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15 *Attorneys for Plaintiff,*  
16 Adrian Chavez

17 **UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

18 **ADRIAN CHAVEZ, Individually**  
19 **and On Behalf of All Others**  
20 **Similarly Situated,**

21 Plaintiff,

22 v.

23 **SYSTEMS & SERVICES**  
24 **TECHNOLOGIES, INC.,**

25 Defendant.  
26

Case No.: '18CV0292 H WVG

**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**

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INTRODUCTION

1. Plaintiff ADRIAN CHAVEZ (“Plaintiff”) brings this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of defendant SYSTEMS & SERVICES TECHNOLOGIES, INC. (“Defendant”) in negligently, willfully and knowingly contacting Plaintiff on Plaintiff’s cellular telephone without consent, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (“TCPA”), thereby invading Plaintiff’s privacy.
2. Plaintiff 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 attorneys.
3. The TCPA was designed to prevent calls like the ones described within this Complaint, and to protect the privacy of citizens like Plaintiff. “Voluminous consumer complaints about abuses of telephone technology – for example, computerized calls dispatched to private homes – prompted Congress to pass the TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).
4. In enacting the TCPA, Congress intended to give consumers a choice as to how creditors and telemarketers may call them, and made specific findings that “[t]echnologies that might allow consumers to avoid receiving such calls are not universally available, are costly, are unlikely to be enforced, or place an inordinate burden on the consumer. TCPA, Pub.L. No. 102–243, § 11. Toward this end, Congress found that:

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

*Id.* at § 12; *see also Martin v. Leading Edge Recovery Solutions, LLC*, 2012 WL 3292838, at\* 4 (N.D. Ill. Aug. 10, 2012) (citing Congressional findings

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1 on TCPA’s purpose).

2 5. Congress also specifically found that “the evidence presented to the Congress  
3 indicates that automated or prerecorded calls are a nuisance and an invasion of  
4 privacy, regardless of the type of call....” *Id.* at §§ 12-13. *See also, Mims*, 132  
5 S. Ct. at 744.

6 6. Plaintiff brings this case as a class action seeking damages for himself and all  
7 others similarly situated.

8 **JURISDICTION AND VENUE**

9 7. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331  
10 because this case arises out of the TCPA, 47 U.S.C. § 227 *et seq*, which is a  
11 federal consumer protection law.

12 8. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b)(2) because  
13 (i) the events giving rise to Plaintiff’s claims occurred in this District; (ii)  
14 Plaintiff resides in this District; and (iii) Defendant transacts business within  
15 this District.

16 9. Upon information and belief, Defendant regularly and continuously conducts  
17 business within this district, and thus, personal jurisdiction is established.

18 **PARTIES**

19 10. Plaintiff, at all times mentioned herein, is and was a resident of the County of  
20 San Diego, in the State of California.

21 11. Plaintiff is, and at all times mentioned herein was, a “person” as defined by 47  
22 U.S.C. § 153 (39).

23 12. Defendant is, and at all times mentioned herein was, a Delaware corporation,  
24 and is a “person” as defined by 47 U.S.C. § 153 (39).

25 13. At all times relevant herein, Defendant conducted business in this judicial  
26 district.

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**FACTUAL ALLEGATIONS**

1  
2 14. Sometime prior to May 2017, Plaintiff allegedly incurred a debt to Borrowers  
3 First, Inc., (“Borrowers First”) which was sold, transferred or assigned to  
4 Defendant Systems & Services Technologies, Inc. (“Defendant”) on or about  
5 October 2, 2017. As it is irrelevant to this action, Plaintiff currently takes no  
6 position as to whether or not this alleged debt was actually owed.

7 15. On or about September 12, 2017, the Law Office of Daniel Shay (“Shay”), with  
8 Plaintiff’s authorization and on Plaintiff’s behalf, faxed and mailed a cease and  
9 desist letter to Borrower’s First informing Borrower’s First and, by proxy,  
10 Defendant of the following:

11 [Plaintiff] hereby revokes any prior express consent that  
12 may have been given to receive telephone calls,  
13 expressively to [Plaintiff’s] cellular telephone, from an  
14 Automated Telephone Dialing System or an artificial or  
15 pre-recorded voice, as outlined in the Telephone  
16 Consumer Protection Act, 47 U.S.C. § 227 *et seq.* and  
17 [Plaintiff] also revokes any applicable business  
18 relationship.

19 [Plaintiff] has retained [Shay] to stop creditor  
20 harassment and to discharge your claim(s) through  
21 bankruptcy. Whether you are an original creditor, or a  
22 collector, you must cease and desist all communication  
23 with [Plaintiff] as required by Cal. Civ. Code § 1788.17  
24 via 15 U.S.C. 1692...

25 16. Thereafter, on or about September 26, 2017, with Plaintiff’s authorization and  
26 on Plaintiff’s behalf, Shay faxed and mailed a second cease and desist letter to  
27 Borrower’s First informing of the same.

28 17. Despite Plaintiff’s and Shay’s requests to cease and desist any further  
communication with Plaintiff, Defendant called Plaintiff on or about October  
6, 2017 on Plaintiff’s cellular telephone ending in “2208” from the number 866-  
826-8679.

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1 18. Upon information and belief, Defendant made this call and other calls to  
2 Plaintiff using an “automatic telephone dialing system” (“ATDS”), as defined  
3 by 47 U.S.C. § 227(a)(1).

4 19. Upon information and belief, Defendant’s ATDS has the capacity to store or  
5 produce telephone numbers to be called, using a random or sequential number  
6 generator.

7 20. To illustrate, on October 6, 2017, Defendant called Plaintiff’s cellular  
8 telephone and left a voice message. There was a delay when the call connected  
9 before Defendant left the voicemail.

10 21. At all material times hereto, Defendant did not have a “prior express consent”  
11 to place autodialed calls to Plaintiff’s cellular telephone, pursuant to 47 U.S.C.  
12 § 227 (b)(1)(A).

13 22. Plaintiff had never given Defendant any consent to receive calls on his cellular  
14 phone, pursuant to 47 U.S.C. § 227 (b)(1)(A).

15 23. Further, had Plaintiff given any prior express consent previously, any such  
16 alleged consent was effectively revoked through Shay’s and Plaintiff’s cease  
17 and desist letters sent to Defendant by facsimile and mail on September 12,  
18 2017 and September 26, 2017.

19 24. Defendant’s call constituted a call that was not made for emergency purposes,  
20 as defined by 47 U.S.C. § 227(b)(1)(A).

21 25. Defendant’s call was placed to a telephone number assigned to a cell phone  
22 service for which Plaintiff incurs a charge for incoming calls pursuant to 47  
23 U.S.C. § 227(b)(1).

24 26. Through the unwanted call from Defendant, Plaintiff suffered an invasion of  
25 his legally protected interest in privacy, which is specifically addressed and  
26 protected by the TCPA.

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1 27. Plaintiff was personally affected by Defendant’s aforementioned conduct  
2 because Plaintiff was frustrated and distressed that Defendant interrupted  
3 Plaintiff with an unwanted call using an ATDS.

4 28. Defendant’s calls forced Plaintiff and other similarly situated class members to  
5 live without the utility of their cell phones by forcing Plaintiff and class  
6 members to silence their cellular phones and/or block incoming numbers and  
7 by occupying their cell phones with one or more unwanted calls, causing a  
8 nuisance and lost time.

9 29. Plaintiff is informed and believes and here upon alleges, that the unwanted calls  
10 were made by Defendant and/or Defendant’s agent(s), with Defendant’s  
11 permission, knowledge, and control, for Defendant’s benefit.

12 30. Through the aforementioned conduct, Defendant or its agent(s) has violated 47  
13 U.S.C. § 227(b)(1).

14 **CLASS ACTION ALLEGATIONS**

15 31. Plaintiff brings this action on behalf of himself and on behalf of all others  
16 similarly situated (the “Class”).

17 32. Plaintiff represents, and is a member of the Class, consisting of:

18 All persons within the United States who received any  
19 telephone call from Defendant Systems & Services  
20 Technologies, Inc. or its agent/s and/or employee/s, not  
21 sent for emergency purposes, to said person’s cellular  
22 telephone made through the use of any automatic  
telephone dialing system and/or with an artificial or  
prerecorded voice within the four years prior to the filing  
of this Complaint.

23 33. Defendant and its employees or agents are excluded from the Class. Plaintiff  
24 does not know the number of members in the Class, but believes the Class  
25 members number in the thousands, if not more. Thus, this matter should be  
26 certified as a Class action to assist in the expeditious litigation of this matter.

27 34. Plaintiff and members of the Class were harmed by the acts of Defendant in at  
28 least the following ways: Defendant, either directly or through their agents,

1 illegally contacted Plaintiff and the Class members via their cell phones by  
2 using an ATDS, thereby causing Plaintiff and the Class members to incur  
3 certain cell phone charges or reduce cell phone time for which Plaintiff and the  
4 Class members previously paid, and invading the privacy of said Plaintiff and  
5 the Class members. Plaintiff and the Class members were damaged thereby.

6 35. This suit seeks only damages and injunctive relief for recovery of economic  
7 injury on behalf of the Class, and it expressly is not intended to request any  
8 recovery for personal injury and claims related thereto. Plaintiff reserves the  
9 right to expand the Class definition to seek recovery on behalf of additional  
10 persons as warranted as facts are learned in further investigation and discovery.

11 36. **Numerosity**. The joinder of the Class members is impractical and the  
12 disposition of their claims in the Class action will provide substantial benefits  
13 both to the parties and to the court. The Class can be identified through  
14 Defendant's records or Defendant's agents' records.

15 37. **Existence and Predominance of Common Questions of Law and Fact.**

16 There is a well-defined community of interest in the questions of law and fact  
17 involved affecting the parties to be represented. The questions of law and fact  
18 to the Class predominate over questions which may affect individual Class  
19 members, including the following:

- 20 a) Whether, within the four years prior to the filing of this Complaint,  
21 Defendant or their agents initiated any telephonic communications to  
22 the Class (other than a message made for emergency purposes or made  
23 with the prior express consent of the called party) using any automatic  
24 dialing system or prerecorded voice to any telephone number assigned  
25 to a cell phone service;
- 26 b) Whether Defendant can meet its burden of showing Defendant obtained  
27 prior express written consent;
- 28 c) Whether Defendant's conduct was knowing and/or willful;

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- 1 d) Whether Plaintiff and the Class members were damaged thereby, and
- 2 the extent of damages for such violation;
- 3 e) Whether Defendant and their agents should be enjoined from engaging
- 4 in such conduct in the future; and
- 5 f) Whether Plaintiff and the Class are entitled to any other relief.

6 38. **Typicality.** As a person that received at least one telephonic communication  
7 from Defendant via an ATDS without Plaintiff’s prior express consent, Plaintiff  
8 is asserting claims that are typical of the Class. Plaintiff will fairly and  
9 adequately represent and protect the interests of the Class in that Plaintiff has  
10 no interests antagonistic to any member of the Class.

11 39. Plaintiff and the members of the Class have all suffered irreparable harm as a  
12 result of Defendant’s unlawful and wrongful conduct. Absent a class action,  
13 the Class will continue to face the potential for irreparable harm. In addition,  
14 these violations of law will be allowed to proceed without remedy and  
15 Defendant will likely continue such illegal conduct. Because of the size of the  
16 individual Class member’s claims, few, if any, Class members could afford to  
17 seek legal redress for the wrongs complained of herein.

18 40. **Adequacy of Representation.** Plaintiff will fairly and adequately represent  
19 and protect the interests of other members of the Class in that Plaintiff has no  
20 interests antagonistic to any member of the Class. Further, Plaintiff has retained  
21 counsel experienced in handling class action claims and claims involving  
22 violations of the Telephone Consumer Protection Act.

23 41. **Superiority.** A class action is a superior method for the fair and efficient  
24 adjudication of this controversy. Class-wide damages are essential to induce  
25 Defendant to comply with federal and California law. The interest of Class  
26 members in individually controlling the prosecution of separate claims against  
27 Defendant is small because the maximum statutory damages in an individual  
28 action for violation of privacy are minimal. Management of these claims is



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1 likely to present significantly fewer difficulties than those presented in many  
2 class claims.

3 42. Defendant has acted on grounds generally applicable to the Class, thereby  
4 making appropriate final injunctive relief and corresponding declaratory relief  
5 with respect to the Class as a whole.

6 **FIRST CAUSE OF ACTION**

7 **NEGLIGENT VIOLATIONS OF THE TCPA**

8 **47 U.S.C. § 227 ET SEQ.**

9 43. Plaintiff incorporates by reference all of the above paragraphs of this Complaint  
10 as though fully stated herein.

11 44. The foregoing acts and omissions of Defendant constitute numerous and  
12 multiple negligent violations of the TCPA, including but not limited to each  
13 and every one of the above-cited provisions of 47 U.S.C. § 227, *et seq.*

14 45. As a result of Defendant’s negligent violations of 47 U.S.C. § 227, *et seq.*,  
15 Plaintiff and the Class are entitled to an award of \$500.00 in statutory damages,  
16 for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

17 46. Plaintiff and the Class are also entitled to and seek injunctive relief prohibiting  
18 such conduct in the future.

19 **SECOND CAUSE OF ACTION**

20 **KNOWING AND/OR WILLFUL VIOLATIONS OF THE TCPA**

21 **47 U.S.C. § 227 ET SEQ.**

22 47. Plaintiff incorporates by reference all of the above paragraphs of this Complaint  
23 as though fully stated herein.

24 48. The foregoing acts and omissions of Defendant constitute numerous and  
25 multiple knowing and/or willful violations of the TCPA, including but not  
26 limited to each and every one of the above-cited provisions of 47 U.S.C. §  
27 227, *et seq.*  
28

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1 49. As a result of Defendant’s knowing and/or willful violations of 47 U.S.C. §  
2 227, *et seq.*, Plaintiff and the Class are entitled to an award of \$1,500.00 in  
3 statutory damages, for each and every violation, pursuant to 47 U.S.C. §  
4 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

5 50. Plaintiff and the Class are also entitled to and seek injunctive relief prohibiting  
6 such conduct in the future.

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiff respectfully requests the Court to grant Plaintiff  
9 and the Class the following relief against Defendant:

- 10 • Certify the Class as requested herein;
- 11 • Appoint Plaintiff to serve as the Class Representative in this matter;
- 12 • Appoint Plaintiff’s Counsel as Class Counsel in this matter; and
- 13 • Any such further relief as may be just and proper.

14 In addition, Plaintiff and the Class members pray for further judgment as follows  
15 against Defendant:

16 **NEGLIGENT VIOLATION OF**  
17 **THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- 18 • As a result of Defendant’s negligent violations of 47 U.S.C. § 227(b)(1),  
19 Plaintiff seeks for himself and each Class member \$500.00 in statutory  
20 damages, for each and every violation, pursuant to 47 U.S.C. §  
21 227(b)(3)(B);
- 22 • Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such  
23 conduct in the future;
- 24 • Any other relief the Court may deem just and proper.

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**KNOWING/WILLFUL VIOLATION OF  
THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- As a result of Defendant’s knowing and/or willful violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks for himself and each Class member \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B);
- Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future;
- Any other relief the Court may deem just and proper.

**TRIAL BY JURY**

51. 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 7, 2018

Respectfully submitted,

**KAZEROUNI LAW GROUP, APC**

By: s/ Abbas Kazerounian  
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JS 44 (Rev. 06/17)

### 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.)

<p><b>I. (a) PLAINTIFFS</b></p> <p>Adrian Chavez</p> <p>(b) County of Residence of First Listed Plaintiff <u>San Diego</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) See "attachment"</p>	<p><b>DEFENDANTS</b></p> <p>Systems &amp; Services Technologies, Inc.</p> <p>County of Residence of First Listed Defendant <u>Berrien</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) <u>'18CV0292 H WVG</u> unknown</p>
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<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="width:33%;"></td> <td style="width:33%; text-align: center;"><b>PTF</b></td> <td style="width:33%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> </tr> </table> <p>Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4</p> <p>Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5</p> <p>Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6</p>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3
	<b>PTF</b>	<b>DEF</b>											
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1											
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2											
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3											

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	<p><b>PERSONAL INJURY</b></p> <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	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p><b>PERSONAL PROPERTY</b></p> <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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
			<b>PROPERTY RIGHTS</b>	<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 type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" 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
			<b>LABOR</b>	
			<b>SOCIAL SECURITY</b>	
			<b>FEDERAL TAX SUITS</b>	
<p><b>REAL PROPERTY</b></p> <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	<p><b>CIVIL RIGHTS</b></p> <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	<p><b>PRISONER PETITIONS</b></p> <p><b>Habeas Corpus:</b></p> <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	<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	

**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):  
 Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq.

Brief description of cause:  
 Systems & Services Technologies, Inc. negligently, willfully, and knowingly contacted Mr. Chavez without consent.

**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 /s/ Abbas Kazerounian    DOCKET NUMBER \_\_\_\_\_

DATE: February 7, 2018    SIGNATURE OF ATTORNEY OF RECORD: \_\_\_\_\_

**FOR OFFICE USE ONLY**

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.

**Attachment**

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# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Systems & Services Technologies Hit with TCPA Class Action in California](#)

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