENJAMIN BODDE (“Mr. Bodde” or “Plaintiff”),  
3 individually and on behalf of all others similarly situated, brings this action for  
4 damages and injunctive relief, and any other available legal or equitable remedies,  
5 resulting from the illegal actions of defendant VRX MEDIA GROUP, LLC (“VRX  
6 Media” or “Defendant”) in negligently, knowingly and/or willfully transmitting  
7 unsolicited, autodialed calls and voicemails to cellular telephones of consumers, in  
8 violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*,  
9 (“TCPA”), thereby invading the privacy of Plaintiff and the putative class members.

10 2. Plaintiff makes these allegations on information and belief, with the  
11 exception of those allegations that pertain to Plaintiff, or to Plaintiff’s counsel,  
12 which Plaintiff alleges on personal knowledge.

13 3. Defendant placed the automated calls and voice messages to Plaintiff  
14 and others similarly situated without their prior express written consent to solicit  
15 their business. This is exactly the type of telephonic contact the TCPA was designed  
16 to prevent.

17 4. Unless otherwise indicated, the use of Defendant’s name in this  
18 Complaint includes all agents, employees, officers, members, directors, heirs,  
19 successors, assigns, principals, trustees, sureties, subrogees, representatives, and  
20 insurers of the named Defendant.

**NATURE OF THE ACTION**

21  
22 5. In 1991, Congress passed the Telephone Consumer Protection Act, 47  
23 U.S.C. § 227, *et seq.*, in response to complaints about abusive telemarketing  
24 practices.

25 6. In enacting the TCPA, Congress intended to give consumers a choice  
26 as to how creditors and telemarketers may call them, and it made specific findings  
27 that “[t]echnologies that might allow consumers to avoid receiving such calls are  
28 not universally available, are costly, are unlikely to be enforced, or place an

1 inordinate burden on the consumer. TCPA, Pub.L. No. 102–243, § 11. Toward this  
2 end, Congress found that:

3 [b]anning such automated or prerecorded telephone calls  
4 to the home, except when the receiving party consents to  
5 receiving the call or when such calls are necessary in an  
6 emergency situation affecting the health and safety of the  
7 consumer, is the only effective means of protecting  
8 telephone consumers from this nuisance and privacy  
9 invasion.

10 *Id.* at § 12.

11 7. The Federal Trade Commission (“FCC”) is charged with the authority  
12 to issue regulations implementing the TCPA. According to findings by the FCC,  
13 automated calls and text messages are prohibited under the TCPA because receiving  
14 them is a greater invasion of privacy and nuisance compared to live solicitation  
15 calls. The FCC has also acknowledged that wireless customers are charged for any  
16 incoming calls and text messages.

17 8. In 2015, the FCC noted, “[m]onth after month, unwanted robocalls and  
18 texts, both telemarketing and informational, top the list of consumer complaints  
19 received by the Commission.” *In re Rules and Regulations Implementing the  
20 Telephone Consumer Protection Act of 1991*, 18 FCC Rcd. 14014, ¶ 1 (2015).

21 9. The transmission of an unsolicited calls and voice messages to a cellular  
22 device is distracting and aggravating to the recipient and intrudes upon the  
23 recipient’s seclusion.

### 24 JURISDICTION AND VENUE

25 10. This Court has subject matter jurisdiction over this action pursuant to  
26 28 U.S.C. § 1331 because this case arises out of violation of federal law. 47 U.S.C  
27 § 227(b).

28 11. Because Defendant directs and conducts business within the State of  
California and this judicial district, personal jurisdiction is established.



1           19. At no time did Plaintiff ever enter into a business relationship with  
2 Defendant, nor did Plaintiff ever provide the 9340 Number directly to Defendant  
3 through any medium.

4           20. On or about October 27, 2020, Defendant placed an automated call to  
5 Plaintiff on the 9340 Number from the number (262) 989-8587.

6           21. Upon information and belief, Defendant used a pre-recorded voice to  
7 leave a voicemail on Plaintiff's cell phone. The voicemail was from "Kelly from  
8 VRX Media", and advertised Defendant's services of real estate photography,  
9 including aerial drone services, and instructing "all real estate professionals" to visit  
10 "vrxmedia.com" to enter a promo code "VRX50" for 50% off services.

11           22. Plaintiff was confused as to why he had received a solicitation call and  
12 voicemail from Defendant because Plaintiff had no prior business relationship or  
13 contact with Defendant. Further, Plaintiff never provided Defendant with his  
14 cellular telephone number. Frustrated and confused by this unwanted automated  
15 call and voicemail, Plaintiff did not return Defendant's call.

16           23. On or about November 17, 2020, Defendant placed a second  
17 automated call to Plaintiff on the 9340 Number from the number (262) 719-4588.

18           24. Upon information and belief, Defendant used a pre-recorded voice to  
19 leave a voicemail on Plaintiff's cell phone. The voicemail was from "Patrick from  
20 VRX Media", and advertised Defendant's services of real estate photography,  
21 including aerial drone services, and instructing "all San Diego agents" to visit  
22 "vrxmedia.com" to enter a promo code "VRX50" for 50% off services. Again,  
23 Plaintiff did not return Defendant's call.

24           25. Upon information and belief, the above two calls were placed via an  
25 "automatic telephone dialing system," ("ATDS") as defined by 47 U.S.C. § 227  
26 (a)(1), using an "artificial or prerecorded voice" as prohibited by 47 U.S.C. §  
27 227(b)(1)(A), to contact Plaintiff regarding the advertisement of Defendant's  
28 services.

1           26.   VRX Media or its agent called Plaintiff’s cellular telephone each time  
2 in an effort to persuade Plaintiff to use Defendant’s real estate marketing services.  
3 Both voicemails that Defendant left on Plaintiff’s cellular phone, on October 27,  
4 2020 and November 17, 2020, contain a brief delay before the speaker’s voice is  
5 heard.

6           27.   The calls at issue, sent by Defendant to the 9340 Number in October  
7 and November of 2020, constitute “advertisement” and/ or “telemarketing” call as  
8 prohibited by the TCPA, as Defendant placed the calls to Plaintiff’s cellular phone  
9 to advertise its real estate marketing and photography services.

10          28.   Upon information and belief, Defendant controlled the content of the  
11 calls, timing of the calls and voicemails, and which phone numbers to call, in an  
12 effort to increase the use of Defendant’s business.

13          29.   Despite Plaintiff’s numerous attempts to ignore and avoid VRX  
14 Media’s calls, Defendant has called Plaintiff several times on his cellular telephone  
15 without his prior express written consent.

16          30.   Upon information and belief this telephone dialing equipment used by  
17 VRX Media, or its agent, has the capacity to store or produce telephone numbers to  
18 be called, using a random or sequential number generator.

19          31.   Upon information and belief, this telephone dialing equipment also has  
20 the capacity to dial telephone numbers stored in a database or as a list, without  
21 human intervention.

22          32.   The months of unwanted calls from VRX Media caused Plaintiff to  
23 become annoyed and frustrated.

24          33.   Through Defendant’s aforementioned conduct, Plaintiff suffered an  
25 invasion of a legally protected interest in privacy, which is specifically addressed  
26 and protected by the TCPA.

27          34.   Defendant’s calls forced Plaintiff and other similarly situated class  
28 members to live without the utility of their cellular phones by occupying their

1 telephone with one or more unwanted calls, causing nuisance and lost time.

2 35. The telephone number VRX Media or its agent called was assigned to  
3 a cellular telephone service for which Plaintiff incurs a charge for a cellular  
4 telephone service pursuant to 47 U.S.C. § 227(b)(1).

5 36. The calls to Plaintiff were not for emergency purposes as defined by  
6 47 U.S.C. § 227(b)(1)(A)(i).

7 37. Defendant's calls to Plaintiff's cellular telephone number were  
8 unsolicited by Plaintiff and were placed without Plaintiff's prior express written  
9 consent or permission. Therefore, Defendant did not have "prior express consent"  
10 to call Plaintiff by means of an ATDS as prohibited by 47 U.S.C. § 227(b)(1)(A).

#### 11 CLASS ACTION ALLEGATIONS

12 38. Plaintiff brings this action on behalf of himself and all others similarly  
13 situated (the "Class").

14 39. Plaintiff represents, and is a member of, the Class, pursuant to Fed. R.  
15 Civ. P. 23(b)(3) and/or (b)(2), which is defined as follows:

16 All persons within the United States who received an  
17 automated call to their cellular telephone from Defendant,  
18 its employees or its agents, using the same equipment to  
19 call Plaintiff, within the four years prior to the filing of the  
20 Complaint.

21 40. Plaintiff also represents, and is a member of, the Sub-Class, pursuant  
22 to Fed. R. Civ. P. 23(b)(3) and/or (b)(2), which is defined as follows:

23 All persons within the United States who received an  
24 automated call to their cellular telephone from Defendant,  
25 its employees or its agents, with an artificial or  
26 prerecorded voice message, within the four years prior to  
the filing of the Complaint.

27 41. The Class and Sub-Class are together referred to as the "Classes."  
28



1           42. Excluded from the Classes are: (1) Defendant, any entity or division in  
2 which Defendant has a controlling interest, and their legal representatives, officers,  
3 directors, assigns, and successors; (2) the Judge to whom this case is assigned and  
4 the Judge's staff; and (3) those persons who have suffered personal injuries as a  
5 result of the facts alleged herein.

6           43. Plaintiff reserves the right to redefine the Classes, and to add and  
7 redefine any additional subclass as appropriate based on discovery and specific  
8 theories of liability.

9           44. The Classes that Plaintiff seeks to represent contains numerous  
10 members and is ascertainable including, without limitation, by using Defendant's  
11 records to determine the size of the Class and to determine the identities of  
12 individual Class members.

13           **Numerosity**

14           45. The members of the Classes are so numerous that joinder of all  
15 members would be unfeasible and impractical. The membership of the Classes is  
16 currently unknown to Plaintiff at this time. However, given that, on information and  
17 belief, Defendant sent or transmitted, or had sent or transmitted on its behalf,  
18 unsolicited calls and voicemails to hundreds, if not thousands, of customers'  
19 cellular telephones nationwide using an ATDS, and transmitting an artificial or  
20 prerecorded voice message, during the proposed class period, it is reasonable to  
21 presume that the members of the Classes are so numerous that joinder of all  
22 members is impracticable. The disposition of their claims in a class action will  
23 provide substantial benefits to the parties and the Court.

24           **Commonality**

25           46. There are questions of law and fact common to the Class and Sub-  
26 Class that predominate over any questions affecting only individual Class members.  
27 Those common questions of law and fact include, without limitation, the following:

- 28           a) Whether within the four years prior to the filing of this Complaint,



1 Defendant, or its employees or agents, transmitted any marketing  
2 calls, including any artificial or prerecorded voice messages, without  
3 the prior express written consent of Plaintiff and Class members using  
4 an “automatic telephone dialing system”;

5 b) Whether Defendant can meet its burden to show Defendant obtained  
6 prior express written consent (as defined by 47 C.F.R. §  
7 64.1200(f)(8)) to send marketing calls and voicemails complained of,  
8 assuming such an affirmative defense is raised;

9 c) Whether Defendant has a business relationship with Plaintiff and the  
10 members of the Classes;

11 d) Whether Defendant’s conduct was knowing and/or willful;

12 e) Whether Plaintiff and the members of the Class were damaged  
13 thereby, and the extent of damages for such violation; and,

14 f) Whether Defendant or affiliates, subsidiaries, or agents of Defendant  
15 should be enjoined from engaging in such conduct in the future.

16 **Typicality**

17 47. Plaintiff is qualified to, and will, fairly and adequately protect the  
18 interests of each Class member with whom they are similarly situated, and  
19 Plaintiff’s claims (or defenses, if any) are typical of all members of the Class and  
20 Sub-Class, as demonstrated herein.

21 48. Plaintiff represents and is a member of the Classes because Plaintiff  
22 received at least one call and prerecorded voice message through the use of an  
23 automatic telephone dialing system, without providing prior express written consent  
24 to the Defendant within the meaning of the TCPA, without a prior business  
25 relationship with Defendant. Consequently, the claims of Plaintiff are typical of the  
26 claims of Class members and Plaintiff’s interests are consistent with and not  
27 antagonistic to those of the other members of the Classes that Plaintiff seeks to  
28 represent.

1           49. Plaintiff and all members of the Classes have been impacted by, and  
2 face continuing harm arising out of, Defendant's violations or misconduct as  
3 alleged herein.

4           **Adequacy**

5           50. Plaintiff is qualified to, and will, fairly and adequately protect the  
6 interests of each member of the Class and Sub-Class with whom Plaintiff is  
7 similarly situated, as demonstrated herein. Plaintiff acknowledges that Plaintiff has  
8 an obligation to make known to the Court any relationship, conflicts, or differences  
9 with any members of the Classes. Plaintiff's attorneys, the proposed class counsel,  
10 are versed in the rules governing class action discovery, certification, and  
11 settlement. In addition, the proposed class counsel is experienced in handling claims  
12 involving consumer actions and violations of Telephone Consumer Protection Act,  
13 47 U.S.C. § 227, *et seq.* Plaintiff has incurred, and throughout the duration of this  
14 action, will continue to incur costs and attorneys' fees that have been, are, and will  
15 be, necessarily expended for the prosecution of this action for the substantial benefit  
16 of each member of the Classes. Neither Plaintiff nor Plaintiff's counsel have any  
17 interests adverse to those of the other members of the Classes.

18           **Predominance**

19           51. Questions of law or fact common to the members of the Classes  
20 predominate over any questions affecting only individual members of the class. The  
21 elements of the legal claims brought by Plaintiff and members of the Classes are  
22 capable of proof at trial through evidence that is common to the class rather than  
23 individual to its members.

24           **Superiority**

25           52. A class action is superior to other available methods for the fair and  
26 efficient adjudication of this controversy because individual litigation of the claims  
27 of all members of the Class and Sub-Class is impracticable and questions of law  
28 and fact common to the Classes predominate over any questions affecting only

1 individual members of the Classes. Even if every individual member of the Class  
2 and Sub-Class could afford individual litigation, the court system could not. It  
3 would be unduly burdensome to the courts if individual litigation of the numerous  
4 cases were to be required.

5 53. Individualized litigation also would present the potential for varying,  
6 inconsistent, or contradictory judgments, and would magnify the delay and expense  
7 to all parties and to the court system resulting from multiple trials of the same  
8 factual issues. By contrast, conducting this action as a class action will present  
9 fewer management difficulties, conserve the resources of the parties and the court  
10 system, and protect the rights of each member of the Classes. Further, it will  
11 prevent the very real harm that would be suffered by numerous members of the  
12 Classes who will be unable to enforce individual claims of this size on their own,  
13 and by Defendant's competitors, who will be placed at a competitive disadvantage  
14 because they chose to obey the law. Plaintiff anticipates no difficulty in the  
15 management of this case as a class action.

16 54. The prosecution of separate actions by individual members of the  
17 Classes may create a risk of adjudications with respect to them that would, as a  
18 practical matter, be dispositive of the interests of other members not parties to those  
19 adjudications, or that would otherwise substantially impair or impede the ability of  
20 those non-party members of the Classes to protect their interests.

21 55. The prosecution of individual actions by members of the Classes  
22 would establish inconsistent standards of conduct for Defendant.

23 56. Defendant has acted or refused to act in ways generally applicable to  
24 the Classes, thereby making appropriate final and injunctive relief or corresponding  
25 declaratory relief with regard to members of the Class and Sub-Class as a whole.  
26 Likewise, Defendant's conduct as described above is unlawful, is capable of  
27 repetition, and will continue unless restrained and enjoined by the Court.

28 57. The Classes may also be certified because:

- 1 (a) the prosecution of separate actions by individual members would  
2 create a risk of inconsistent or varying adjudication with respect to  
3 individual members, which would establish incompatible standards  
4 of conduct for Defendant;
- 5 (b) the prosecution of separate actions by individual members would  
6 create a risk of adjudications with respect to them that would, as a  
7 practical matter, be dispositive of the interests of other members of  
8 the Classes not parties to the adjudications, or substantially impair  
9 or impede their ability to protect their interests; and,
- 10 (c) Defendant has acted or refused to act on grounds generally  
11 applicable to the Classes, thereby making appropriate final and  
12 injunctive relief with respect to the members of the Class and Sub-  
13 Class as a whole.

14 58. This suit seeks only damages and injunctive relief for recovery of  
15 statutory damages on behalf of Classes and it expressly is not intended to request  
16 any recovery for personal injury and claims related thereto.

17 **FIRST CAUSE OF ACTION**  
18 **NEGLIGENT VIOLATIONS OF THE TCPA**  
19 **47 U.S.C. § 227 ET SEQ.**

20 59. Plaintiff repeats and incorporates by reference the allegations set forth  
21 above as though fully stated herein.

22 60. The forgoing acts and omissions of Defendant constitute numerous and  
23 multiple negligent violations of the TCPA, including but not limited to each and  
24 every one of the above-cited provisions of 47 U.S.C. § 227, *et seq.* Defendant's  
25 repeated automated calls and prerecorded voice messages to Plaintiff's cellular  
26 phone, without any prior express written consent.

27 61. As a result of Defendant's negligent violations of 47 U.S.C. § 227,  
28 Plaintiff and all members of the Classes are entitled to, and do seek, injunctive relief

1 prohibiting such conduct violating the TCPA in the future.

2 62. As a result of Defendant's negligent violations of 47 U.S.C. § 227,  
3 Plaintiff and all members of the Classes are also entitled to, and do seek, an award  
4 of \$500.00 statutory damages, for each and every violation, pursuant to 47 U.S.C.  
5 § 227(b)(3)(B).

6  
7 **SECOND CAUSE OF ACTION**  
8 **KNOWING AND/OR WILLFUL VIOLATIONS OF THE TCPA**  
9 **47 U.S.C. § 227 ET SEQ.**

10 63. Plaintiff repeats and incorporates by reference the allegations set forth  
11 above as though fully stated herein.

12 64. The foregoing acts and omissions of Defendant constitute numerous  
13 and multiple knowing and/or willful violations of the TCPA, including but not  
14 limited to each and every one of the above-cited provisions of 47 U.S.C. § 227, *et*  
15 *seq.*

16 65. As a result of Defendant's knowing and/or willful violations of 47  
17 U.S.C. § 227, *et seq.*, Plaintiff and all members of the Classes are entitled to, and  
18 do seek, injunctive relief prohibiting such conduct violating the TCPA in the future.

19 66. As a result of Defendant's knowing and/or willful violations of 47  
20 U.S.C. § 227, *et seq.*, Plaintiff and all members of the Classes are also entitled to,  
21 and do seek, an award of \$1,500.00 in statutory damages, for each and every  
22 violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff, on behalf of himself and members of the Classes,  
25 prays for the following relief:

- 26 • That this action be certified as a Class Action, establishing the Classes  
27 and any appropriate sub-classes that the Court may deem appropriate;
- 28 • Appointing Plaintiff as the representative of the Classes;
- Appointing the law firms representing Plaintiff as Class Counsel;

- An award of \$500.00 in statutory damages to Plaintiff and each member of the Classes for each and every negligent violation of 47 U.S.C. § 227(b)(1) by Defendant, pursuant to 47 U.S.C. § 227(b)(3)(B);
- An award of \$1,500.00 in statutory damages to Plaintiff and each member of the Classes for each and every knowing and/or willful violation of 47 U.S.C. § 227(b)(1) by Defendant, pursuant to 47 U.S.C. § 227(b)(3)(B);
- Pre-judgment and post-judgment interest;
- An order providing injunctive relief prohibiting such conduct in the future, pursuant to 47 U.S.C. § 227(b)(3)(A);
- Costs of suit;
- An award of reasonable attorneys' fees and costs to Plaintiff and the Class, pursuant to the common fund doctrine and, *inter alia*, California Code of Civil Procedure § 1021.5;
- Any other further relief that the court may deem just and proper.

**JURY DEMAND**

67. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: February 23, 2021

Respectfully submitted,

**KAZEROUNI LAW GROUP, APC**

By: s/ Abbas Kazerounian  
Abbas Kazerounian, Esq.  
*Attorney for Plaintiff*

1 **Additional Plaintiff's Counsel**

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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

Benjamin Bodde

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

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Abbas Kazerounian, Kazerouni Law Group, APC  
245 Fischer Ave, Suite D1, Costa Mesa, CA 92626  
(800) 400-6808

### DEFENDANTS

VRX Media Group, 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) **'21CV320 BEN RBB**

### 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	<b>PERSONAL INJURY</b> <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	<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 <b>PERSONAL PROPERTY</b> <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 <b>LABOR</b> <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 <b>IMMIGRATION</b> <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <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 <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	CIVIL RIGHTS	PRISONER PETITIONS			
<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	<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	<b>Habeas Corpus:</b> <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 <b>Other:</b> <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 et seq.

Brief description of cause:  
Violations 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: 02/23/2021 SIGNATURE OF ATTORNEY OF RECORD: s/ Abbas Kazerounian

FOR OFFICE USE ONLY

## 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.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [VRX Media Group Facing Class Action Over Alleged Robocalls](#)

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