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16
17 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA

18 **MICHAEL DOHERTY,**
19 **Individually and On Behalf of All**
20 **Others Similarly Situated,**

21 **Plaintiff,**

22 **v.**

23 **JPMORGAN CHASE BANK, N.A.,**

24 **Defendant.**

Case No.: '17CV2070 JAH KSC

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. MICHAEL DOHERTY (“Plaintiff”) brings this class action for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of JPMORGAN CHASE BANK, N.A., (“CHASE” or “Defendant”) in negligently and/or intentionally contacting Plaintiff on Plaintiff’s cellular telephone, in violation of the Telephone Consumer Protection Act, 47 U.S.C. §§ 227, *et seq.*, (“TCPA”), thereby invading Plaintiff’s privacy. 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.
2. 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).
3. 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.

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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 on TCPA’s purpose).

4. Congress also specifically found that “the evidence presented to the Congress indicates that automated or prerecorded calls are a nuisance and an invasion of privacy, regardless of the type of call...” TCPA, Pub.L. No. 102–243, § 12-13. *See also, Mims*, 132 S. Ct. at 744.

JURISDICTION AND VENUE

5. This Court has federal question jurisdiction because this case arises out of violation of federal law. 47 U.S.C. §227(b); *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740 (2012).

6. Venue is proper in the United States District Court for the Southern District of California pursuant to 18 U.S.C. § 1391(b) because Defendant is subject to personal jurisdiction in the County of San Diego, State of California, as it conducts business there.

PARTIES

7. Plaintiff was at all times mentioned herein a citizen and resident of the State of California, County of San Diego. Plaintiff is, and at all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153(39).

8. Plaintiff is informed and believes, and thereon alleges, that Defendant is a Delaware company operating from New York, New York.

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

10. Plaintiff alleges that at all times relevant herein Defendant conducted business in the State of California and within this judicial district.

FACTUAL ALLEGATIONS

11. On December 7, 2015, the Law Office of Daniel Shay (as the attorney for Thomas and Chona Doherty) sent by facsimile a Cease and Desist Notice to CHASE expressly revoking any alleged consent to contact Thomas and Chona Doherty on the telephone numbers associated with their account with CHASE, with instructions to cease all calls to them.
12. On information and belief, one of the telephone numbers associated with the account was the telephone number ending in “7814,” which is the cell phone number for Plaintiff, the son of Thomas and Chona Doherty.
13. Prior to December 7, 2015, Plaintiff did not provide his cell phone number to CHASE.
14. Despite the explicit written revocation request communicated directly to Defendant, Defendant called Plaintiff’s cell phone ending in “7814” on December 8, 2015.
15. CHASE ceased calling Plaintiff’s cell phone within approximately three days of receipt of the Cease and Desist Notice.
16. Defendant called from the telephone number 847-426-9145 looking for Plaintiff’s father regarding an alleged debt with CHASE credit card.
17. CHASE left a message on Plaintiff’s cell phone requesting that Plaintiff’s father call the representative back.
18. This unwanted telephone call constitutes a call was not for emergency purposes as defined by 47 U.S.C. § 227(b)(1)(A)(i).
19. On information and believe, Defendant called Plaintiff’s cell phone number ending in “7814” through the use of an automatic telephone dialing system (“ATDS”) as defined by 47 U.S.C. § 227(a)(1), as prohibited by 47 U.S.C. § 227(b)(1)(A).
20. Upon information and belief, this system has the ability to store telephone numbers, does store telephone numbers, and has the ability to generate

1 telephone numbers to be called from a stored database for the purposes of
2 dialing such numbers.

3 21. A consumer complaint online states the following concerning telephone
4 number 847-426-9145: “It is Chase. The reason they don't pick up right
5 away is because how their phone system works. It creates a delay while they
6 connect you to the next representative [*sic*]. They are on a dialect robocall [*sic*]
7 type system. If you just wait it will connect within minutes.”¹

8 22. The telephone number Defendant called was assigned to a paid cellular
9 telephone service pursuant to 47 U.S.C. § 227(b)(1).

10 21. Defendant or its agent did not have prior express consent to place calls to
11 Plaintiff’s cellular telephone.

12 22. These telephone calls by Defendant, or its agent, violated 47 U.S.C. §
13 227(b)(1)(A)(iii).

14 **CLASS ACTION ALLEGATIONS**

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

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

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19 All persons within the United States who received any
20 telephone call from Defendant or its agent/s and/or
21 employee/s, not sent for emergency purposes, relating to
22 a credit card account, to said person’s cellular telephone
23 made through the use of any automatic telephone dialing
system and/or with an artificial or prerecorded message
within the four years prior to the filing of this Complaint.

24 25. Plaintiff also represents, and is a member of the Sub-Class, consisting of:

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26 All persons within the United States who received any
27 telephone call from Defendant or its agent/s and/or

28 ¹ <https://800notes.com/Phone.aspx/18474269145>

1 employee/s, not sent for emergency purposes, relating to
2 a credit card account, to said person's cellular telephone
3 made through the use of any automatic telephone dialing
4 system and/or with an artificial or prerecorded message,
5 who prior to the call/s had revoked any consent to be
6 called, within the four years prior to the filing of this
7 Complaint.

8 26. Defendant and its employees or agents are excluded from the Class and Sub-
9 Class. Plaintiff does not know the number of members in the Class or Sub-
10 Class, but believes the Class members and Sub-Class members number in
11 the thousands, if not more. Thus, this matter should be certified as a Class
12 action to assist in the expeditious litigation of this matter.

13 27. Plaintiff and members of the Class and Sub-Class were harmed by the acts
14 of Defendant in at least the following ways: Defendant, either directly or
15 through their agents, illegally contacted Plaintiff, the Class members, and the
16 Sub-Class members via their cellular telephones by using an ATDS, thereby
17 causing Plaintiff, the Class members, and the Sub-Class members to incur
18 certain cellular telephone charges or reduce cellular telephone time for
19 which Plaintiff, the Class members, and the Sub-Class members previously
20 paid, and invading the privacy of said Plaintiff, the Class members, and the
21 Sub-Class members. Plaintiff, the Class members, and the Sub-Class
22 members were damaged thereby.

23 28. This suit seeks only damages and injunctive relief for recovery of economic
24 injury on behalf of the Class and the Sub-Class, and it expressly is not
25 intended to request any recovery for personal injury and claims related
26 thereto. Plaintiff reserves the right to expand the Class or Sub-Class
27 definition to seek recovery on behalf of additional persons as warranted as
28 facts are learned in further investigation and discovery.

1 29. The joinder of the Class members and Sub-Class members is impractical and
2 the disposition of their claims in the Class action will provide substantial
3 benefits both to the parties and to the court. The Class and Sub-Class can be
4 identified through Defendant’s records or Defendant’s agents’ records.

5 30. There is a well-defined community of interest in the questions of law and
6 fact involved affecting the parties to be represented. The questions of law
7 and fact to the Class predominate over questions which may affect
8 individual Class members and Sub-Class, including the following:

- 9 a) Whether, within the four years prior to the filing of this Complaint,
10 Defendant or their agents initiated any telephonic communications to
11 the Class (other than a message made for emergency purposes or
12 made with the prior express consent of the called party) using any
13 automatic dialing system to any telephone number assigned to a
14 cellular phone service;
- 15 b) Whether Defendant can meet their burden of showing Defendant
16 obtained prior express consent;
- 17 c) Whether Defendant called the Sub-class member after they had
18 revoked any consent to be called;
- 19 d) Whether Defendant’s conduct was knowing and/or willful;
- 20 e) Whether Plaintiff and the Class members were damaged thereby, and
21 the extent of damages for such violation; and
- 22 f) Whether Defendant and their agents should be enjoined from
23 engaging in such conduct in the future.

24 31. As a person that received at least one telephonic communication from
25 Defendant’s ATDS without Plaintiff’s prior express consent, Plaintiff is
26 asserting claims that are typical of the Class. Furthermore, as a person that
27 received at least one telephonic communication from Defendant’s ATDS
28 after Plaintiff’s explicit revocation of consent, Plaintiff is asserting claims

1 that are typical of the Sub-Class. Plaintiff will fairly and adequately
2 represent and protect the interests of the Class and Sub-Class in that Plaintiff
3 has no interests antagonistic to any member of the Class or Sub-Class.

4 32. Plaintiff and the members of the Class and Sub-Class have all suffered
5 irreparable harm as a result of Defendant's unlawful and wrongful conduct.
6 Absent a class action, the Class and Sub-Class will continue to face the
7 potential for irreparable harm. In addition, these violations of law will be
8 allowed to proceed without remedy and Defendant will likely continue such
9 illegal conduct. Because of the size of the individual Class and Sub-Class
10 member's claims, few, if any, Class and Sub-Class members could afford to
11 seek legal redress for the wrongs complained of herein.

12 33. Plaintiff has retained counsel experienced in handling class action claims
13 and claims involving violations of the Telephone Consumer Protection Act.

14 34. A class action is a superior method for the fair and efficient adjudication of
15 this controversy. Class-wide and Sub-Class-wide damages are essential to
16 induce Defendant to comply with federal and California law. The interest of
17 Class and Sub-Class members in individually controlling the prosecution of
18 separate claims against Defendant is small because the maximum statutory
19 damages in an individual action for violation of privacy are minimal.
20 Management of these claims is likely to present significantly fewer
21 difficulties than those presented in many class claims.

22 35. Defendant has acted on grounds generally applicable to the Class and Sub-
23 Class, thereby making appropriate final injunctive relief and corresponding
24 declaratory relief with respect to the Class as a whole.

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FIRST CAUSE OF ACTION
NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. § 227 ET SEQ.

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

37. Defendant called Plaintiff’s cellular phone on December 18, 2015, using an ATDS, after consent to be contacted was revoked. This contact was unwanted and not consented to.

38. Additionally, Defendant uses an ATDS system to call other members of the public at random and without consent.

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

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

41. Plaintiff and the Class members are also entitled to and do seek injunctive relief prohibiting such conduct in the future.

SECOND CAUSE OF ACTION
KNOWING AND/OR WILLFUL VIOLATIONS OF THE
TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. § 227 ET SEQ.

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

43. Defendant called Plaintiff’s phone ending in “7814” despite receiving a Cease and Desist Notice prior to the call specifically telling Defendant to stop calling. This non-emergency call without consent is a violation of violated 47 U.S.C. § 227(b)(1)(A)(iii).

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1 44. Additionally, members of the Sub-Class have received at least one call by
2 the Defendant despite not giving consent or explicitly telling the Defendant
3 to no longer contact them on their cellular phone. Therefore, Defendant
4 violated and continues to violate 47 U.S.C. § 227(b)(1)(A)(iii).

5 45. The foregoing acts and omissions of Defendant constitute numerous and
6 multiple knowing and/or willful violations of the TCPA, including but not
7 limited to each and every one of the above-cited provisions of 47 U.S.C. §
8 227, *et seq.*

9 46. As a result of Defendant’s knowing and/or willful violations of 47 U.S.C. §
10 227, *et seq.*, Plaintiff and the Class members are entitled to an award of
11 \$1,500.00 in statutory damages, for each and every violation, pursuant to 47
12 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

13 47. Plaintiff and the Class members are also entitled to and do seek injunctive
14 relief prohibiting such conduct in the future.

15 **PRAYER FOR RELIEF**

16 **WHEREFORE**, Plaintiff and the Class members pray for judgment as
17 follows against Defendant:

- 18 • Certify the Class and Sub-Class as requested herein;
- 19 • Appoint Plaintiff to serve as the Class Representative in this matter;
- 20 • Appoint Plaintiff’s Counsel as Class Counsel in this matter;
- 21 • Providing such further relief as may be just and proper.

22 In addition, Plaintiff, the Class members, and the Sub-Class members pray for
23 further judgment as follows against Defendant:

24 **FIRST CAUSE OF ACTION FOR NEGLIGENT VIOLATION OF**
25 **THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- 26 • As a result of Defendant’s negligent violations of 47 U.S.C. § 227(b)(1),
27 Plaintiff seeks for himself and each Class and Sub-Class member \$500.00
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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.

SECOND CAUSE OF ACTION FOR KNOWING AND/OR WILLFUL VIOLATIONS 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 and Sub-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

48. 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: October 6, 2017

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ ABBAS KAZEROUNIAN
ABBAS KAZEROUNIAN, ESQ.
AK@KAZLG.COM
ATTORNEYS FOR PLAINTIFF

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Additional Plaintiff's Counsel

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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.)

I. (a) PLAINTIFFS
 MICHAEL DOHERTY, Individually and On Behalf of All Other Similarly Situated
 (b) County of Residence of First Listed Plaintiff _____
 (EXCEPT IN U.S. PLAINTIFF CASES)
 (c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS
 JPMORGAN CHASE BANK, N.A.
 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)

'17CV2070 JAH KSC

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 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <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 <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
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	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):
TELEPHONE CONSUMER PROTECTION ACT, 47 U.S.C. § 227, ET SEQ.
 Brief description of cause:
Automated calls to cell phone 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 _____ DOCKET NUMBER _____

DATE: October 6, 2017 SIGNATURE OF ATTORNEY OF RECORD: /s/ Abbas Kazerounian, Esq.

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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [California Man Files Robocall Class Action Against JP Morgan Chase Bank](#)
