

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:

ESTA KRAVETS, individually, and on behalf
of all others similarly situated,

Plaintiff,

v.

ANTHROPOLOGIE, INC.,

Defendant.

NOTICE OF REMOVAL

Defendant Anthropologie, Inc. (“Anthropologie”)¹, by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby removes this action from the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida to the United States District Court for the Southern District of Florida. In support thereof, Anthropologie states as follows:

JURISDICTIONAL STATEMENT

1. Plaintiff Esta Kravets (“Plaintiff”) filed this action in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida on or about February 1, 2022. The complaint (the “Complaint”) and any other process, pleadings, and orders that Plaintiff purportedly served on Anthropologie as of the date of the Notice of Removal are attached collectively as Exhibit A.

¹ Anthropologie, Inc. was improperly named in the Complaint. URBN US Retail LLC as successor to Anthropologie, Inc. is the proper entity.

2. According to Plaintiff’s Proof of Service, Anthropologie was purportedly served with the Complaint on February 4, 2022.

3. The Complaint asserts two counts under the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the “TCPA”). *See* Compl. ¶¶ 39–58.

4. Because Plaintiff’s TCPA claims arise under federal law, this Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331. *See Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744–45, 753 (2012) (“Beyond doubt, the TCPA is a federal law that both creates the claim Mims has brought and supplies the substantive rules that will govern the case. . . . Nothing in the text, structure, purpose, or legislative history of the TCPA calls for displacement of the federal-question jurisdiction U.S. district courts ordinarily have under 28 U.S.C. § 1331. In the absence of direction from Congress stronger than any Arrow has advanced, we apply the familiar default rule: Federal courts have § 1331 jurisdiction over claims that arise under federal law.”); *Osorio v. State Farm Bank, F.S.B.*, 746 F.3d 1242, 1249 (11th Cir. 2014) (holding federal courts have original jurisdiction pursuant to 28 U.S.C. § 1331 over TCPA claims); *Speidel v. Am. Honda Fin. Corp.*, No. 14-0019, 2014 WL 820703, at *2 (M.D. Fla. Mar. 3, 2014) (“[T]he Court has federal question subject matter jurisdiction over Plaintiffs claims arising under the TCPA.”).

5. Because this Court has original subject matter jurisdiction over this action, Anthropologie may remove this action pursuant to 28 U.S.C. §§ 1441(a) and 1446.

PROCEDURAL STATEMENT

6. Pursuant to 28 U.S.C. § 1446(a), copies of the Complaint and any other process, pleadings, and orders that Plaintiff purportedly served on Anthropologie as of the date of the Notice of Removal are attached as Exhibit A.

7. Pursuant to 28 U.S.C. § 1446(b) and Federal Rule of Civil Procedure 6, the original Notice of Removal was timely filed within 30 days of service because Plaintiff purported to serve the Complaint on Anthropologie on February 4, 2022.

8. Pursuant to 28 U.S.C. § 1441(b)(2), Anthropologie may remove this action without regard to its citizenship because this Court has federal question jurisdiction under Section 1331, meaning the Court's jurisdiction is not based "solely on . . . jurisdiction under Section 1332(a)."

9. Pursuant to 28 U.S.C. § 1441(a), removal to the United States District Court for the Southern District of Florida is proper because it embraces the Seventeenth Judicial Circuit in and for Broward County, Florida, where this action was pending before it was removed. *See* 28 U.S.C. § 89(c).

10. Pursuant to 28 U.S.C. § 1446(d), Anthropologie will promptly file a copy of this Notice of Removal in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, and will give Plaintiff written notice of its filing.

11. By removing the action to this Court, Anthropologie does not waive any defenses that are available to it under state or federal law. Anthropologie expressly reserves all threshold defenses to this action and its right, for example, to move to compel individual arbitration under the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*, to move to dismiss or for the entry of judgment pursuant to Fed. R. Civ. P. 12 and 56, and to strike the class allegations or oppose the certification of any putative class pursuant to Fed. R. Civ. P. 23.

WHEREFORE, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Anthropologie respectfully removes this action from the Circuit Court of the Seventeenth Judicial Circuit in and

for Broward County, Florida, to the United States District Court for the Southern District of Florida.

Date: February 28, 2022

COZEN O'CONNOR

By: /s/ Matthew B. Criscuolo

Matthew B. Criscuolo
Florida Bar No. 58441
Email: mcriscuolo@cozen.com
One North Clematis Street, Suite 510
West Palm Beach, Florida 33401
Telephone: (561) 515-5250
Facsimile: (561) 515-5230

Michael W. McTigue Jr.
(*Pro Hac Vice Admission* forthcoming)
Meredith C. Slawe
(*Pro Hac Vice Admission* forthcoming)
Email: mmctigue@cozen.com
msslawe@cozen.com
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, Pennsylvania 19103
Telephone: (215) 665-2000
Facsimile: (215) 665-2013

Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of February, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the below Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to electronically receive Notices of Electronic Filing.

/s/ Matthew B. Criscuolo
Matthew B. Criscuolo

SERVICE LIST

Attorneys for Plaintiff

Andrew Shamis
Garrett Berg
SHAMIS & GENTILE, P.A.
14 NE 1st Avenue, Suite 705
Miami, Florida 33132
Telephone: (305) 479-2299
Email: ashamis@shamisgentile.com
gberg@shamisgentile.com

Scott Edelsberg
EDELSBERG LAW P.A.
20900 NE 30th Avenue, Suite 417
Aventura, Florida 33180
Telephone: (305) 975-3320
Email: scott@edelsberglaw.com

EXHIBIT A

2/28/22, 11:27 AM

Case Detail - Public - Broward County Clerk of Courts

Esta Kravets Plaintiff vs. Anthropologie, Inc. Defendant

Broward County Case Number: CACE22001611
State Reporting Number: 062022CA001611AXXXCE
Court Type: Civil
Case Type: Other
Incident Date: N/A
Filing Date: 02/01/2022
Court Location: Central Courthouse
Case Status: Pending
Magistrate Id / Name: N/A
Judge ID / Name: 25 Phillips, Carol-Lisa

- Party(ies)

Total: 2

Party Type	Party Name	Address	Attorneys / Address ★ Denotes Lead Attorney
Plaintiff	Kravets, Esta		★ Shamis, Andrew J Retained Bar ID: 101754 14 NE 1st AVE STE 705 Miami, FL 33132 Status: Active
Defendant	Anthropologie, Inc.		★ Criscuolo, Matthew B Retained Bar ID: 58441 One North Clematis St. Ste 510 West Palm Beach, FL 33401 Status: Active

- Disposition(s)

Total: 0

Date	Statistical Closure(s)		
Date	Disposition(s)	View	Page(s)

2/28/22, 11:27 AM

Case Detail - Public - Broward County Clerk of Courts

Event(s) & Document(s)

Total: 8

Date	Description	Additional Text	View	Pages
02/14/2022	Summons Returned Served	to be served; on the 4th day of February, 2022 Party: <i>Defendant</i> Anthropologie, Inc.		3
02/10/2022	Motion to Appear Pro Hac Vice	Michael W. McTigue Jr. ("Movant /		4
02/10/2022	Motion to Appear Pro Hac Vice	Meredith C. Slawe ("Movant		4
02/10/2022	Notice of Appearance	AND NOTICE OF DESIGNATION OF EMAIL ADDRESSES Party: <i>Defendant</i> Anthropologie, Inc.		2
02/01/2022	Per AOSC20-23 Amd12, Case is determined General			
02/01/2022	Civil Cover Sheet	Amount: \$100,001.00		3
02/01/2022	Complaint (eFiled)	JURY TRIAL DEMANDED Party: <i>Plaintiff</i> Kravets, Esta		12
02/01/2022	eSummons Issuance	Party: <i>Defendant</i> Anthropologie, Inc.		1

Hearing(s)

Total: 0

There is no Disposition information available for this case.

Related Case(s)

Total: 0

There is no related case information available for this case.

Case Number: CACE-22-001611 Division: 25
Filing # 143065338 E-Filed 02/01/2022 02:19:50 PM

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

ESTA KRAVETS, individually and on
behalf of all others similarly situated,

CLASS ACTION

Plaintiff,

Case No.

JURY TRIAL DEMANDED

vs.

ANTHROPOLOGIE, INC.,

Defendant.

_____ /

CLASS ACTION COMPLAINT

1. Plaintiff, Esta Kravets (“Plaintiff”), brings this action against Defendant, Anthropologie, Inc. (“Defendant”), to secure redress for violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

NATURE OF THE ACTION

2. This is a putative class action pursuant to the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq., (the “TCPA”).

3. Defendant is a clothing retailer with approximately 200 stores across the U.S. and Canada. To promote its services, Defendant engages in aggressive telephonic sales calls to consumers with no regards for consumers’ rights under the TCPA.

4. Through this action, Plaintiff seeks injunctive relief to halt Defendant’s illegal conduct, which has resulted in the invasion of privacy, harassment, aggravation, and disruption of the daily life of thousands of individuals. Plaintiff also seeks statutory damages on behalf of herself and members of the class, and any other available legal or equitable remedies.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to Florida Rule of Civil Procedure 1.220 and Fla. Stat. § 26.012(2). The matter in controversy exceeds the sum or value of \$30,000 exclusive of interest, costs, and attorney's fees.

6. Defendant is subject to personal jurisdiction in Florida because this suit arises out of and relates to Defendant's contacts with this state. Defendant made or caused to be made telephonic sales calls into Florida in violation of the TCPA. Plaintiff received such calls while residing in and physically present in Broward County, Florida.

7. Venue for this action is proper in this Court pursuant to Fla. Stat. § 47.051 because Defendant (1) is a foreign limited liability company doing business in this judicial circuit; and (2) has an agent or other representative in Florida. All facts giving rise to this action occurred in this circuit.

PARTIES

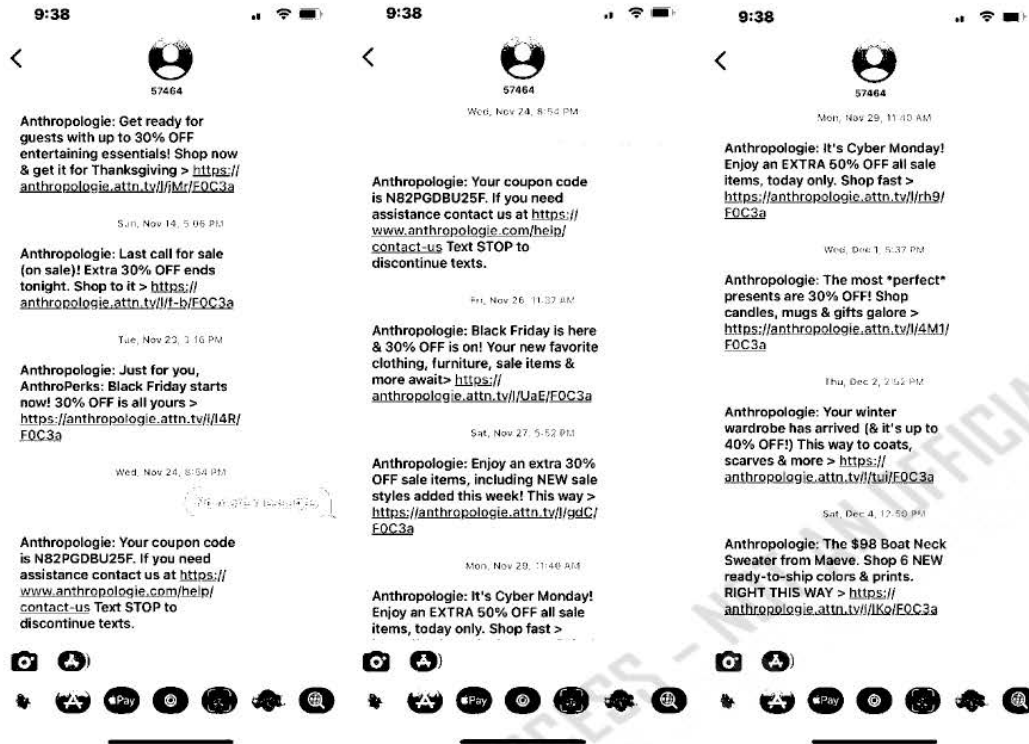
8. Plaintiff is a natural person who, at all times relevant to this action, was a resident of Broward County, Florida.

9. Defendant is a Pennsylvania corporation whose principal office is maintained in Philadelphia, PA. Defendant directs, markets, and provides its business activities throughout the State of Florida and the United States.

10. Unless otherwise indicated, the use of Defendant's name in this Complaint includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, vendors, and insurers of Defendant.

FACTS

11. Over the past year, Defendant began bombarding Plaintiff's cellular telephone number with promotional text messages to Plaintiff's telephone number ending in 5500 ("the 5500 number"). The messages did not include instruction on how to opt-out of future messages:



12. On November 24, 2021, Plaintiff responded to Defendant with the words “No more messages” in an attempt to opt-out of any further text message communications with Defendant.

13. Despite Plaintiff’s use of clear opt-out language, Defendant ignored Plaintiff’s opt-out demand and sent Plaintiff further telemarketing text messages up through December of 2021.

14. Defendant’s text messages were transmitted to Plaintiff’s cellular telephone, and within the time frame relevant to this action.

15. Defendant’s text messages constitute telemarketing because they encouraged the future purchase or investment in property, goods, or services, i.e., selling Plaintiff clothing and apparel.

16. The information contained in the text message advertises Defendant’s various discounts and promotions, which Defendant sends to promote its business.

17. Plaintiff received the subject texts within this judicial circuit and, therefore, Defendant’s violation of the TCPA occurred within this district. Upon information and belief, Defendant caused other text messages to be sent to individuals residing within this judicial circuit.

18. Defendant's texts were not made for an emergency purpose or to collect on a debt pursuant to 47 U.S.C. § 227(b)(1)(B).

19. Upon information and belief, Defendant does not have a written policy for maintaining an internal do not call list pursuant to 47 U.S.C. § 64.1200(d)(1).

20. Upon information and belief, Defendant does not inform and train its personnel engaged in telemarketing in the existence and the use of any internal do not call list pursuant to 47 U.S.C. § 64.1200(d)(2).

21. At no point in time did Plaintiff provide Defendant with her express written consent to be contacted.

22. To the extent that Defendant had express consent to contact Plaintiff for marketing purposes, that consent was expressly revoked when Plaintiff responded "No more messages" on November 34, 2021.

23. Defendant's calls did not disclose the name of the individual caller pursuant to 47 C.F.R. § 64.1200(d)(4).

24. Defendant's calls did not provide a telephone number or address at which they may be contacted pursuant to 47 C.F.R. § 64.1200(d)(4).

25. Plaintiff is the subscriber and sole user of the 5500 Number and is financially responsible for phone service to the 5500 Number.

26. The text messages originated from telephone number 57464, a number which upon information and belief is owned and operated by Defendant or on behalf of Defendant.

27. Defendant's unsolicited text messages caused Plaintiff actual harm, including invasion of her privacy, aggravation, annoyance, intrusion on seclusion, trespass, and conversion. Defendant's text messages also inconvenienced Plaintiff and caused disruption to her daily life.

CLASS ALLEGATIONS

PROPOSED CLASS

28. Plaintiff brings this case as a class action pursuant to Fed. R. Civ. P. 23, on behalf of herself and all others similarly situated.

29. Plaintiff brings this case on behalf of a Class defined as follows:

Internal Do Not Call Class: All persons within the United States who, within the four years prior to the filing of this Complaint, were sent a text message from Defendant or anyone on Defendant's behalf, to said person's cellular telephone number *after* making a request to Defendant to not receive future text messages.

Seller Identification Class: All persons within the United States who, within the four years prior to the filing of this Complaint, were sent a text message from Defendant or anyone on Defendant's behalf, that did not disclose: (1) the name of the individual caller; or (2) the name of the person or entity on whose behalf the call is being made; or (3) a telephone number or address at which the person or entity may be contacted

30. Defendant and its employees or agents are excluded from the Class. Plaintiff does not know the number of members in the Class, but believes the Class members number in the several thousands, if not more.

NUMEROSITY

31. Upon information and belief, Defendant has placed violative calls to cellular telephone numbers belonging to thousands of consumers throughout the United States after they had requested to be opted-out and without properly disclosing the identification of the seller/sender. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

32. The exact number and identities of the Class members are unknown at this time and can only be ascertained through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant's call records.

COMMON QUESTIONS OF LAW AND FACT

33. There are numerous questions of law and fact common to the Class which predominate over any questions affecting only individual members of the Class. Among the questions of law and fact common to the Class are:

- a) Whether Defendant violated 47 C.F.R. § 64.1200(d);
- b) Whether Defendant's conduct was knowing and willful;
- c) Whether Defendant adhered to requests by class members to stop sending text messages to their telephone numbers;
- d) Whether Defendant keeps records of text recipients who revoked consent to receive texts.
- e) Whether Defendant has any written policies for maintaining an internal do not call list.
- f) Whether Defendant violated the privacy rights of Plaintiff and members of the class;
- g) Whether Defendant is liable for damages, and the amount of such damages; and
- h) Whether Defendant should be enjoined from such conduct in the future.

34. The common questions in this case are capable of having common answers. If Plaintiff's claim that Defendant routinely transmits text messages to telephone numbers assigned to cellular telephone services is accurate, Plaintiff and the Class members will have identical claims capable of being efficiently adjudicated and administered in this case.

TYPICALITY

35. Plaintiff's claims are typical of the claims of the Class members, as they are all based on the same factual and legal theories.

PROTECTING THE INTERESTS OF THE CLASS MEMBERS

36. Plaintiff is a representative who will fully and adequately assert and protect the interests of the Class, and has retained competent counsel. Accordingly, Plaintiff is an adequate representative and will fairly and adequately protect the interests of the Class.

PROCEEDING VIA CLASS ACTION IS SUPERIOR AND ADVISABLE

37. A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit, because individual litigation of the claims of all members of the Class is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by the Class are in the millions of dollars, the individual damages incurred by each member of the Class resulting from Defendant's wrongful conduct are too small to warrant the expense of individual lawsuits. The likelihood of individual Class members prosecuting their own separate claims is remote, and, even if every member of the Class could afford individual litigation, the court system would be unduly burdened by individual litigation of such cases.

38. The prosecution of separate actions by members of the Class would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another may not. Additionally, individual actions may be dispositive of the interests of the Class, although certain class members are not parties to such actions.

COUNT I

Violations of the TCPA, 47 U.S.C. § 227(c)(2)
(On Behalf of the Plaintiff and the Internal Do Not Call Class)

39. Plaintiff re-alleges and incorporates the foregoing allegations set forth in paragraphs 1 through 38 as is fully set forth herein.

40. The TCPA provides that any "person who has received more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the regulations prescribed under this subsection may" bring a private action based on a violation of said regulations, which were promulgated to protect telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object. 47 U.S.C. § 227(c)(5).

41. Under 47 C.F.R. § 64.1200(d), "[n]o person or entity shall initiate any call for telemarketing purposes to a residential telephone subscriber unless such person or entity has instituted

procedures for maintaining a list of persons who request not to receive telemarketing calls made by or on behalf of that person or entity. The procedures instituted must meet certain minimum standards, including:

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

(6) Maintenance of do-not-call lists. A person or entity making calls for telemarketing purposes must maintain a record of a consumer's request not to receive further telemarketing calls. A do-not-call request must be honored for 5 years from the time the request is made.

47 C.F.R. § 64.1200(d)(3), (6).

42. Under 47 C.F.R § 64.1200(e) the rules set forth in 47 C.F.R. § 64.1200(d) are applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers:

(e) The rules set forth in paragraph (c) and (d) of this section are applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers to the extent described in the Commission's Report and Order, CG Docket No. 02-278, FCC 03-153, "Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991.

47 C.F.R. § 64.1200(e).

43. Plaintiff and the Internal Do Not Call Class members made requests to Defendant not to receive calls from Defendant.

44. Defendant failed to honor Plaintiff and the Internal Do Not Call Class members' requests.

45. Upon information and belief, Defendant has not instituted procedures for maintaining a list of persons who request not to receive telemarketing calls made by or on behalf of their behalf, pursuant to 47 C.F.R. § 64.1200(d).

46. Because Plaintiff and the Internal Do Not Call Class members received more than one text message in a 12-month period made by or on behalf of Defendant in violation of 47 C.F.R. § 64.1200(d), as described above, Defendant violated 47 U.S.C. § 227(c)(5).

47. As a result of Defendant's violations of 47 U.S.C. § 227(c)(5), Plaintiff and the Internal Do Not Call Class members are entitled to an award of \$500.00 in statutory damages, for each and every negligent violation, pursuant to 47 U.S.C. § 227(c)(5).

48. As a result of Defendant's violations of 47 U.S.C. § 227(c)(5), Plaintiff and the Internal Do Not Call Class members are entitled to an award of \$1,500.00 in statutory damages, for each and every knowing and/or willful violation, pursuant to 47 U.S.C. § 227(c)(5).

49. Plaintiff and the Internal Do Not Call Class members also suffered damages in the form of invasion of privacy.

50. Plaintiff and the Internal Do Not Call Class members are also entitled to and seek injunctive relief prohibiting Defendant's illegal conduct in the future, pursuant to 47 U.S.C. § 227(c)(5).

COUNT II

Violations of 47 U.S.C. § 227(B)

(On behalf of the Plaintiff and the Seller Identification Class)

51. Plaintiff re-alleges and incorporates paragraphs 1-38 as is fully set forth herein.

52. Under 47 C.F.R. § 64.1200(d), "[n]o person or entity shall initiate any call for telemarketing purposes to a residential telephone subscriber unless such person or entity has instituted procedures for maintaining a list of persons who request not to receive telemarketing calls made by or on behalf of that person or entity. The procedures instituted must meet certain minimum standards, including:

(4) **Identification of sellers and telemarketers.** A person or entity making a call for telemarketing purposes must provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted.

47 C.F.R. § 64.1200(d)(4).

53. Under 47 C.F.R § 64.1200(e) the rules set forth in 47 C.F.R. § 64.1200(d) are applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers:

(e) The rules set forth in paragraph (c) and (d) of this section are applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers to the extent described in the Commission's Report and Order, CG Docket No. 02-278, FCC 03-153, "Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

47 C.F.R § 64.1200(e).

54. Pursuant to 47 C.F.R. § 64.1200(d)(4), Defendant's contact of Plaintiff's cellular phone without disclosing the name of the individual caller constitutes a violation of 47 U.S.C. § 227(c).

55. Pursuant to 47 C.F.R. § 64.1200(d)(4), Defendant's contact of Plaintiff's cellular phone without providing a telephone number or address at which they may be contacted constitutes a violation of 47 U.S.C. § 227(c).

56. As a result of Defendant's violations of 47 U.S.C. § 227(c) Plaintiff and the Seller Identification Class members are entitled to an award of \$500.00 in statutory damages, for each and every negligent violation, pursuant to 47 U.S.C. § 227(c)(5)(B).

57. As a result of Defendant's violations of 47 U.S.C. § 227(c), Plaintiff and the Seller Identification Class members are entitled to an award of \$1,500.00 in statutory damages, for each and every knowing and/or willful violation, pursuant to 47 U.S.C. § 227(c)(5)(B).

58. Plaintiff and the Seller Identification Class members are also entitled to and seek injunctive relief prohibiting Defendant's illegal conduct in the future, pursuant to 47 U.S.C. § 227(c)(5).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the Classes, prays for the following relief:

- a) An order certifying this case as a class action on behalf of the Class as defined above, and appointing Plaintiff as the representative of the Class and Plaintiff's counsel as Class Counsel;
- b) An award of actual and statutory damages for Plaintiff and each member of the Class;
- c) An order declaring that Defendant's actions, set out above, violate the TCPA;
- d) An injunction requiring Defendant to cease all unsolicited text messaging activity, and to otherwise protect the interests of the Class;
- e) Such further and other relief as the Court deems necessary.

JURY DEMAND

Plaintiff and Class Members hereby demand a trial by jury.

DOCUMENT PRESERVATION DEMAND

Plaintiff demands that Defendant take affirmative steps to preserve all records, lists, electronic databases or other itemizations associated with the allegations herein, including all records, lists, electronic databases or other itemizations in the possession of any vendors, individuals, and/or companies contracted, hired, or directed by Defendant to assist in sending the alleged communications.

Dated: February 1, 2022

SHAMIS & GENTILE, P.A.

/s/ Andrew Shamis

Andrew J. Shamis, Esq.
Florida Bar No. 101754
ashamis@shamisgentile.com

/s/ Garrett Berg

Garrett O. Berg, Esq.
Florida Bar No. 1000427
gberg@shamisgentile.com
14 NE 1st Ave., Suite 705
Miami, Florida 33132
Telephone: 305-479-2299

EDELSBERG LAW P.A.

/s/ Scott Edelsberg

Scott Edelsberg, Esq.

Florida Bar No. 0100537

20900 NE 30th Ave., Suite 417

Aventura, Florida 33180

Telephone: 305-975-3320

Email: scott@edelsberglaw.com

Counsel for Plaintiff and the Class.

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY

Filing # 143845029 E-Filed 02/14/2022 11:18:57 AM

RETURN OF SERVICE

State of Florida

County of Broward

Circuit Court

Case Number: CACE-22-001611 DIV: 25

Plaintiff:

ESTA KRAVETS, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED



KDY2022004035

vs.

Defendant:

ANTHROPOLOGIE, INC.,

For:

SHAMIS AND GENTILE, P.A.

14 NE 1ST AVE.

SUITE 705

MIAMI, FL 33132

Received by GLOBAL PROCESS SERVICES CORP. on the 4th day of February, 2022 at 10:20 am to be served on **ANTHROPOLOGIE, INC., ATTN: CORPORATION SERVICE COMPANY - REGISTERED AGENT, 1201 HAYS STREET, TALLAHASSEE, FL 32301.**

I, Christopher S. Kady, do hereby affirm that on the **4th day of February, 2022 at 12:10 pm, I:**

served a **CORPORATE, PARTNERSHIP, ASSOCIATION OR GOVERNMENT SERVICE** by delivering a true copy of the **SUMMONS and CLASS ACTION COMPLAINT** with the date and hour of service endorsed thereon by me, to: **Sheena Black as Service Liaison** authorized to accept service, of the within named corporation, at the address of: **1201 HAYS STREET, TALLAHASSEE, FL 32301** on behalf of **ANTHROPOLOGIE, INC.,** and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 35, Sex: F, Race/Skin Color: White, Height: 5'6", Weight: 155, Hair: Dark Brown, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served. "Under penalties of perjury, I declare that I have read the foregoing document and that the facts in it are true" F.S. 92.525. NOTARY NOT REQUIRED PURSUANT TO FS 92.525



Christopher S. Kady
Process Server #237

GLOBAL PROCESS SERVICES CORP.
P.O. Box 961556
Miami, FL 33296
(786) 287-0606

Our Job Serial Number: KDY-2022004035
Ref: 22-0329

Case Number: CACE-22-001611 Division: 25
Filing # 143065338 E-Filed 02/01/2022 02:19:50 PM

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO.

cl 237
FEB 04 2022
12:10 pm

ESTA KRAVETS, individually and on behalf of all
others similarly situated,

CLASS ACTION

Plaintiff,

JURY TRIAL DEMANDED

vs.

ANTHROPOLOGIE, INC.,

Defendant.

SUMMONS

THE STATE OF FLORIDA:
To Each Sheriff/Certified Process Server of the State

TO: Anthropologie, Inc.
Attn: Corporation Service Company- Registered Agent
1201 Hays Street
Tallahassee, FL 32301

Each Defendant is required to serve written defenses to the Complaint or petition on: **Andrew Shamis, Esq, Shamis & Gentile, P.A., 14 NE 1st Ave STE 705, Miami, Florida 33132**, within **twenty (20) days** after service of this summons on that Defendant, exclusive of the date of service, and to file the original of the defenses with the Clerk of this Court either before service on Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the complaint or petition.

Dated this _____ day of FEB 03 2022, 2022.

As Clerk of the Court

By: *Brenda D. Forman*
As Deputy Clerk **BRENDA D. FORMAN**



Case Number: CACE-22-001611 Division: 25
Filing # 143065338 E-Filed 02/01/2022 02:19:50 PM

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO.

ESTA KRAVETS, individually and on behalf of all
others similarly situated,

CLASS ACTION

Plaintiff,

JURY TRIAL DEMANDED

vs.

ANTHROPOLOGIE, INC.,

Defendant.

_____ /

SUMMONS

THE STATE OF FLORIDA:
To Each Sheriff/Certified Process Server of the State

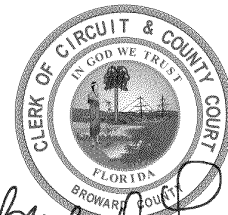
TO: Anthropologie, Inc.
Attn: Corporation Service Company- Registered Agent
1201 Hays Street
Tallahassee, FL 32301

Each Defendant is required to serve written defenses to the Complaint or petition on:
Andrew Shamis, Esq, Shamis & Gentile, P.A., 14 NE 1st Ave STE 705, Miami, Florida 33132,
within **twenty (20) days** after service of this summons on that Defendant, exclusive of the date of
service, and to file the original of the defenses with the Clerk of this Court either before service on
Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a default will be entered
against that Defendant for the relief demanded in the complaint or petition.

Dated this _____ day of FEB 03 2022, 2022.

As Clerk of the Court

By: _____
As Deputy Clerk **BRENDA D. FORMAN**



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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

KRAVETS, ESTA, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Andrew Shamis, Garrett Berg, SHAMIS & GENTILE, 14 NE 1st Ave., Ste. 705, Miami, FL 33132; Tel: (305) 479-2299 (see attachment)

DEFENDANTS

ANTHROPOLOGIE, INC.

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

Matthew B. Criscuolo, Michael W. McTigue Jr., Meredith C. Slawe, COZEN O'CONNOR, One North Clematis Street, Suite 510, West Palm Beach, Florida 33401; Tel: (561) 515-5250

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

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

Grid of categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes items like 110 Insurance, 210 Land Condemnation, 310 Airplane, 440 Other Civil Rights, etc.

V. ORIGIN

- 1 Original Proceeding
2 Removed from State Court
3 Re-filed (See VI below)
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation Transfer
7 Appeal to District Judge or Magistrate Judgment
8 Multidistrict Litigation - Direct File
9 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

(See instructions): a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE:

DOCKET NUMBER:

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): Plaintiff's complaint alleges violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq. LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE DATE SIGNATURE OF ATTORNEY OF RECORD

February 28, 2022

/s/ Matthew B. Criscuolo

ATTACHMENT TO CIVIL COVER SHEET

I.(c) Additional attorneys for plaintiff:

Scott Edelsberg
EDELSBERG LAW P.A.
20900 NE 30th Avenue, Suite 417
Aventura, Florida 33180
Telephone: (305) 975-3320

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.C.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; 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. 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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. 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

VIII. 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 dollar amount (in thousands of dollars) 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.

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: [Florida Consumer Alleges She Was 'Bombar\[ed\]' with Anthropologie Promotional Texts](#)
