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18 *similarly situated*

19 **THE UNITED STATES DISTRICT COURT**  
20 **EASTERN DISTRICT OF CALIFORNIA**  
21 **ROBERT T. MATSUI FEDERAL COURTHOUSE**

22 PAUL LEE, an individual, on behalf  
23 of himself and all others similarly  
24 situated

25 Plaintiff,

26 vs.

27 CALIFORNIA SERVICE  
28 BUREAU, INC., a California  
corporation; and DOE  
INDIVIDUALS, inclusive, and each  
of them,

Defendants.

Case No.:

**CLASS ACTION**

**PLAINTIFF'S COMPLAINT FOR  
DAMAGES AND INJUNCTIVE  
RELIEF**

- (1) Violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*; and
- (2) Willful Violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*

**DEMAND FOR JURY TRIAL**



1 Plaintiff Paul Lee (“Plaintiff” or “Lee”), on behalf of himself and all others  
2 similar situated, alleges the follow upon information and belief based upon  
3 personal knowledge:

4 **NATURE OF THE CASE**

5 1. Plaintiff, on behalf of himself and others similarly situated, seeking  
6 damages and any other available legal or equitable remedies resulting from the  
7 illegal actions of defendant CALIFORNIA SERVICE BUREAU, INC. and  
8 INDIVIDUAL DOES (collectively “Defendants”) in contacting Plaintiff, as well  
9 as knowingly, and/or willfully contacting Plaintiff on Plaintiff’s cellular  
10 telephone in violation of the Telephone Consumer Protection Act, 47 U.S.C. §  
11 227, *set seq.* (“TCPA”).

12 2. Defendant is a company that regularly engages in aggressive and  
13 reckless debt collection practices which outright ignore controlling federal law,  
14 and the rights of the called party.

15 3. Defendant repeatedly made unsolicited calls to Plaintiff’s cellular  
16 telephone in violation of the TCPA. Defendant made the calls using an  
17 automated telephone dialing system (“ATDS”) or pre-recorded voice for the  
18 purpose of bullying Plaintiff into paying an allegedly deficient balance.

19 4. Defendant called Plaintiff, requesting the name of another  
20 individual. Even after Plaintiff told Defendant (1) it had the wrong number and  
21 (2) to stop calling his cell phone, Defendant continued calling his cellular phone.

22 5. By making the telephone calls at issue in this Complaint, Defendant  
23 caused Plaintiff actual harm, including the aggravation, nuisance, and invasion of  
24 privacy that necessarily accompanies the receipt of unsolicited and harassing  
25 telephone calls, as well as the monies paid to his carrier(s) for the receipt of such  
26 telephone calls.

27 6. Congress enacted the TCPA to protect consumers from unsolicited  
28 telephone calls exactly like those alleged in this case. In response to Defendant’s



1 unlawful conduct, Plaintiff files the instant lawsuit and seeks an injunction  
2 requiring Defendant to cease all illegal telephone calling activities to his cellular  
3 telephone, and other individuals cellular phones and an award of statutory  
4 damages under the TCPA equal to \$500.00 per violation, together with court  
5 costs, reasonable attorneys' fees (including under Cal. *Code Civ. Proc.* §  
6 1021.5), and treble damages (for knowing and/or willful violations). Plaintiff  
7 also seeks an award of court costs and reasonable attorney's fees.

### 8 JURISDICTION & VENUE

9 7. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because the  
10 Plaintiff, a resident of California, seeks relief on behalf of a Class, which will  
11 result in at least one class member belonging to a different state than that of the  
12 Defendant, which is based in California.

13 8. Plaintiff also seeks up to \$1,500.00 in damages for each call in  
14 violation of the TCPA, which, when aggregated among a proposed class in the  
15 thousands, exceeds the \$5,000,000.00 threshold for federal court jurisdiction.  
16 Therefore, both diversity jurisdiction and the damages threshold under the Class  
17 Action Fairness Act of 2005 ("CAFA") are present, and this Court has  
18 jurisdiction.

19 9. This Court has subject matter jurisdiction under 28 U.S.C. § 1331,  
20 as this action arises under the TCPA, which is a federal statute.

21 10. The Court has personal jurisdiction over Defendant because it  
22 conduct significant business in this District, and the unlawful conduct alleged in  
23 this Complaint occurred in, was directed to, and/or emanated from this District.

24 11. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)  
25 because the wrongful conduct giving rise to this case occurred in, was directed  
26 to, and/or emanated from this District.

27 12. Defendant is subject to specific personal jurisdiction in this District  
28 because it has continuous and systematic contacts with this District through their



1 marketing efforts and services that target this District, and the exercise of  
2 personal jurisdiction over Defendant in this District does not offend traditional  
3 notions of fair play or substantial justice.

4 **PARTIES**

5 13. Plaintiff PAUL LEE (“Plaintiff”) is a citizen of the State of  
6 California who resides in Auburn, Placer County, California.

7 14. Defendant CALIFORNIA SERVICE BUREAU, INC.  
8 (“Defendant” or “California Service Bureau”) is a California corporation  
9 organized under the laws of the State of California. Defendant maintains its  
10 principle place of business at 100 Wood Hollow Drive, Suite 200, Novato,  
11 California 94945, but regularly conducts business in this District. Defendant can  
12 be served with process by serving its registered agent, Brandon Amyot at 100  
13 Wood Hollow Drive, Suite 200, Novato, California 94945.

14 15. The true names and capacities of the Defendants sued herein as  
15 DOE INDIVIDUALS, inclusive, are currently unknown to Plaintiff, who  
16 therefore sues such Defendants by fictitious names. Each of the Defendants  
17 designated herein as a DOE is legally responsible for the unlawful acts alleged  
18 herein. Plaintiff will seek leave of Court to amend the Complaint to reflect the  
19 true names and capacities of the DOE Defendants when such identities become  
20 known.

21 16. Plaintiff does not yet know the identity of Defendants’  
22 employees/agents, identified as DOE INDIVIDUALS that had direct, personal  
23 participation in or personally authorized the conduct found to have violated the  
24 statute, and were not merely tangentially involved. They are named tentatively as  
25 numerous District Courts have found that individual officers/principals of  
26 corporate entities may be personally liable (jointly and severally) under the  
27 TCPA if they had direct, personal participation in or personally authorized the  
28 conduct found to have violated the statute, and were not merely tangentially



1 involved. *Texas v. American Blastfax, Inc.*, 164 F.Supp.2d 892, 899 (W.D. Tex.  
2 2001) (“*American Blastfax*”); *Sandusky Wellness Center, LLC v. Wagner*  
3 *Wellness, Inc.*, 2014 WL 1333472, at \* 3 (N.D. Ohio March 28, 2014); *Maryland*  
4 *v. Universal Elections*, 787 F.Supp.2d 408, 415-16 (D.Md. 2011) (“*Universal*  
5 *Elections*”); *Baltimore-Washington Tel Co. v. Hot Leads Co.*, 584 F.Supp.2d  
6 736, 745 (D.Md. 2008); *Covington & Burling v. Int’l Mktg. & Research, Inc.*,  
7 2003 WL 21384825, at \*6 (D.C.Super Apr. 17, 2003); *Chapman v. Wagener*  
8 *Equities, Inc.* 2014 WL 540250, at \*16-17 (N.D.Ill. Feb. 11, 2014); *Versteeg v.*  
9 *Bennett, Deloney & Noyes, P.C.*, 775 F.Supp.2d 1316, 1321 (D.Wy.2011)  
10 (“*Versteeg*”). Upon learning of the identities of said individuals, Plaintiff will  
11 move to amend to name the individuals as defendants.

12 17. Plaintiff is informed and believes and thereon alleges that at all  
13 relevant times, each and every Defendant was acting as an agent and/or  
14 employee of each of the other Defendants and was the owner, agent, servant,  
15 joint venturer and employee, each of the other and each was acting within the  
16 course and scope of its ownership, agency, service, joint venture and  
17 employment with the full knowledge and consent of each of the other  
18 Defendants. Plaintiff is informed and believes and thereon alleges that each of  
19 the acts and/or omissions complained of herein was made known to, and ratified  
20 by, each of the other Defendants.

21 18. At all times mentioned herein, each and every Defendant was the  
22 successor of the other and each assumes the responsibility for each other’s acts  
23 and omissions.

24 **TELEPHONE CONSUMER PROTECTION ACT**

25 19. Congress enacted the TCPA in 1991 to address certain practices  
26 thought to be an invasion of consumer privacy and a risk to public safety. The  
27 TCPA and the Federal Communications Commission’s (hereinafter “FCC”)  
28 implemented rules prohibit: (1) making telemarketing calls using an artificial or



1 prerecorded voice to residential telephones without prior express consent; and (2)  
2 making any non-emergency call using an automatic telephone dialing system  
3 (hereinafter “ATDS”) or an artificial or prerecorded voice to a wireless telephone  
4 number without prior express consent. If the call includes or introduces an  
5 advertisement, or constitutes telemarketing, consent must be in writing.<sup>1</sup> The  
6 TCPA grants consumers a private right of action, with a provision for \$500 or the  
7 actual monetary loss in damages for each violation, whichever is greater, and  
8 treble damages for each willful or knowing violation, as well as injunctive relief.

9 20. Since the TCPA’s passage in 1991, the FCC has taken multiple  
10 actions implementing and interpreting the TCPA, and has issued numerous  
11 Declaratory Rulings clarifying specific aspects of the TCPA. The most recent,  
12 FCC Omnibus Order of July 10, 2015, (the “Order”) provided further protection  
13 to consumers by, among other things, clarifying that ATDS is broadly defined,  
14 confirming liability attaches to calls made to the wrong number or reassigned  
15 number, and clarifying consumers may revoke consent through reasonable  
16 methods. *In the Matter of Rules and Regulations Implementing the Tel.*  
17 *Consumer Prot. Act of 1991*, FCC 15–72, 30 F.C.C.R. 7961, (July 10, 2015),  
18 available at [https://www.fcc.gov/document/tcpa-omnibus-declaratory-ruling-and-](https://www.fcc.gov/document/tcpa-omnibus-declaratory-ruling-and-order)  
19 [order](https://www.fcc.gov/document/tcpa-omnibus-declaratory-ruling-and-order). The Order defines an “autodialer” as equipment/software that has the  
20 future capacity to dial randomly or sequentially. “In other words, the capacity of  
21 an autodialer is not limited to its current configuration but also includes its  
22 potential functionalities.” The Order clarifies the meaning of “capacity” and that  
23

24 <sup>1</sup> Prior express written consent means “an agreement, in writing, bearing the  
25 signature of the person called that clearly authorizes the seller to deliver or  
26 cause to be delivered to the person called advertisements or telemarketing  
27 messages using an automatic telephone dialing system or an artificial or  
28 prerecorded voice, and the telephone number to which the signatory  
authorizes such advertisements or telemarketing messages to be delivered.  
47 C.F.R. § 64.1200(f)(8).



1 “any call” made using a device with the capacity to serve as an ATDS requires  
2 consent under the TCPA, even if the caller is not “actually...using those  
3 functionalities to place calls” at the time. *Derby v. AOL, Inc.*, No. 5:15-CV-  
4 00452-RMW, 2015 WL 5316403, at \*3 (N.D. Cal. Sept. 11, 2015).

5 21. The Order also states that calls placed to the wrong number or a  
6 reassigned number are made with knowledge of the error after the first call; and  
7 consumers may revoke consent through any reasonable method, including orally:  
8 “[w]e clarify, however, that callers who make calls without knowledge of  
9 reassignment and with a reasonable basis to believe that they have valid consent  
10 to make the call should be able to initiate one call after reassignment as an  
11 additional opportunity to gain actual or constructive knowledge of the  
12 reassignment and cease future calls to the new subscriber. If this one additional  
13 call does not yield actual knowledge of reassignment, we deem the caller to have  
14 constructive knowledge of such;” “[c]onsumers generally may revoke, for  
15 example, by way of a consumer-initiated call, directly in response to a call  
16 initiated or made by a caller, or at an in-store bill payment location, among other  
17 possibilities.”

18 22. Finally, in 2008, the FCC held that “a creditor on whose behalf an  
19 autodialed or prerecorded message call is made to a wireless number bears the  
20 responsibility for any violation of the Commission’s rules.” In re Rules and  
21 Regulations Implementing the Telephone Consumer Protection Act, Declaratory  
22 Ruling on Motion by ACA International for Reconsideration, 23 FCC Rcd. 559,  
23 565, ¶ 10 (Jan. 4, 2008); *Birchmeier v. Caribbean Cruise Line, Inc.*, 2012 WL  
24 7062748 (Dec. 31, 2012).

25 23. Accordingly, the entity can be liable under the TCPA for a call  
26 made on its behalf, even if the entity did not directly place the call. Under those  
27 circumstances, the entity is deemed to have initiated the call through the person  
28 or entity.



**FACTUAL ALLEGATIONS**

1  
2 24. Beginning in or around March 3, Defendant contacted Plaintiff on  
3 his cellular telephone number ending in 3156 *via* ATDS, as defined by 47 U.S.C.  
4 § 227(a)(1), at least eighteen time over a four-month period without first  
5 obtaining Plaintiff’s consent.

6 25. Plaintiff’s caller ID read “888-224-5557” as the calls were  
7 incoming. These numbers are assigned to the Defendants and their agents.

8 26. Plaintiff would answer some of the calls even though she had  
9 memorized the numbers assigned to Defendants as a result of the constant  
10 abusive calling techniques employed by Defendants. When Plaintiff answered  
11 the phone, he experienced dead air before he could hear the call being routed a  
12 live representative.

13 27. To the extent Plaintiff ever consented to the calls, she revoked such  
14 consent but the calls continued.

15 28. Despite Plaintiff’s reasonable requests, Defendant called him at  
16 least eighteen (18) times.

17 29. Plaintiff was extremely frustrated by the calls and wanted  
18 Defendants to stop calling. The calls invaded his privacy and used up capacity on  
19 his cellular plan.

20 30. On information and belief, Defendants’ automated system had  
21 called Plaintiff on every occasion.

22 31. Based on the circumstances of the calls – including but not limited  
23 to the multiple calls, Defendants called despite Plaintiff’s requests to Defendants  
24 to stop calling (indicating a computer automatically dialed the number again) –  
25 Plaintiff believes Defendants called her cellular telephone using an ATDS that  
26 automatically selected his number from a computer database.

27 32. On information and belief, Defendants’ ATDS called Plaintiff on  
28 every occasion.





1 33. On information and belief, and based on the circumstances of the all  
2 the calls, Defendants called Plaintiff using an ATDS.

3 34. Plaintiff understood the purpose of Defendants' calls was to collect  
4 a debt from Plaintiff.

5 35. The telephone number Defendants called was assigned to a cellular  
6 telephone.

7 36. Plaintiff is the regular carrier and exclusive user of the cellular  
8 telephone assigned the number ending in 3156.

9 37. Defendant's calls constituted calls that were not for emergency  
10 purposes as defined by 47 U.S.C. § 227(b)(1)(A)(i).

11 38. Plaintiff did not provide Defendants with prior express written  
12 consent to receive calls to her cellular telephone utilizing an ATDS or artificial  
13 or pre-recorded voice, pursuant to 47 U.S.C. § 227 (b)(1)(A) and 47 C.F.R. §  
14 64.1200(a)(3).

15 39. All calls Defendants made to Plaintiff violate 47 U.S.C. § 227, and  
16 15 U.S.C. § 1692.

17 40. Plaintiff seeks an injunction requiring Defendants to cease all  
18 illegal, abusive, and harassing telephone calls using an ATDS and an award of  
19 statutory damages, together with costs and reasonable attorneys' fees. Plaintiffs,  
20 once they learn the identity of DOE INDIVIDUALS will seek an appropriate  
21 injunction that will at a minimum require DOE INDIVIDUALS to cease all  
22 illegal, abusive, and harassing telephone calls using an ATDS and confirm with  
23 this Court they are doing so with any future employer or entity with whom they  
24 are engaged

25 **CLASS ALLEGATIONS**

26 41. Plaintiff brings this action pursuant to Rule 23 of the Federal Rules  
27 of Civil Procedure and/or other applicable law, on behalf of himself and all  
28 others similarly situated, as a member of the proposed class (hereafter "the



1 Class") defined as follows:

2 All persons within the United States who received any telephone calls  
3 from Defendant(s) to said person's cellular telephone made through the  
4 use of any automatic telephone dialing system or an artificial or  
5 prerecorded voice and such person had not previously provided express  
6 consent to receiving such calls within the four years prior to the filing of  
7 this Complaint.

8 42. Plaintiff represents, and is a member of the Class, consisting of all  
9 persons within the United States who received any telephone call from  
10 Defendant(s) to said person's cellular telephone made through the use of any  
11 automatic telephone dialing system or an artificial or prerecorded voice and such  
12 person had not previously not provided their cellular telephone number to  
13 Defendant within the four years prior to the filing of this Complaint.

14 43. Excluded from the Class are governmental entities, Defendants, any  
15 entity in which Defendants have a controlling interest, and Defendants' officers,  
16 directors, affiliates, legal representatives, employees, co-conspirators, successors,  
17 subsidiaries, and assigns. Also excluded from the Class are any judges, justices  
18 or judicial officers presiding over this matter and the members of their immediate  
19 families and judicial staff.

20 44. This action is properly maintainable as a class action. This action  
21 satisfies the numerosity, typicality, adequacy, predominance and superiority for a  
22 class action.

23 45. **Numerosity:** The proposed Class is so numerous that individual  
24 joinder of all members is impracticable. Due to the nature of the trade and  
25 commerce involved, Plaintiff does not know the number of members in the  
26 Class, but believes the Class members number in the thousands, if not more.  
27 Plaintiff alleges that the Class may be ascertained by the records maintained by  
28 Defendants.



1           46. Plaintiff and members of the Class were harmed by the acts of  
2 Defendant(s) in at least the following ways: Defendant(s) illegally contacted  
3 Plaintiff and Class members via their cellular telephones thereby causing  
4 Plaintiff and Class members, without their “prior express consent,” to incur  
5 certain charges or reduced telephone time for which Plaintiff and Class members  
6 had previously paid by having to retrieve or administer message(s) left by  
7 Defendant during those illegal calls, and invading the privacy of said Plaintiff  
8 and Class members.

9           47. **Common Questions of Law and Fact Predominate:** There are  
10 only a few legal and factual issues to determine if there is liability under the  
11 TCPA and for each of those questions of law and fact, common issues to the  
12 Class predominate over any questions that may affect individual Class members,  
13 in that the claims of all Class members for each of the claims herein can be  
14 established with common proof. Common questions of fact and law include, but  
15 are not limited to, the following:

- 16           (a) Whether, within the four years prior to the filing of this  
17 Complaint, Defendant(s) made any calls (other than a call  
18 made for emergency purposes or made with the prior express  
19 consent of the called party) to a Class member using any  
20 automated dialing system or an artificial or prerecorded voice  
21 to any telephone number assigned to a cellular telephone  
22 service;
- 23           (b) Whether Plaintiff and the Class members were damaged  
24 thereby, and the extent of the statutory damages for each such  
25 violation; and
- 26           (c) Whether the Defendant(s) should be enjoined from engaging  
27 in such conduct in the future.

28 ///



1           48.    **Typicality:** Plaintiff’s claims are typical of the claims of members  
2 of the Class, as Plaintiff was subject to the same common course of conduct by  
3 Defendant(s) as all Class members. The injuries to each member of the Class  
4 were caused directly by Defendant(s)’ wrongful conduct as alleged herein.

5           49.    **Adequacy of Representation:** Plaintiff will fairly and adequately  
6 represent and protect the interests of the Class. Plaintiff has retained counsel with  
7 substantial experience in handling complex class action litigation. Plaintiff and  
8 his counsel are committed to prosecuting this action vigorously on behalf of the  
9 Class and have financial resources to do so.

10          50.    **Superiority of Class Action:** A class action is superior to other  
11 available methods for the fair and efficient adjudication of the present  
12 controversy. Class members have little interest in individually controlling the  
13 prosecution of separate actions because the individual damage claims of each  
14 Class member are not substantial enough to warrant individual filings. In sum,  
15 for many, if not most, Class members, a class action is the only feasible  
16 mechanism that will allow them an opportunity for legal redress and justice.  
17 Plaintiff is unaware of any litigation concerning the present controversy already  
18 commenced by members of the Class. The conduct of this action as a class action  
19 in this forum, with respect to some or all of the issues presented herein, presents  
20 fewer management difficulties, conserves the resources of the parties and of the  
21 court system, and protects the rights of each Class member.

22          51.    Moreover, individualized litigation would also present the potential  
23 for varying, inconsistent, or incompatible standards of conduct for Defendants,  
24 and would magnify the delay and expense to all parties and to the court system  
25 resulting from multiple trials of the same factual issues. The adjudication of  
26 individual Class members’ claims would also, as a practical matter, be  
27 dispositive of the interests of other members not parties to the adjudication, and  
28 could substantially impair or impede the ability of other Class members to



1 protect their interests.

2 52. Plaintiff and the members of the Class have suffered and will  
3 continue to suffer harm as a result of Defendant(s)' unlawful and wrongful  
4 conduct. Defendant(s) have acted, or refused to act, in respects generally  
5 applicable to the Class, thereby making appropriate final and injunctive relief  
6 with regard to the members of the Class as a whole.

7 **FIRST CAUSE OF ACTION**

8 **VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT,**

9 **47 U.S.C. § 227, *ET SEQ.***

10 **(By Plaintiff Against All Defendants)**

11 53. Plaintiff hereby incorporates by reference and re-alleges each and  
12 every allegation set forth in each and every preceding paragraph of this  
13 Complaint, as though fully set forth herein.

14 54. The foregoing acts and omissions of Defendants constitute  
15 numerous and multiple violations of the TCPA, including but not limited to each  
16 and every one of the above cited provisions of 47 U.S.C. § 227, *et seq.* and 47  
17 C.F.R. §64.1200, *et seq.*

18 55. As a result of Defendants' violations of 47 U.S.C. § 227, *et seq.*, and  
19 47 C.F.R. §64.1200, *et seq.*, Plaintiff is entitled to an award of \$500.00 in  
20 statutory damages, for each and every violation, pursuant to 47 U.S.C. §  
21 227(b)(3)(B).

22 56. Plaintiff is also entitled to and seeks injunctive relief prohibiting  
23 such conduct in the future.

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1 **SECOND CAUSE OF ACTION**

2 **KNOWING AND/OR WILLFUL VIOLATION OF**  
3 **THE TELEPHONE CONSUMER PROTECTION ACT, 47 U.S.C. § 227, *ET SEQ.***  
4 **(By Plaintiff Against All Defendants)**

5 57. Plaintiff hereby incorporates by reference and re-allege each and  
6 every allegation set forth in each and every preceding paragraph of this  
7 Complaint, as though fully set forth herein.

8 58. The foregoing acts and omissions of Defendants constitute  
9 numerous and multiple knowing and/or willful violations of the TCPA, including  
10 but not limited to each and every one of the above cited provisions of 47 U.S.C.  
11 § 227, *et seq.* and 47 C.F.R. §64.1200, *et seq.*

12 59. As a result of Defendants' violations of 47 U.S.C. § 227, *et seq.*, and  
13 47 C.F.R. §64.1200, *et seq.* Plaintiff is entitled to an award of \$1,500.00 in  
14 statutory damages, for each and every violation, pursuant to 47 U.S.C. §  
15 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

16 60. Plaintiff is also entitled to and seeks injunctive relief prohibiting  
17 such conduct in the future.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff, individually and on behalf of the Class, prays for  
20 relief and judgment as follows:

- 21 1. An order certifying this action as a class action and appointing  
22 Plaintiff and his counsel to represent the Class;
- 23 2. For the first cause of action:
- 24 • Plaintiff and Class members are entitled to and request \$500.00
  - 25 in statutory damages, for each and every violation, pursuant to 47
  - 26 U.S.C. § 227, *et seq.*;
  - 27 • Preliminary and permanent injunctive relief enjoining
  - 28 Defendant(s), their agents, servants and employees, and all





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persons acting in concert with them, from engaging in, and continuing to engage in, the unlawful calls made with automated dialing systems to cellular phones without prior express consent;

- Attorneys’ fees, costs and any and all other relief that the Court deems just and proper.

3. For the second cause of action:

- Plaintiff and Class members are entitled to and request \$1,500.00 in statutory damages, for each and every violation , pursuant to 47 U.S.C. § 227, *et seq.*;
- Preliminary and permanent injunctive relief enjoining Defendant(s), their agents, servants and employees, and all persons acting in concert with them, from engaging in, and continuing to engage in, the unlawful calls made with automated dialing systems to cellular phones without prior express consent;
- Attorneys’ fees, costs and any and all other relief that the Court deems just and proper.

Dated: December 19, 2016

Respectfully submitted,

By: /s/ David L. Weisberg

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury for all issues that may be decided by jury.

Dated: December 19, 2016

Respectfully submitted,

By: /s/ David L. Weisberg

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