

1 LAW OFFICES OF DOUGLAS J. CAMPION, APC  
2 Douglas J. Campion (SBN 75381)  
3 17150 Via Del Campo, Suite 100  
4 San Diego, CA 92127  
5 doug@djcampion.com  
6 Telephone: (619) 299-2091  
7 Facsimile: (619) 858-0034

8 LAW OFFICES OF MICHAEL P. SOUSA, APC  
9 Michael P. Sousa, SBN 229416  
10 msousa@msousalaw.com  
11 3232 Governor Dr., Suite A  
12 San Diego, CA 92122  
13 Telephone: (858) 453-6122, ext. 15  
14 Facsimile: (858) 453-2155

15 *Attorneys for Plaintiff and the Proposed Class*

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

18 KEVIN C. PARRIS, on behalf of  
19 himself and all others similarly  
20 situated,

21 Plaintiff,

22 v.

23 EAST COAST POLYTECHNIC  
24 INSTITUTE, aka ECPI  
25 UNIVERSITY,

26 Defendant.

27 Case No. '18CV1523 WQHBLM

28 **CLASS ACTION**

**CLASS ACTION COMPLAINT  
FOR DAMAGES AND  
INJUNCTIVE RELIEF PURSUANT  
TO 47 U.S.C. § 227 ET SEQ.  
(TELEPHONE CONSUMER  
PROTECTION ACT)**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Kevin C. Parris (hereinafter referred to as “Plaintiff”),  
2 individually and on behalf of all others similarly situated, alleges on personal  
3 knowledge, investigation of his counsel, and on information and belief as follows:

4 **NATURE OF ACTION**

5 1. Plaintiff brings this action for damages, and other legal and  
6 equitable remedies, resulting from the illegal actions of East Coast Polytechnic  
7 Institute, aka ECPI University (“ECPI” or “Defendant”) in negligently, knowingly,  
8 and/or willfully contacting Plaintiff and the Class Members on their cellular  
9 telephones without their prior express consent within the meaning of the Telephone  
10 Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (hereinafter referred to as the  
11 “TCPA”), and the Federal Communication Commission rules promulgated  
12 thereunder, 47 C.F.R. § 64.1200 (“Rules”).

13 2. Plaintiff brings this action for injunctive relief and statutory  
14 damages resulting from Defendant’s illegal actions.

15 **JURISDICTION AND VENUE**

16 3. This matter in controversy exceeds \$5,000,000, as each member  
17 of the proposed Class of tens of thousands is entitled to up to \$1,500.00 in statutory  
18 damages for each call that has violated the TCPA. Accordingly, this Court has  
19 jurisdiction pursuant to 28 U.S.C. § 1332(d)(2). Further, Plaintiff alleges a national  
20 class, which will result in at least one Class member belonging to a different state.  
21 Therefore, both elements of diversity jurisdiction under the Class Action Fairness  
22 Act of 2005 (“CAFA”) are present, and this Court has jurisdiction. This Court also  
23 has federal question jurisdiction pursuant to 28 U.S.C. § 1331.

24 4. Venue is proper in the United States District Court for the  
25 Southern District of California pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1441(a),  
26 because Plaintiff resides in this judicial district; Plaintiff received the calls and text  
27 messages at issue while in this district; Defendant makes calls for business purposes  
28

1 to residents of this judicial district; Defendant’s contacts with this District are  
2 sufficient to subject them to personal jurisdiction; and Defendant is deemed to  
3 reside in any judicial district in which they are subject to personal jurisdiction at the  
4 time the action is commenced.

5  
6 **PARTIES**

7 5. Plaintiff Kevin C. Parris is, and at all times mentioned herein  
8 was, an individual citizen of the State of California, who resides in San Diego,  
9 California.

10 6. East Coast Polytechnic Institute, aka ECPI University, (“ECPI”  
11 or “Defendant”), is headquartered in Virginia Beach, Virginia. It is a private, for-  
12 profit school with nineteen campuses in Virginia, North Carolina, South Carolina  
13 and Florida, and also provides courses on-line. Student enrollment is  
14 approximately 10,000. In 2012, ECPI University was the subject of a U.S. Senate  
15 report on Health, Education, Labor and Pensions, investigating misuse of Federal  
16 funds by for-profit education companies. That report concluded that student  
17 withdrawal rates were troubling, in the 40% to 50% range.<sup>1</sup>

18 7. Defendant markets its educational programs and services  
19 throughout the country by regularly using the telephone to contact prospective  
20 customers and prospective students about its programs. It does so by making calls  
21 to cellphones using an automatic telephone dialing system (“ATDS”) and by  
22 sending text messages advertising those courses and services. In doing so, it  
23 contacted Plaintiff and the class members on their cell phones as set forth herein,  
24 both by making calls and by sending text messages.

25  
26  
27 \_\_\_\_\_  
28 <sup>1</sup> See [https://www.help.senate.gov/imo/media/for\\_profit\\_report/PartII/ECPI.pdf](https://www.help.senate.gov/imo/media/for_profit_report/PartII/ECPI.pdf),  
pages 420-434.

**THE TELEPHONE CONSUMER PROTECTION ACT OF 1991**  
**(TCPA), 47 U.S.C. § 227**

8. In 1991, Congress enacted the TCPA,<sup>2</sup> in response to a growing number of consumer complaints regarding certain telemarketing practices.

9. The TCPA regulates, among other things, the use of automated telephone equipment, or “autodialers.” Specifically, the plain language of section 227(b)(1)(A)(iii) prohibits the use of autodialers to make any call to a wireless number in the absence of an emergency or the prior express consent of the called party.<sup>3</sup>

10. According to findings by the FCC, the agency Congress vested with authority to issue regulations implementing the TCPA, such calls are prohibited because, as Congress found, automated or prerecorded telephone calls are a greater nuisance and invasion of privacy than live solicitation calls, and such calls can be costly and inconvenient. The FCC also recognized that wireless customers are charged for incoming calls whether they pay in advance or after the minutes are used.<sup>4</sup>

11. On January 4, 2008, the FCC released a Declaratory Ruling wherein it confirmed that autodialed and prerecorded message calls to a wireless number by a creditor (or on behalf of a creditor) are permitted only if the calls are made with the “prior express consent” of the called party.<sup>5</sup> The FCC “emphasize[d] that prior express consent is deemed to be granted only if the wireless number was

<sup>2</sup> Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394 (1991), codified at 47 U.S.C. § 227 (TCPA). The TCPA amended Title II of the Communications Act of 1934, 47 U.S.C. § 201 *et seq.*

<sup>3</sup> 47 U.S.C. § 227(b)(1)(A)(iii).

<sup>4</sup> *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014 (2003).

<sup>5</sup> *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991* (“FCC Declaratory Ruling”), 23 F.C.C.R. 559, 23 FCC Rcd. 559, 43 Communications Reg. (P&F) 877, 2008 WL 65485 (F.C.C.) (2008).

1 provided by the consumer to the creditor, and that such number was provided  
 2 during the transaction that resulted in the debt owed.”<sup>6</sup>

### 3 FACTUAL ALLEGATIONS

4 12. At all times relevant herein, Plaintiff was an individual residing  
 5 in the State of California, and within this judicial district. Plaintiff is, and at all  
 6 times mentioned herein was, a "person" as defined by 47 U.S.C. § 153(39).

7 13. On information and belief, the decisions complained of herein,  
 8 relating to the use of an “automatic telephone dialing system” and/or using “an  
 9 artificial or prerecorded voice” to call consumers’ cellular telephones without their  
 10 prior express consent, and the procedures used in obtaining the cellular phone  
 11 numbers to be called, and to do so without “scrubbing” them or otherwise  
 12 determining the call recipients’ prior express consent, originated from ECPI and  
 13 were implemented by ECPI and their agents, all of whom made the calls to  
 14 cellular phones complained of herein on behalf of ECPI. Any and all decisions  
 15 about the calling procedures originated with or were approved by ECPI.

16 14. On or about March 21, 2017, Plaintiff received a voicemail  
 17 message on his cellphone, with his phone number ending in 2779, from Defendant  
 18 ECPI calling to market its educational programs. The call was from (757) 272-  
 19 1435 and made with an ATDS. In that message, someone named “Kathy” asked  
 20 Plaintiff to call her back at (757) 516-0069 to discuss ECPI’s Culinary Institute  
 21 program. There was a hesitation of a few seconds between the time the voicemail  
 22 answered the call and the message began, which is consistent with the practice of  
 23 using a predictive dialer. The FCC has determined that a predictive dialer is an  
 24 ATDS. In Re Rules and Regulations Implementing the Telephone Consumer  
 25 Protection Act of 1991 (“2003 Order”), 18 FCC Rcd. 14,014, 14,1091, 14,092 ¶¶  
 26 131, 132 (2003). Prior to that call, Plaintiff never had any contact with ECPI or any

27  
 28 <sup>6</sup> *FCC Declaratory Ruling*, 23 F.C.C.R. at 564-65 (¶ 10).

1 of its agents or affiliates, never gave them his cellphone number, and never gave  
2 them prior express consent to be called on his cellphone number.

3 15. Beginning approximately April 7, 2017, Plaintiff received  
4 numerous text messages from ECPI, SMS 254-00, the purpose of which was to  
5 market ECPI's programs. Among others, those messages included the following:

6 a. April 7, 2017: "Thinking about a career in Culinary Arts? Check  
7 out Culinary Institute of VA's Career Discovery Day – Sat. 4/22. Rply Yes for info.  
8 [Text QUIT to quit.]"

9 b. April 14, 2017: "Is food your passion? It's Culinary Institute of  
10 Virginia's Career Discovery Day, Sat. 4/22. What are U waiting for? Rply YES 4  
11 info [Text QUIT to quit.]"

12 c. April 19, 2017: "Are you coming to Culinary Institute of Virginia's  
13 Career Disco very Day this Sat. from 10til 3? Text back RSVP if you are coming.  
14 [Text QUIT to quit.]"

15 d. April 25, 2017: "Is your passion your profession? If not, come by  
16 Culinary Institute of Virginia tomorrow at 10:00 am. or 5:30 pm! Rply Yes to rsvp  
17 [Text QUIT to quit]"

18 e. July 6, 2017: "Rising Senior Summer Camp @ Culinary Institute  
19 of VA starts tomorrow & is every Friday in July. Text YES if interested. [Text  
20 QUIT to quit]"

21 f. July 28, 2017: "Save the Date: CIV's Career Discovery Day is  
22 coming, Sat. Aug. 12<sup>th</sup>, 10a-3p. Text CDD to RSVP now [Text QUIT to quit]"

23 g. August 3, 2017: "It's time to love what you do. Come to CIV's  
24 Career Discovery Day, Sat., Aug. 12<sup>th</sup>, 10a-3p. Text CDD to RSVP [Text QUIT to  
25 quit]"  
26  
27  
28

1 h. August 11, 2017: “Don’t forget! Culinary Institute of VA’s Career  
2 Discovery Day is tomorrow, 10a α€ (sic) 3p. Text CDD to RSVP. [Text QUIT to  
3 quit]”

4 i. August 15, 2017: “Missed Career Discovery Day? Visit Culinary  
5 Institute of VA tomorrow, Wed. Aug. 16<sup>th</sup> at 10a or 5p. Text YES to RSVP [Text  
6 QUIT to quit]”

7 j. September 4, 2017: “Culinary Institute of Virginia is open today,  
8 9a-2p! It’s time to start doing what you love! Text “Yes” to book your campus  
9 tour. [Text QUIT to quit]”

10 k. September 19, 2017: “Join Culinary Institute of VA Online Info  
11 Session for 2018 Grads tonight @7PM from computer/smartphone/table! Text YES  
12 for link. [Text QUIT to quit]”

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

15 17. All telephone contact by Defendant to Plaintiff on his cellular  
16 telephones occurred via an “automatic telephone dialing system,” as defined by 47  
17 U.S.C. § 227(a)(1), and/or used “an artificial or prerecorded voice” as described in  
18 47 U.S.C. § 227(b)(1)(A).

19 18. Plaintiff did not provide “express consent” allowing Defendant to  
20 place telephone calls or text messages to Plaintiff’s cellular phone utilizing an  
21 “artificial or prerecorded voice” or placed by an “automatic telephone dialing  
22 system,” within the meaning of 47 U.S.C. § 227(b)(1)(A).

23 19. Defendant’s telephone calls and text messages to Plaintiff’s  
24 cellular phone were not “for emergency purposes” as described in 47 U.S.C. §  
25 227(b)(1)(A).

26 20. Defendant’s telephone calls to Plaintiff’s cellular phone utilizing  
27 an “artificial or prerecorded voice” or placed by an “automatic telephone dialing  
28

1 system” for non-emergency purposes and in the absence of Plaintiff’s prior express  
2 consent violated 47 U.S.C. § 227(b)(1)(A).<sup>21</sup> Under the TCPA and pursuant to  
3 the FCC’s January 2008 Declaratory Ruling, the burden is on Defendant to  
4 demonstrate that Plaintiff provided express consent within the meaning of the  
5 statute.<sup>7</sup>

6           21. Plaintiff and all members of the Class have been harmed by the  
7 acts of Defendant in the form of multiple involuntary telephone and electrical  
8 charges, the aggravation, nuisance, and invasion of privacy that necessarily  
9 accompanies the receipt of unsolicited and harassing telephone calls, and violations  
10 of their statutory rights. Plaintiff and putative Class Members suffered an invasion  
11 of privacy, as well as particularized and concrete injuries, which are real, actually  
12 exist, and are personal to the Plaintiff and to the class members, including the  
13 inducement of stress, anxiety, nervousness, embarrassment, distress, and/or  
14 aggravation. Plaintiff and putative Class Members also suffered out-of-pocket  
15 losses, including the monies paid to their wireless carriers for the receipt of such  
16 calls. Additionally, due to both the answered and unanswered calls placed by  
17 Defendant, Plaintiff and putative Class Members suffered the expenditure of their  
18 time, exhaustion of their cellular telephone batteries, unavailability of their cellular  
19 telephones while Defendant’s calls were incoming, and trespass upon their  
20 respective chattels. All of the above-mentioned injuries were caused by, are  
21 traceable to Defendant’s conduct, and/or directly related to, Defendant’s placement  
22 of calls to Plaintiff and putative Class Members by using an ATDS to call their  
23 cellular telephone numbers.

24  
25  
26  
27  
28 <sup>7</sup> See *FCC Declaratory Ruling*, 23 F.C.C.R. at 565 (¶ 10).



**CLASS ACTION ALLEGATIONS**

1  
2 22. Plaintiff brings this action on behalf of himself and on behalf of  
3 all other persons similarly situated (hereinafter referred to as “the Class”).

4 23. Plaintiff proposes the following Class definition, subject to  
5 amendment as appropriate:

6 All persons within the United States who received a non-  
7 emergency telephone call or a text message from East  
8 Coast Polytechnic Institute, aka ECPI University, or their  
9 agents, to a cellular telephone through the use of an  
10 automatic telephone dialing system or an artificial or  
11 prerecorded voice within four years to the filing of this  
12 Complaint.

13 Collectively, all these persons will be referred to as “Class members.” Plaintiff  
14 represents, and is a member of, the Class. Excluded from the Class are the  
15 Defendant, and any entities in which they have a controlling interest, their agents  
16 and employees, any Judge to whom this action is assigned and any member of such  
17 Judge’s staff and immediate family, and claims for personal injury, wrongful death  
18 and/or emotional distress.

19 24. Plaintiff does not know the exact number of members in the  
20 Class, but based upon the size of the company and its stated business practices in  
21 making telephone calls and sending of text messages, Plaintiff reasonably believes  
22 that Class members number at minimum in the tens or hundreds of thousands.

23 25. This Class Action Complaint seeks injunctive relief and money  
24 damages.

25 26. The joinder of all Class members is impracticable due to the  
26 size and relatively modest value of each individual claim. The disposition of the  
27 claims in a class action will provide substantial benefit to the parties and the Court  
28 in avoiding a multiplicity of identical suits. The Class can be identified easily  
through records maintained by Defendant, and its agents.

1                   27.     There are well defined, nearly identical, questions of law and  
2 fact affecting all parties. The questions of law and fact involving the class claims  
3 predominate over questions which may affect individual Class members. Those  
4 common questions of law and fact include, but are not limited to, the following:

5                   a.     Whether Defendant made non-emergency  
6 calls to Plaintiff's and Class members' cellular telephones using an  
7 automatic telephone dialing system and/or an artificial or prerecorded  
8 voice;

9                   b.     Whether Defendant sent text messages to  
10 Plaintiff's and Class members' cellular telephones using an automatic  
11 telephone dialing system;

12                   c.     Whether Defendant can meet its burden of  
13 showing it obtained prior express consent (*i.e.*, consent that is clearly  
14 and unmistakably stated), to make such calls;

15                   d.     Whether Defendant's conduct was knowing  
16 and/or willful;

17                   e.     Whether Defendant is liable for damages,  
18 and the amount of such damages; and

19                   f.     Whether Defendant should be enjoined from  
20 engaging in such conduct in the future.

21                   28.     As a person who received one or more telephone calls to his  
22 cellphone using an automatic telephone dialing system, without his prior express  
23 consent within the meaning of the TCPA and Rules, and as a person receiving text  
24 messages to his cellphone, also without his consent, Plaintiff asserts claims that  
25  
26  
27  
28

1 are typical of each Class member. Plaintiff will fairly and adequately represent  
2 and protect the interests of the Class, and has no interests which are antagonistic to  
3 any member of the Class.

4 29. Plaintiff has retained counsel experienced in handling class  
5 action claims involving violations of federal and state consumer protection  
6 statutes, including claims under the TCPA.

7 30. A class action is the superior method for the fair and efficient  
8 adjudication of this controversy. Class wide relief is essential to compel  
9 Defendant to comply with the TCPA. The interest of Class members in  
10 individually controlling the prosecution of separate claims against Defendant is  
11 small because the statutory damages in an individual action for violation of the  
12 TCPA are small. Management of these claims is likely to present significantly  
13 fewer difficulties than are presented in many class claims because the calls at issue  
14 are all automated and the Class members, by definition, did not provide the prior  
15 express consent required under the statute to authorize calls to their cellular  
16 telephones.

17 31. Defendant has acted on grounds generally applicable to the  
18 Class, thereby making final injunctive relief and corresponding declaratory relief  
19 with respect to the Class as a whole appropriate. Moreover, on information and  
20 belief, Plaintiff alleges that the TCPA violations complained of herein are  
21 substantially likely to continue in the future if an injunction is not entered.

22 **CAUSES OF ACTION**

23 **FIRST CLAIM FOR RELIEF**

24 **KNOWING AND/OR WILLFUL VIOLATIONS OF THE TELEPHONE**  
25 **CONSUMER PROTECTION ACT, 47 U.S.C. § 227 *ET SEQ.***

26 32. Plaintiff incorporates by reference the foregoing paragraphs of  
27 this Complaint as if fully stated herein.  
28



1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff respectfully requests that the Court grant  
3 Plaintiff and all Class members the following relief against Defendant:

4 A. Injunctive relief prohibiting such violations of the TCPA and  
5 UCL by Defendant in the future;

6 B. As a result of Defendant's willful and/or knowing violations of  
7 47 U.S.C. § 227(b)(1), Plaintiff seeks for himself and each Class member treble  
8 damages, as provided by statute, of up to \$1,500.00 for each and every call that  
9 violated the TCPA;

10 C. As a result of Defendant's violations of 47 U.S.C. § 227(b)(1),  
11 Plaintiff seeks for himself and each Class member \$500.00 in statutory damages for  
12 each and every call that violated the TCPA;

13 D. An award of attorneys' fees and costs to counsel for Plaintiff  
14 and the Class;

15 E. An order certifying this action to be a proper class action  
16 pursuant to Federal Rule of Civil Procedure 23, establishing an appropriate Class  
17 and any Subclasses the Court deems appropriate, finding that Plaintiff is a proper  
18 representative of the Class, and appointing the lawyers and law firms representing  
19 Plaintiff as counsel for the Class;

20 F. Such other relief as the Court deems just and proper.

21 **DEMAND FOR JURY TRIAL**

22 Plaintiff demands a trial by jury on all counts so triable.

23 Dated: July 2, 2018

24 By: /s/ Douglas J. Campion  
Douglas J. Campion

25 LAW OFFICES OF DOUGLAS J. CAMPION, APC  
26 17150 Via Del Campo, Suite 100  
27 San Diego, CA 92127  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

LAW OFFICES OF MICHAEL P. SOUSA, APC  
By: /s/ Michael P. Sousa  
Michael P. Sousa  
3232 Governor Dr., Suite A  
San Diego, CA 92122

*Attorneys for Plaintiff and the Proposed Class*

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

Kevin C Parris, on behalf of himself and all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Law Offices of Douglas J. Campion, APC 17150 Via Del Campo, Suite 100 San Diego, CA 92127 (619) 299-2091

DEFENDANTS

East Coast Polytechnic Institute, aka ECPI University

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

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

Attorneys (If Known)

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 and business location. Includes categories like Citizen of This State, Citizen of Another State, and Foreign Nation.

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

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

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 47 U.S.C. Section 227 et seq. Brief description of cause: Telephone Consumer Protection Act ("TCPA") violations

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 07/02/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Douglas J. Campion

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Print

Save As...

Reset

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



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

Kevin C Parris, on behalf of himself and all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Law Offices of Douglas J. Campion, APC 17150 Via Del Campo, Suite 100 San Diego, CA 92127 (619) 299-2091

DEFENDANTS

East Coast Polytechnic Institute, aka ECPI University

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

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

Attorneys (If Known)

'18CV1523 WQHBLM

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 and business location. Includes options for Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, and Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, BANKRUPTCY, FEDERAL TAX SUITS, OTHER STATUTES. Each category contains a list of specific legal codes.

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 47 U.S.C. Section 227 et seq.
Brief description of cause: Telephone Consumer Protection Act ("TCPA") violations

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 07/02/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Douglas J. Campion

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Print

Save As...

Reset

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Accuses ECPI University of Illegal Robocalling](#)

---