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Attorneys for Plaintiff  
TODD FRIEDMAN

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

TODD FRIEDMAN, Individually and )  
On Behalf of All Others Similarly )  
Situated, )  
Plaintiff, )

vs. )

RELIANT SERVICES GROUP, LLC )  
dba RELIANT FUNDING, )  
Defendant. )

Case No. '17CV0331 JM BGS

**CLASS ACTION COMPLAINT  
FOR DAMAGES AND DEMAND  
FOR JURY TRIAL**

**NATURE OF THE CASE**

1. Plaintiff brings this action individually and on behalf of all others similarly situated seeking damages and any other available legal or equitable remedies resulting from the illegal actions of RELIANT SERVICES GROUP, LLC

1 dba RELIANT FUNDING (“Defendant”), in negligently, knowingly, and/or  
2 willfully contacting Plaintiff and on Plaintiff’s cellular telephone in violation of the  
3 Telephone Consumer Protection Act, 47. U.S.C. § 227 *et seq.* (“TCPA”), thereby  
4 invading Plaintiff’s privacy.

5 **JURISDICTION & VENUE**

6 2. Jurisdiction is proper as Plaintiff seeks redress under a federal statute,  
7 thus this Court has jurisdiction as this matter involves questions of federal law.

8 3. Venue is proper in the United States District Court for the Southern  
9 District of California pursuant to 18 U.S.C. 1391(b) and 18 U.S.C. § 1441(a)  
10 because Defendant does business within the state of California and the Southern  
11 District of California as Defendant’s headquarters is located in San Diego,  
12 California.

13 **PARTIES**

14 4. Plaintiff, TODD FRIEDMAN (“Plaintiff”), is a natural person  
15 residing in Los Angeles County, California and is a “person” as defined by 47  
16 U.S.C. § 153 (10).

17 5. Defendant, RELANT SERVICES GROUP, LLC dba Reliant Funding  
18 (“Defendant”), is a limited liability company engaged in the business of lending  
19 business capital loans to business owners nationwide with its state of incorporation  
20 in Delaware and its corporate headquarters in the County of San Diego, State of  
21 California and is a “person” as defined by 47 U.S.C. § 153 (10).

22 **FACTUAL ALLEGATIONS**

23 6. Beginning in or around January 2017, Defendant began placing  
24 autodialed telephone calls to Plaintiff’s cellular telephone number ending in 9293,  
25 which Plaintiff has possessed exclusively since approximately 2011.

26 7. To date, Defendant has placed at least one (1) such autodialed  
27 solicitation call to Plaintiff’s cellular telephone on or about January 31, 2017 at  
28 approximately 9:12am PST.

1           8. Defendant placed its call from telephone number (213) 266-9556.

2           9. The purpose of Defendant's call was to attempt to solicit Plaintiff into  
3 applying for a business capital loan. Plaintiff answered Defendant's call and spoke  
4 with an employee/agent for Defendant for a period of approximately eight (8)  
5 minutes.

6           10. However, when Plaintiff answered the call, he was greeted with "dead  
7 air" whereby no person was on the other line. After several seconds, an agent was  
8 connected to the automated call, greeted Plaintiff and sought to speak with Plaintiff  
9 in an attempt to solicit a potential commercial loan or line of credit Defendant was  
10 offering.

11           11. Defendant and/or its agent(s) used an "automatic telephone dialing  
12 system", as defined by *47 U.S.C. § 227(a)(1)* to place January 31, 2017 call to  
13 Plaintiff soliciting his business. The dead air that the Plaintiff experienced on the  
14 call that he received is indicative of the use of an automatic telephone dialing  
15 system.

16           12. This "dead air" is commonplace with autodialing and/or predictive  
17 dialing equipment. It indicates and evidences that the algorithm(s) being used by  
18 Defendant's and/or its agent's autodialing equipment to predict when the live  
19 human agents are available for the next call has not been perfected and/or has not  
20 been recently refreshed or updated. Thus resulting in the autodialer placing a call  
21 several seconds prior to the human agent's ability to end the current call he or she  
22 is on and be ready to accept the new connected call that the autodialer placed,  
23 without human intervention, to Plaintiff.

24           13. The dead air is essentially the autodialer holding the call it placed to  
25 Plaintiff until the next available human agent is ready to accept it. Should the call  
26 at issue been manually dialed by a live human being, there would be no such dead  
27 air as the person dialing Plaintiff's cellular telephone would have been on the other  
28 end of the call the entire time and Plaintiff would have been immediately greeted

1 by said person.

2 14. Defendant's call constituted a call that was not for emergency  
3 purposes as defined by *47 U.S.C. § 227(b)(1)(A)*.

4 15. Defendant's call was placed to a telephone number assigned to a  
5 cellular telephone service for which Plaintiff incurs a charge for incoming calls  
6 pursuant to *47 U.S.C. § 227(b)(1)*.

7 16. Plaintiff has no business relationship with Defendant whatsoever and  
8 never provided Defendant with his cellular telephone number for any purpose.  
9 Accordingly, Defendant did not have Plaintiff's "prior express consent" to receive  
10 calls using an automatic telephone dialing system on his cellular telephone pursuant  
11 to *47 U.S.C. § 227(b)(1)(A)*.

12 17. As a result of Defendant's alleged violations of law by placing these  
13 automated calls to Plaintiff's cellular telephone without prior express consent,  
14 Defendant caused Plaintiff harm and/or injury such that Article III standing is  
15 satisfied in at least the following, if not more, ways:

- 16 a. Invading Plaintiff's and the putative class' privacy;
- 17 b. Electronically intruding upon Plaintiff's and the putative class'  
18 seclusion;
- 19 c. Intrusion into Plaintiff's and the putative class' use and enjoyment  
20 of their cellular telephones;
- 21 d. Impermissibly occupying minutes, data, availability to answer  
22 another call, and various other intangible rights that Plaintiff and the  
23 putative class have as to complete ownership and use of their cellular  
24 telephones;
- 25 e. Causing Plaintiff and the putative class to expend needless time in  
26 receiving, answering, and attempting to dispose of Defendant's  
27 unwanted calls.

**CLASS ALLEGATIONS**

1  
2 18. Plaintiff brings this action on behalf of himself and all others similarly  
3 situated, as a member of the proposed class (hereafter “The Class”) defined as  
4 follows:

5 All persons within the United States who received any  
6 telephone call from Defendant or Defendant’s agent/s  
7 and/or employee/s to said person’s cellular telephone  
8 made through the use of any automatic telephone dialing  
9 system within the four years prior to the filing of this  
10 Complaint wherein said person had not previously  
consented to receive any such call/s

11 19. Plaintiff represents, and is a member of, The Class, consisting of All  
12 persons within the United States who received any telephone call from Defendant  
13 or Defendant’s agent/s and/or employee/s to said person’s cellular telephone made  
14 through the use of any automatic telephone dialing system within the four years  
15 prior to the filing of this Complaint wherein said person had not previously  
16 consented to receive any such call/s.

17 20. Defendant, its employees and agents are excluded from The Class.  
18 Plaintiff does not know the number of members in The Class, but believes the Class  
19 members number in the hundreds, if not more. Thus, this matter should be certified  
20 as a Class Action to assist in the expeditious litigation of the matter.

21 21. The Class is so numerous that the individual joinder of all of its  
22 members is impractical. While the exact number and identities of The Class  
23 members are unknown to Plaintiff at this time and can only be ascertained through  
24 appropriate discovery, Plaintiff is informed and believes and thereon alleges that  
25 The Class includes hundreds if not thousands of members. Plaintiff alleges that  
26 The Class members may be ascertained by the records maintained by Defendant.

27 22. Plaintiff and members of The Class were harmed by the acts of  
28 Defendant in at least the following ways: Defendant illegally contacted Plaintiff

1 and Class members via their cellular telephones thereby causing Plaintiff and Class  
2 members to incur certain charges or reduced telephone time for which Plaintiff and  
3 Class members had previously paid by having to retrieve or administer messages  
4 left by Defendant during those illegal calls, and invading the privacy of said  
5 Plaintiff and Class members.

6 23. Common questions of fact and law exist as to all members of The  
7 Class which predominate over any questions affecting only individual members of  
8 The Class. These common legal and factual questions, which do not vary between  
9 Class members, and which may be determined without reference to the individual  
10 circumstances of any Class members, include, but are not limited to, the following:

- 11 a. Whether, within the four years prior to the filing of this  
12 Complaint, Defendant made any telephone call (other than a  
13 call made for emergency purposes or made with the prior  
14 express consent of the called party) to a Class member using  
15 any automatic telephone dialing system to any telephone  
16 number assigned to a cellular telephone service;
- 17 b. Whether Plaintiff and the Class members were damaged  
18 thereby, and the extent of damages for such violation; and
- 19 c. Whether Defendant should be enjoined from engaging in such  
20 conduct in the future.

21 24. As a person that received a call from Defendant using an automatic  
22 telephone dialing system, without prior express consent, Plaintiff is asserting  
23 claims that are typical of The Class.

24 25. Plaintiff will fairly and adequately protect the interests of the members  
25 of The Class. Plaintiff has retained attorneys experienced in the prosecution of  
26 class actions.

27 26. A class action is superior to other available methods of fair and  
28 efficient adjudication of this controversy, since individual litigation of the claims

1 of all Class members is impracticable. Even if every Class member could afford  
2 individual litigation, the court system could not. It would be unduly burdensome  
3 to the courts in which individual litigation of numerous issues would proceed.  
4 Individualized litigation would also present the potential for varying, inconsistent,  
5 or contradictory judgments and would magnify the delay and expense to all parties  
6 and to the court system resulting from multiple trials of the same complex factual  
7 issues. By contrast, the conduct of this action as a class action presents fewer  
8 management difficulties, conserves the resources of the parties and of the court  
9 system, and protects the rights of each Class member.

10 27. The prosecution of separate actions by individual Class members  
11 would create a risk of adjudications with respect to them that would, as a practical  
12 matter, be dispositive of the interests of the other Class members not parties to such  
13 adjudications or that would substantially impair or impede the ability of such non-  
14 party Class members to protect their interests.

15 28. Defendant has acted or refused to act in respects generally applicable  
16 to The Class, thereby making appropriate final and injunctive relief with regard to  
17 the members of the Class as a whole.

18 **FIRST CAUSE OF ACTION**

19 **Negligent Violations of the Telephone Consumer Protection Act**

20 **47 U.S.C. §227 et seq.**

21 29. Plaintiff repeats and incorporates by reference into this cause of  
22 action the allegations set forth above at Paragraphs 1-28.

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

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

1 32. Plaintiff and the Class members are also entitled to and seek  
2 injunctive relief prohibiting such conduct in the future.

3 **SECOND CAUSE OF ACTION**

4 **Knowing and/or Willful Violations of the Telephone Consumer Protection**  
5 **Act**

6 **47 U.S.C. §227 et seq.**

7 33. Plaintiff repeats and incorporates by reference into this cause of  
8 action the allegations set forth above at Paragraphs 1-32.

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

13 35. As a result of Defendant's knowing and/or willful violations of *47*  
14 *U.S.C. § 227 et seq.*, Plaintiff and the Class members are entitled an award of  
15 \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C.*  
16 *§ 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

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

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff requests judgment against Defendant for the following:

21 **FIRST CAUSE OF ACTION**

22 **Negligent Violations of the Telephone Consumer Protection Act**

23 **47 U.S.C. §227 et seq.**

- 24 • As a result of Defendant's negligent violations of *47 U.S.C.*  
25 *§227(b)(1)*, Plaintiff and the Class members are entitled to and  
26 request \$500 in statutory damages, for each and every violation,  
27 pursuant to *47 U.S.C. 227(b)(3)(B)*.  
28 • Injunctive relief.



- Any and all other relief that the Court deems just and proper.

**SECOND CAUSE OF ACTION**

**Knowing and/or Willful Violations of the Telephone Consumer Protection**

**Act**

**47 U.S.C. §227 et seq.**

- As a result of Defendant’s willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).
- Injunctive relief.
- Any and all other relief that the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff demands a trial by jury in this action.

Date: February 17, 2017

**MARTIN & BONTRAGER, APC**

By: /s/ Nicholas J. Bontrager  
Nicholas J. Bontrager  
Attorneys for Plaintiff

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

TODD FRIEDMAN, Individually and On Behalf of All Others Similarly Situated,

(b) County of Residence of First Listed Plaintiff Los Angeles, CA (EXCEPT IN U.S. PLAINTIFF CASES)

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

MARTIN & BONTRAGER, APC
6464 W. Sunset Blvd., Ste. 960, Los Angeles, CA 90028
T: (323) 940-1700

DEFENDANTS

RELIANT SERVICES GROUP, LLC dba RELIANT FUNDING,

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

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

Attorneys (If Known)

'17CV0331 JM BGS

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

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

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: Unlawful debt collection practices

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 02/17/2017 SIGNATURE OF ATTORNEY OF RECORD /s/Nicholas J. Bontrager

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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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: [Lawsuit: Reliant Funding Illegally Robocalled Consumers](#)

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