

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

GORDON SIU, on behalf of himself	:	
and others similarly situated,	:	Case No.
	:	
Plaintiff,	:	<b>COMPLAINT – CLASS ACTION</b>
	:	
v.	:	<b><u>DEMAND FOR JURY TRIAL</u></b>
	:	
AMERIMEX SOLUTIONS, INC. and	:	
AMERIMEX COMMUNICATIONS	:	
CORP.,	:	
	:	
Defendants.	:	
<hr/>		

**Preliminary Statement**

1. Plaintiff Gordon Siu brings this action to enforce the consumer-privacy provisions of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, a federal statute enacted in 1991 in response to widespread public outrage about the proliferation of intrusive, nuisance telemarketing practices. *See Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 372 (2012).

2. In violation of the TCPA, AmeriMex Solutions, Inc. and AmeriMex Communications Corp. (collectively “Defendants” or “AmeriMex”) initiated automated telemarketing calls to Mr. Siu’s cellular telephone number using an automated dialing system, which is prohibited by the TCPA.

3. Mr. Siu never consented to receive these calls. Because automated dialing campaigns generally place calls to hundreds of thousands or even millions of potential customers *en masse*, Mr. Siu brings this action on behalf of a proposed nationwide class of other persons who received illegal telemarketing calls from or on behalf of Defendants.

4. A class action is the best means of obtaining redress for the Defendants' wide-scale illegal telemarketing, and is consistent with both the private right of action afforded by the TCPA and the goals of fairness and efficiency embodied in Rule 23 of the Federal Rules of Civil Procedure.

### **Parties**

5. Plaintiff Gordon Siu is a resident of the State of California.

6. Defendant AmeriMex Solutions, Inc. is a Georgia corporation with its principal office in Roswell, Georgia in this District. Its registered agent is David S. Cooper, 1600 Parkwood Circle, S.E., Suite 400, Atlanta, GA 30339. Its secretary, CFO and CEO is Don Aldridge, 200 Mansell Ct. E, Suite 105, Roswell, GA 30076.

7. Defendant AmeriMex Communications Corp. is a Georgia corporation with its principal office in Dunedin, Florida. Its registered agent is Fas Tek Corporate Services Inc., 1725 Windward Concourse, Suite 150, Fulton,

Alpharetta, GA 30005. Its secretary and CFO is Don Aldridge, 200 Mansell Ct. E, Suite 105, Roswell, GA 30076.

### **Jurisdiction & Venue**

8. This Court has subject matter jurisdiction under the Class Action Fairness Act of 2005 (“hereinafter referred to as CAFA”), codified as 28 U.S.C. § 1332(d)(2). The matter in controversy exceeds \$5,000,000, in the aggregate, exclusive of interest and costs, as each member of the proposed class of at least tens of thousands is entitled to up to \$1,500.00 in statutory damages for each call that has violated the TCPA. Further, Plaintiff alleges a nationwide class, which will result in at least one class member from a different state.

9. The Court has federal question subject matter jurisdiction over these TCPA claims. *Mims v. Arrow Financial Services, LLC*, 565 U.S. 368 (2012).

10. Venue is proper under 28 U.S.C. § 1391(b)(1) because a substantial part of the events or omissions giving rise to the claim occurred in this District, as the automated calls were made from this District.

### **TCPA and Text Messaging Background**

11. In 1991, Congress enacted the TCPA to regulate the explosive growth of the telemarketing industry. In so doing, Congress recognized that “[u]nrestricted telemarketing can be an intrusive invasion of privacy.” Telephone

Consumer Protection Act of 1991, Pub. L. No. 102-243, § 2(5) (1991) (codified at 47 U.S.C. § 227).

12. Unlike many federal statutes, Congress embedded the reasons for the TCPA into the statute itself with explicit Congressional Findings. 105 Stat. 2394, §§ 10, 12, 14 (notes following 47 U.S.C. § 227).

13. *Mims* explicitly cited these Congressional Findings in noting that “‘automated or prerecorded telephone calls’ . . . were rightly regarded by recipients as ‘an invasion of privacy.’” *Mims* at 372 (citing 105 Stat. 2394). Accordingly, Congress found that:

***Banning such automated or prerecorded telephone calls*** to the home, except when the receiving party consents to receiving the call or when such calls are necessary in an emergency situation affecting the health and safety of the consumer, ***is the only effective means of protecting telephone consumers*** from this nuisance and privacy invasion.

105 Stat. 2394 at § 14 (emphasis added).

14. Indeed, as the United States Supreme Court recently held in a different context, “Modern cell phones are not just another technological convenience. With all they contain and all they may reveal, they hold for many Americans ‘the privacies of life.’” *Riley v. California*, \_\_ U.S. \_\_, 134 S. Ct. 2473, 2494-95 (2014).

15. In fact, the TCPA's most stringent restrictions pertain to computer-generated telemarketing calls placed to cell phones.

16. The TCPA categorically bans entities from initiating telephone calls using an automated telephone dialing system ("ATDS") to any telephone number assigned to a cellular telephone service. 47 U.S.C. § 227(b)(1); 47 C.F.R. § 64.1200(a)(1)(iii).

17. A "SMS message" is a text message call directed to a wireless device through the use of the telephone number assigned to the device. When an SMS message call is successfully made, the recipient's cell phone rings, alerting him or her that a call is being received. It is well-settled that an SMS message is a call for TCPA purposes.

18. SMS calls often cost their recipients money, because cell phone users must frequently pay their wireless service providers either per message received or for a limited monthly allotment of messages, regardless of whether or not the message is authorized.

19. Many commercial SMS messages are sent from "short codes" (also known as "short numbers"), which are special cellular telephone exchanges, typically only five or six-digit extensions, that can be used to address SMS messages to mobile phones. Short codes are generally easier to remember and are

used by consumers to (for instance) vote on television contestants or donate to charity.

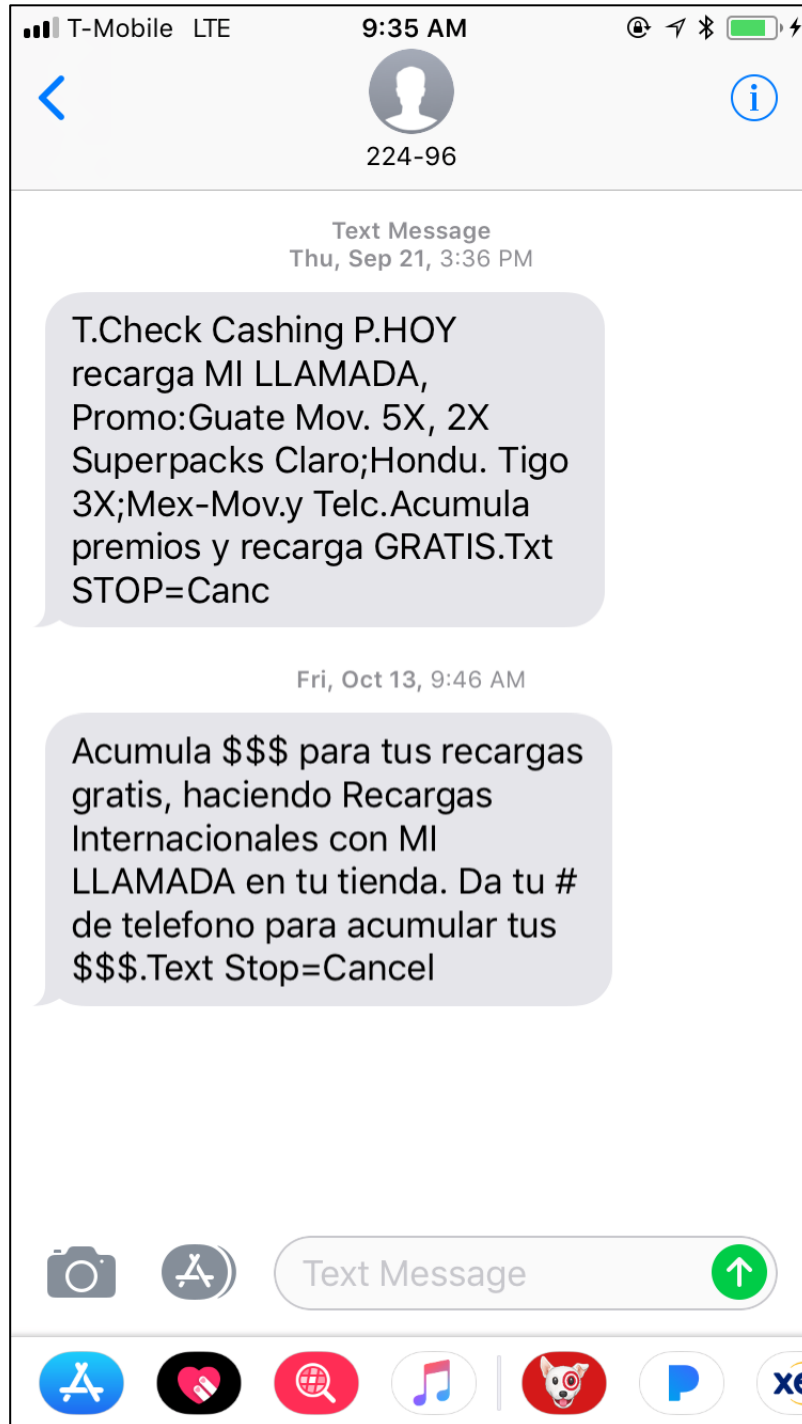
20. A short code is sent to consumers along with the actual text message and conclusively reveals the originator of the SMS message.

### **Factual Allegations**

21. Plaintiff Siu is a “person” as defined by 47 U.S.C. § 153(39).

22. To generate new business, AmeriMex relies on text message advertising that it engages in *en masse*.

23. Despite having no prior relationship with AmeriMex, Plaintiff received the following text messages on his cellular telephone number (which he has had for years) on September 21, 2017 and October 13, 2017, respectively:



24. The Caller ID for the text message was “224-96.”

25. “224-96” is an SMS short code, which is used for text message broadcasting to send out advertisements *en masse*.

26. The short code “224-96” is registered in the U.S. Short Code Directory to AmeriMex.

27. The product advertised in the spam texts, Mi Llamada, is listed in the iTunes app store as belonging to Defendant AmeriMex Communications Corp.

28. The foregoing facts, together with the geographic distance between Mr. Siu (California) and AmeriMex (Georgia), the impersonal content of the text messages, and the fact that these calls were part of a nationwide telemarketing campaign, demonstrate that the call was made using an automatic telephone dialing system (“ATDS” or “autodialer”) as that term is defined in 47 U.S.C. § 227(a)(1).

29. The purpose of these calls was to generate business for AmeriMex.

30. Plaintiff is not a customer of AmeriMex and had not provided it with his personal information or telephone number or otherwise consented to receive telemarketing from it. Plaintiff is not now and has never been a native or fluent Spanish speaker or a user of Spanish-language services.

31. In fact, before filing this lawsuit, Plaintiff wrote to Defendant AmeriMex Communications Corp. asking if it had his prior express written consent to make the calls. As CEO of AmeriMex Solutions Inc. [sic], Don Aldridge replied but did not provide any evidence of Plaintiff’s consent to receive text messages from AmeriMex (or anyone else).



32. Plaintiff and the other call recipients were harmed by these calls. They were temporarily deprived of legitimate use of their phones and their privacy was improperly invaded. Moreover, these calls injured Plaintiff and the other call recipients because they were frustrating, obnoxious, annoying nuisance that disturbed their solitude.

### **Class Action Allegations**

33. As authorized by Rule 23 of the Federal Rules of Civil Procedure, Plaintiff brings this action on behalf of a class of all other persons and entities similarly situated throughout the United States.

34. The class of persons Plaintiff proposes to represent is tentatively defined as:

All persons within the United States: (a) to whom AmeriMex and/or a third party acting on its behalf made one or more non-emergency telephone calls; (b) promoting AmeriMex's goods or services; (c) to their cellular telephone number; (d) using an automatic telephone dialing system or an artificial or prerecorded voice; and (e) at any time in the period that begins four years before the date of the filing of this Complaint and ends at the date of trial.

35. Excluded from the class are counsel, AmeriMex, any entities in which AmeriMex has a controlling interest, AmeriMex's agents and employees, any judge to whom this action is assigned, and any member of such judge's staff and immediate family.

36. The class as defined above is identifiable through phone records and phone number databases.

37. The potential class members number at least in the thousands. Individual joinder of these persons is impracticable. Indeed, the U.S. Short Code Directory lists all of the wireless carriers below as supporting the short code “224-96.” Thus, any customer of any of the following carriers could be targeted by the mass SMS campaign conducted by AmeriMex:

- Supported Wireless Carriers:** ?
- Cincinnati Bell
  - Leap Wireless
  - United States Cellular Corp
  - Verizon
  - T-Mobile
  - Alltel-Allied
  - AT&T
  - Cellular South
  - iWireless
  - Metro PCS
  - Virgin Mobile
  - Boost Mobile
  - Union Telephone
  - nTelos
  - TracFone (AT&T)
  - West Central Wireless
  - Bluegrass Cellular
  - Carolina West Wireless
  - Rural Independent Network Alliance
  - East Kentucky Network
  - Illinois Valley Cellular
  - Inland Cellular
  - Nex Tech Communications
  - Pine Cellular
  - DTC Wireless
  - Boost-CDMA
  - CellCom
  - Immix
  - ECIT
  - Alaska Communications Systems (ACS)
  - United Wireless
  - GCI Communications
  - Thumb Cellular
  - Cross Wireless
  - Chat Mobility
  - Northwest Missouri Cellular
  - Pioneer Cellular
  - Panhandle Wireless
  - Element Mobile
  - Golden State Cellular
  - Viera Wireless
  - Plateau Wireless
  - MTPCS
  - Cellular One
  - Cleartalk (Flat Wireless)
  - Epic Touch
  - Mosaic Telecom
  - Mobi
  - PCS
  - Peoples Wireless
  - Duet IP
  - Chariton Valley Cellular
  - SouthernLINC
  - MobileNation/SI Wireless
  - MTA Wireless/Matanuska
  - Kenai SRT Communications
  - MetroPCS/T-Mobile
  - US Aio Wireless
  - Sagebrush Cellular
  - Google Voice

38. Plaintiff is a member of the class.

39. There are questions of law and fact common to Plaintiff and to the proposed class, including but not limited to the following:

a. Whether AmeriMex violated the TCPA by calling individuals with automated text messages;

b. Whether AmeriMex engaged the use of an ATDS;

c. Whether AmeriMex placed calls without obtaining the recipients' prior express invitation or permission; and

d. Whether Plaintiff and the class members are entitled to statutory damages as a result of AmeriMex's actions.

40. Plaintiff's claims are typical of the claims of class members.

41. Plaintiff is an adequate representative of the class because his interests do not conflict with the interests of the class, he will fairly and adequately protect the interests of the class, and he is represented by counsel skilled and experienced in class actions, including TCPA class actions.

42. The actions of AmeriMex are generally applicable to the class as a whole and to Plaintiff.

43. Common questions of law and fact predominate over questions affecting only individual class members, and a class action is the superior method for fair and efficient adjudication of the controversy. The only individual question

concerns identification of class members, which will be ascertainable from records maintained by AmeriMex and/or its agents.

44. The likelihood that individual members of the class will prosecute separate actions is remote due to the time and expense necessary to prosecute an individual case. Indeed, Plaintiff is not aware of any litigation concerning this controversy already commenced by others who meet the criteria for class membership described above.

### **Legal Claims**

45. Plaintiff incorporates the allegations from all previous paragraphs as if fully set forth herein.

46. The foregoing acts and omissions of AmeriMex and/or its affiliates, agents, and/or other persons or entities acting on AmeriMex's behalf constitute numerous and multiple violations of the TCPA, 47 U.S.C. § 227, by making calls, except for emergency purposes, to the cellular telephone numbers of Plaintiff and members of the class using an ATDS.

47. As a result of TCPA violations by AmeriMex and/or its affiliates, agents, and/or other persons or entities acting on its behalf, Plaintiff and members of the class are entitled to an award of \$500 in damages for each and every call made to their cellular telephone numbers using an ATDS and/or artificial or prerecorded voice in violation of the statute, pursuant to 47 U.S.C. § 227(b)(3)(B).

48. Plaintiff and members of the Class are also entitled to and do seek injunctive relief prohibiting AmeriMex and/or its affiliates, agents, and/or other persons or entities acting on AmeriMex's behalf from violating the TCPA, 47 U.S.C. § 227, by making calls, except for emergency purposes, to any cellular telephone numbers using an ATDS and/or artificial or prerecorded voice in the future.

49. AmeriMex's violations were negligent and/or knowing.

### **Relief Sought**

For himself and all class members, Plaintiff request the following relief:

- A. Certification of the proposed class;
- B. Appointment of Plaintiff as representative of the class;
- C. Appointment of the undersigned counsel as counsel for the class;
- D. A declaration that AmeriMex and/or its affiliates, agents, and/or other related entities' actions complained of herein violated the TCPA;
- E. An order enjoining AmeriMex and its affiliates, agents, and other related entities, as provided by law, from engaging in the unlawful conduct set forth herein;
- F. An award to Plaintiff and the class of damages, as allowed by law, including treble damages for any proven knowing or willful violations;

G. Leave to amend this Complaint to conform to the evidence presented at trial; and

H. Orders granting such other and further relief as the Court deems necessary, just, and proper.

**Plaintiff requests a jury trial as to all claims of the complaint so triable.**

**CERTIFICATION OF COUNSEL**

I hereby certify in accordance with U.S.D.C. N.D. Ga. Local Rule 7.1D that the foregoing CLASS ACTION COMPLAINT has been prepared using Times New Roman, 14-point font, as required in U.S.D.C. N.D. Ga. Local Rule 5.1C.

Dated: November 8, 2017

GORDON SIU, on behalf of himself  
and others similarly situated,

By:

s/ Steven H. Koval  
Steven H. Koval  
Georgia Bar No. 428905

**THE KOVAL FIRM, LLC**  
3575 Piedmont Road  
Building 15, Suite 120  
Atlanta, GA 30305  
Telephone: (404) 513-6651  
Facsimile: (404) 549-4654  
shkoval@aol.com

CIVIL COVER SHEET

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

GORDON SIU, on behalf of himself and others similarly situated

DEFENDANT(S)

AMERIMEX SOLUTIONS, INC. and AMERIMEX COMMUNICATIONS CORP.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego County, CA (EXCEPT IN U.S. PLAINTIFF CASES)

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Steven H. Koval The Koval Firm, LLC 3575 Piedmont Road, Building 15, Suite 120 Atlanta, GA 30305, Telephone: (404) 513-6651 E-mail: shkoval@aol.com

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) (FOR DIVERSITY CASES ONLY)

- PLF DEF PLF DEF
1 1 CITIZEN OF THIS STATE 4 4 INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
2 2 CITIZEN OF ANOTHER STATE 5 5 INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
3 3 CITIZEN OR SUBJECT OF A FOREIGN COUNTRY 6 6 FOREIGN NATION

IV. 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 District)
6 MULTIDISTRICT LITIGATION - TRANSFER
7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. 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)

47 U.S.C. § 227. A putative class action lawsuit for unsolicited telemarketing pursuant to the Telephone Consumer Protection Act.

(IF COMPLEX, CHECK REASON BELOW)

- 1. Unusually large number of parties.
2. Unusually large number of claims or defenses.
3. Factual issues are exceptionally complex.
4. Greater than normal volume of evidence.
5. Extended discovery period is needed.
6. Problems locating or preserving evidence.
7. Pending parallel investigations or actions by government.
8. Multiple use of experts.
9. Need for discovery outside United States boundaries.
10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # AMOUNT \$ APPLYING IFP MAG. JUDGE (IFP)
JUDGE MAG. JUDGE (Referral) NATURE OF SUIT CAUSE OF ACTION

**VI. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EML. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395f)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTI-TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

**\* PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

**VII. REQUESTED IN COMPLAINT:**

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ 5,000,000.00

JURY DEMAND  YES  NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

**VIII. RELATED/REFILED CASE(S) IF ANY**

JUDGE \_\_\_\_\_ DOCKET NO. \_\_\_\_\_

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. \_\_\_\_\_, WHICH WAS DISMISSED. This case  IS  IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

s/Steven H. Koval

November 8, 2017

SIGNATURE OF ATTORNEY OF RECORD

DATE



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [AmeriMex Solutions Among Defendants in TCPA Suit Over Unwanted Text Messages](#)

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