

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**ANN FELLOWS**, individually, and on behalf  
of all others similarly situated,

*Plaintiff,*

v.

**GRAND CANYON EDUCATION, INC.**, a  
Delaware corporation,

*Defendant.*

Case No.

**CLASS ACTION COMPLAINT**

**DEMAND FOR JURY TRIAL**

**CLASS ACTION COMPLAINT**

Plaintiff Ann Fellows (“Fellows” or “Plaintiff”) brings this Class Action Complaint against Defendant Grand Canyon Education, Inc. (“Grand Canyon” or “Defendant”) to stop Grand Canyon from violating the Telephone Consumer Protection Act by making unsolicited, autodialed calls to consumers without their consent, including calls to consumers whose telephone numbers are registered on the National Do Not Call registry, and to other obtain injunctive and monetary relief for all persons injured by Grand Canyon’s conduct. Plaintiff, for her Complaint, alleges as follows upon personal knowledge as to herself and her own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by her attorneys.

**INTRODUCTION**

1. Grand Canyon owns, operates, and markets for Grand Canyon University, which is located in Phoenix, Arizona.

2. Grand Canyon University has grown in size from fewer than 1,000 students enrolled in 2007 to having over 90,500 students enrolled in the spring of 2017.<sup>1</sup>

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<sup>1</sup> [https://en.wikipedia.org/wiki/Grand\\_Canyon\\_University](https://en.wikipedia.org/wiki/Grand_Canyon_University)

3. Grand Canyon University's growth in size has not come without controversy. In 2008, the federal government sued Grand Canyon for violating the Department of Education's "incentive compensation ban," a ruling that was implemented to stop schools from compensating its enrollment counselors based on their enrollment numbers. Grand Canyon settled the case in 2010 and was required to pay \$5.2 million to a former employee and the federal government.<sup>2</sup>

4. Grand Canyon continues to push its enrollment counselors to hit enrollment numbers that will ensure profitability for the university, albeit using different tactics. Chief among the methods used is telemarketing using an autodialer system.

5. In Plaintiff's case, Grand Canyon made more than 40 unsolicited, autodialed calls to her cellular phone, despite Plaintiff having her phone number registered with the National Do Not Call registry to prevent such calls, and despite Plaintiff's clear requests for the telemarketing calls to stop.

6. In response to these calls, Plaintiff files this lawsuit seeking injunctive relief, requiring Defendant to cease placing unsolicited calls to consumers' cellular telephone numbers using an automatic telephone dialing system without consent and otherwise calling telephone numbers registered on the National Do Not Call Registry ("DNC"), as well as an award of statutory damages to the members of the Classes and costs.

#### **PARTIES**

7. Plaintiff Fellows is an Erie, Pennsylvania resident.

8. Defendant Grand Canyon is a Delaware corporation headquartered in Phoenix, Arizona. Defendant conducts business throughout this District, the State of Pennsylvania, and throughout the United States.

#### **JURISDICTION AND VENUE**

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<sup>2</sup> <https://deadspin.com/5963972/grand-canyon-university-a-for-profit-school-previously-sued-by-the-feds-joins-the-great-scam-of-ncaa-division-i-athletics>

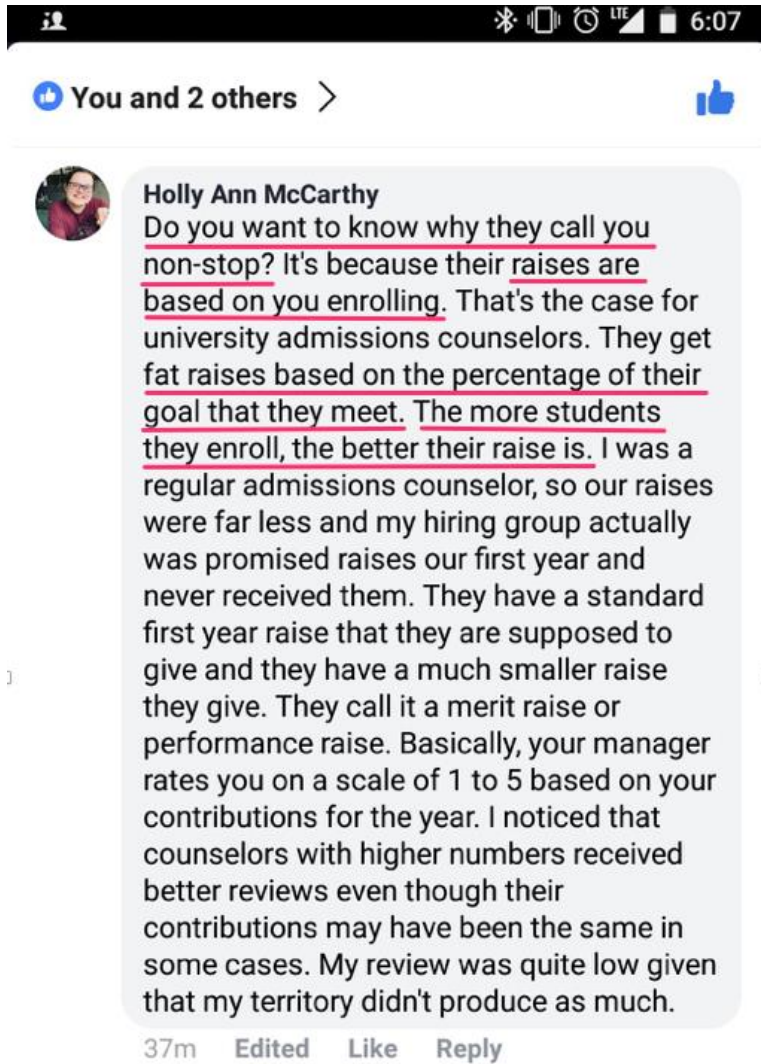
9. This Court has federal question subject matter jurisdiction over this action under 28 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”).

10. This Court has personal jurisdiction over Defendant and venue is proper in this District under 28 U.S.C. § 1391(b) because Defendant does significant business in this District and the state of Pennsylvania, and because the wrongful conduct giving rise to this case occurred in this District. Venue is additionally proper because Plaintiff resides in this District and the calls were directed towards Plaintiff in this District.

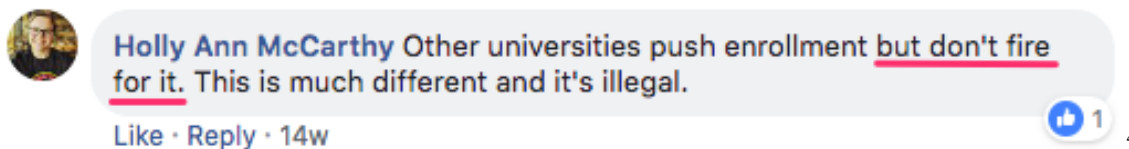
### COMMON ALLEGATIONS

#### **Grand Canyon Requires its Enrollment Counselors to Cold Call Consumers Using an Auto Dialer, Without Those Consumers’ Consent, and Regardless of Whether They Have Registered their Telephone Numbers on the DNC or Whether They Have Requested that Grand Canyon Stop Calling**

11. Grand Canyon places great pressure upon its Enrollment Counselors to enroll students based on predetermined admission goals. There are numerous complaints online regarding Grand Canyon’s questionable recruiting tactics:



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<sup>3</sup> <https://www.facebook.com/GrandCanyonU/reviews/>

<sup>4</sup> *id*

Aug 2, 2017

Helpful (7)



**"University Counselor= telemarketer"**

Former Employee - University Counselor in Phoenix, AZ

Doesn't Recommend Positive Outlook

I worked at Grand Canyon University full-time (More than a year)

**Pros**

GCU provides great benefits including discounted tuition, plenty of paid holidays, and time off.

**Cons**

The job itself is cold calling sales. This is absolutely not how the position is advertised or discussed in the interviews. You are given a goal of x amount of new students to enroll each month. If you do not meet this goal (which is extremely likely) you are placed on probation and eventually fired. I was lucky enough to leave on my own terms, but during the end of my employment there and still today there is an ...

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**3.0**

**N/a**



University Counselor (Current Employee) – Phoenix, AZ – May 28, 2018

The environment is a call center where you make cold calls and speak with potential students. Your work is based on the number of dials and talk time that you complete. It can feel like there is no job growth once you get higher up in levels but the people you work with can make the day better. You can make some great friends.

Was this review helpful?

Yes

No



Share



Report

6

12. As explained by the Federal Communications Commission (“FCC”) in its 2012 order, the TCPA requires “*prior express written consent* for all autodialed or prerecorded [solicitation] calls to wireless numbers and residential lines.” *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG No. 02-278, FCC 12-21, 27 FCC Rcd. 1830 ¶ 2 (Feb. 15, 2012).

<sup>5</sup> <https://www.glassdoor.com/Reviews/Employee-Review-Grand-Canyon-University-RVW16186269.htm>

<sup>6</sup> <https://www.indeed.com/cmp/Grand-Canyon-University/reviews?fcountry=ALL&fjobtitle=Counselor>

13. Yet in violation of this rule, Defendant fails to obtain any express written consent prior to making autodialed solicitation calls to cellular telephone numbers such as Plaintiff's.

14. In placing the calls that form the basis of this Complaint, Defendant utilized an automatic telephone dialing system ("ATDS" or "auto dialer") in violation of the TCPA. Specifically, the hardware and software used by Defendant has the capacity to generate and store random numbers, and/or receive and store lists of telephone numbers, and to dial such numbers, *en masse*, in an automated fashion without human intervention. Defendant's automated dialing equipment also is, or includes features substantially similar to, a predictive dialer, meaning that it is capable of making numerous phone calls simultaneously and automatically connecting answered calls to then available callers and disconnecting the rest (all without human intervention).

15. Grand Canyon expressly states in various contexts that it contacts consumers using an auto dialer, including on its webpage, where it expressly states that it calls consumers "us[ing] automated technology."<sup>7</sup>

16. Not surprisingly given the ability to call consumers *en masse* using an autodialer, there is an abundance of online complaints about Defendant's calls from various telephone numbers to consumers who never gave consent to be called, including consumers that specifically requested that Defendant stop calling:

- "I never even requested info for Grand Canyon University but they somehow got ahold of my phone number and email. They claimed I wanted nursing degree [info] but I'm a teacher already...which I explained to them. Once that happened, I was bombarded with phone calls...sometimes over 5 phone calls a day! I asked each person to remove my number and stop calling me but it ended up taking weeks to block every single phone line...and there's over 6 or 7 different phone numbers. This is more like a relentless scam university. Avoid at all costs."<sup>8</sup>

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<sup>7</sup> <https://www.gcu.edu/#getmoreinformation>

<sup>8</sup> *id*

- “You guys won’t stop calling me or emailing me.”<sup>9</sup>
- “They keep calling. 9 voice mails from Corey in a week. I’m not interested in your school... why do you keep calling? Super annoying.”<sup>10</sup>
- “They have called me millions of times in the past 4 months from at least 3 diff numbers.”<sup>11</sup>
- “Please find a way to stop this totally unreasonable caller from making such calls to me.”<sup>12</sup>
- “They’ve called repeatedly”<sup>13</sup>
- “This is not a University. It is a telemarketing company. I inquired about finishing my education there are 4 or 5 years ago. Then decided not to. They have continued to call and leave voice messages, from different numbers, almost every month since then! Yes, almost every month...for four or five years.”<sup>14</sup>
- In response to the above, another consumer wrote, “The same thing happened to me...yes I never inquired [info] from them whatsoever. I talked to 7 different reps and all asked them to take me off their call list. Nope. I was literally getting 5 voicemails a day for a while until I reported to them to FCC and blocked 8 different numbers. I feel ya.”<sup>15</sup>
- “Don’t know how else to get them to stop contacting me. Have emailed, called several times and continue blocking every new number they call from. I don’t want to attend.”<sup>16</sup>
- “DO NOT GIVE GCU YOUR PHONE NUMBER UNLESS YOU WANT A BRAND NEW STALKER. I’ve blocked six different numbers - the keep calling, let’s talk about the hours they have been calling - like 5:30 in the morning. 2-3 calls a day for the last two weeks, and if your name isn’t who they are calling for (I’ve told the three people I answered for that they have the wrong name, I’m clearly not Jaime) they don’t care and keep calling. ....but whomever gave Grand Canyon University my number and said your name was Jaime, you win the troll prize.”<sup>17</sup>

## PLAINTIFF’S ALLEGATIONS

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<sup>9</sup> <https://800notes.com/Phone.aspx/1-602-639-7600/3>

<sup>10</sup> <https://800notes.com/Phone.aspx/1-602-639-7600/3>

<sup>11</sup> <https://800notes.com/Phone.aspx/1-602-639-7600/4>

<sup>12</sup> <https://www.callercenter.com/602-639-5527.html>

<sup>13</sup> <https://findwhocallsyou.com/6026395527?CallerInfo>

<sup>14</sup> <https://www.facebook.com/GrandCanyonU/reviews/>

<sup>15</sup> *id*

<sup>16</sup> *id*

<sup>17</sup> *id*

**Grand Canyon Repeatedly Called Plaintiff's Cell Phone Number Without Plaintiff's Consent, Despite Plaintiff Registering Her Phone Number on the DNC and Despite Plaintiff Asking For the Calls To Stop**

17. On October 1, 2015, Plaintiff registered her cellular telephone number on the National Do Not Call Registry.

18. On November 23, 2016 at 10:10 am, Plaintiff received a call on her cellular phone from Defendant using phone number 602-639-9687. Grand Canyon's voicemail stated: "Hi, this message is for Ann. This is Shantel with Grand Canyon University in reference to continuing your education."

19. On November 28, 2016 at 3:08 pm, Plaintiff received a second call from Defendant using phone number 602-639-9678 to her cellular phone. Upon answering, Plaintiff noticed a pause, before the agent began to speak which is indicative of Defendant's use of an autodialer. Plaintiff spoke with an agent named Shantel who was calling about getting Plaintiff to further her education with Grand Canyon University. Plaintiff specifically told Shantel to stop calling, identifying her cell phone number so there would be no confusion. Plaintiff then ended the call by hanging up.

20. Despite making it very clear that she wanted the calls stopped, Grand Canyon continued to call Plaintiff using phone numbers 602-639-9687, 602-639-9678, 602-639-9657 and 602-639-9555. All of these numbers are owned, or controlled by Grand Canyon.

21. Plaintiff received the following autodialed phone calls to her cellular phone from Defendant Grand Canyon after she asked for the calls to stop:

- 602-639-9687 – December 5, 2016 @ 10:29 am
- 602-639-9678 – December 6, 2016 @ 10:12 am
- 602-639-9678 – December 6, 2016 @ 10:22 am
- 602-639-9687 – December 7, 2016 @ 10:09 am
- 602-639-9687 – December 8, 2016 @ 10:15 am
- 602-639-9687 – December 12, 2016 @ 10:14 am
- 602-639-9687 – December 12, 2016 @ 1:47 pm
- 602-639-9687 – December 13, 2016 @ 10:42 am



- 602-639-9687 – December 14, 2016 @ 1:21 pm
- 602-639-9687 – December 15, 2016 @ 10:38 am
- 602-639-9687 – December 16, 2016 @ 10:12 am
- 602-639-9687 – December 19, 2016 @ 10:35 am
- 602-639-9687 – December 20, 2016 @ 10:26 am
- 602-639-9687 – December 21, 2016 @ 10:34 am
- 602-639-9687 – December 22, 2016 @ 10:35 am
- 602-639-9687 – December 27, 2016 @ 10:42 am
- 602-639-9687 – December 28, 2016 @ 11:55 am
- 602-639-9687 – December 29, 2016 @ 10:36 am
- 602-639-9687 – December 30, 2016 @ 10:17 am
- 602-639-9687 – January 5, 2017 @ 10:29 am
- 602-639-9687 – January 6, 2017 @ 10:30 am
- 602-639-9687 – January 9, 2017 @ 1:07 pm
- 602-639-9687 – January 11, 2017 @ 11:25 am
- 602-639-9687 – January 12, 2017 @ 11:12 am
- 602-639-9687 – January 13, 2017 @ 10:22 am
- 602-639-9687 – January 17, 2017 @ 10:55 am
- 602-639-9687 – January 19, 2017 @ 1:16 pm
- 602-639-9687 – January 20, 2017 @ 10:40 am
- 602-639-9687 – February 16, 2017 @ 2:18 pm
- 602-639-9687 – March 13, 2017 @ 3:36 pm
- 602-639-9657 – April 25, 2017 @ 10:40 am
- 602-639-9687 – May 16, 2017 @ 3:00 pm
- 602-639-9687 – June 8, 2017 @ 3:19 pm
- 602-639-9687 – July 6, 2017 @ 4:13 pm
- 602-639-9687 – August 2, 2017 @ 11:32 am
- 602-639-9687 – August 2, 2017 @ 11:32 am
- 602-639-9687 – August 23, 2017 @ 10:56 am
- 602-639-9687 – August 25, 2017 @ 4:32 am
- 602-639-9555 – September 22, 2017 @ 3:02 pm
- 602-639-9687 – October 6, 2017 @ 2:07 pm
- 602-639-9555 – December 13, 2017 @ 12:01 pm
- 602-639-9555 – February 27, 2018 @ 5:21 pm
- 602-639-9555 – April 11, 2018 @ 3:48 pm

22. In total, Plaintiff received at least 45 unsolicited, unwanted, autodialed calls to her cellular phone from Defendant, and at least 43 calls after Plaintiff asked for the calls to stop.

23. Plaintiff does not have a relationship with Grand Canyon or any of its affiliated companies, nor has she ever requested that Grand Canyon call her or consented to any contact from Defendant.

24. Simply put, Grand Canyon did not obtain Plaintiff's prior express written consent to place solicitation telephone calls to her on her cellular telephone using an auto dialer, or to otherwise call her number that was registered on the DNC.

25. The unauthorized telephone calls made by Grand Canyon, as alleged herein, have harmed Plaintiff in the form of annoyance, nuisance, and invasion of privacy, and disturbed Fellows' use and enjoyment of her phone, in addition to the wear and tear on the phones' hardware (including the phones' battery) and the consumption of memory on the phone.

26. Seeking redress for these injuries, Fellows, on behalf of herself and Classes of similarly situated individuals, brings suit under the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, which prohibits unsolicited autodialed telephone calls to cellular telephones and unsolicited calls to telephone numbers registered on the DNC.

### CLASS ALLEGATIONS

#### **Class Treatment Is Appropriate for Plaintiff's TCPA Claims Arising From Calls Made by Grand Canyon Agents**

27. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23(b)(2) and Rule 23(b)(3) on behalf of the following four Classes:

**Autodialed No Consent Class:** All persons in the United States who from four years prior to the filing of this action through the present (1) Defendant (or an agent acting on behalf of Defendant) called, (2) on the person's cellular telephone, (3) using an auto-dialer, and (4) for whom Defendant claims (a) it obtained prior express written consent in the same manner as Defendant claims it obtained prior express written consent to call Plaintiff, or (b) Defendant did not obtain prior express written consent.

**Autodialed Stop Class:** All persons in the United States who from four years prior to the filing of this action through the present: (1) Defendant (or an agent acting on behalf of Defendant) called, (2) on the person's cellular telephone, (3) using an auto-dialer, (4) after the person informed Defendant that s/he no longer wished to receive phone calls from Defendant.

**Do Not Call Registry Class:** All persons in the United States who from four years prior to the filing of this action through May 1, 2018: (1) Defendant (or an agent acting on behalf of Defendant) called more than one time, (2) within any

12-month period, (3) where the person's telephone number had been listed on the National Do Not Call Registry for at least thirty days, (4) for the purpose of selling Defendant's products and services, and (5) for whom Defendant claims (a) it obtained prior express written consent in the same manner as Defendant claims it supposedly obtained prior express written consent to call the Plaintiff, or (b) Defendant did not obtain prior express written consent.

**Do Not Call Stop Class:** All persons in the United States who from four years prior to the filing of this action May 1, 2018: (1) Defendant (or an agent acting on behalf of Defendant) called more than one time, (2) within any 12-month period, (3) at least thirty days after the person had previously informed Defendant to stop calling.

28. The following individuals are excluded from the Classes: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendant, its subsidiaries, parents, successors, predecessors, and any entity in which Defendant or its parents have a controlling interest and their current or former employees, officers and directors; (3) Plaintiff's attorneys; (4) persons who properly execute and file a timely request for exclusion from the Classes; (5) the legal representatives, successors or assigns of any such excluded persons; and (6) persons whose claims against Defendant have been fully and finally adjudicated and/or released. Plaintiff anticipates the need to amend the Class definitions following appropriate discovery.

29. **Numerosity:** On information and belief, there are hundreds, if not thousands of members of the Classes such that joinder of all members is impracticable.

30. **Commonality and Predominance:** There are many questions of law and fact common to the claims of Plaintiff and the Classes, and those questions predominate over any questions that may affect individual members of the Classes. Common questions for the Classes include, but are not necessarily limited to the following:

- (a) whether Defendant utilized an automatic telephone dialing system to make its calls to Plaintiff and the members of the Classes;

- (b) whether Defendant systematically made multiple telephone calls to Plaintiff and consumers whose telephone numbers were registered with the National Do Not Call Registry;
- (c) whether Defendant made autodialed telephone calls to Plaintiff and members of the Classes without first obtaining prior express written consent to make the calls;
- (d) whether Defendant made autodialed telephone calls to Plaintiff and members of the Classes despite being asked to stop calling;
- (e) whether Defendant made telephone calls to Plaintiff and consumers whose telephone numbers were registered with the National Do Not Call Registry more than 31 days after being asked to stop calling;
- (f) whether Defendant's conduct constitutes a violation of the TCPA; and
- (g) whether members of the Classes are entitled to treble damages based on the willfulness of Defendant's conduct.

31. **Adequate Representation:** Plaintiff will fairly and adequately represent and protect the interests of the Classes, and has retained counsel competent and experienced in class actions. Plaintiff has no interests antagonistic to those of the Classes, and Defendant has no defenses unique to Plaintiff. Plaintiff and her counsel are committed to vigorously prosecuting this action on behalf of the members of the Classes, and have the financial resources to do so. Neither Plaintiff nor her counsel has any interest adverse to the Classes.

32. **Appropriateness:** This class action is also appropriate for certification because Defendant has acted or refused to act on grounds generally applicable to the Classes and as a whole, thereby requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the members of the Classes and making final class-wide injunctive relief appropriate. Defendant's business practices apply to and affect the members of the Classes uniformly, and Plaintiff's challenge of those practices hinges on Defendant's conduct with respect to the Classes as wholes, not on facts or law applicable only to Plaintiffs. Additionally, the damages suffered by individual members of the Classes will likely be small relative to the

burden and expense of individual prosecution of the complex litigation necessitated by Defendant's actions. Thus, it would be virtually impossible for the members of the Classes to obtain effective relief from Defendant's misconduct on an individual basis. A class action provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court. Economies of time, effort, and expense will be fostered and uniformity of decisions will be ensured.

**FIRST CAUSE OF ACTION**  
**Telephone Consumer Protection Act**  
**(Violations of 47 U.S.C. § 227)**  
**(On Behalf of Plaintiff and the Autodialed No Consent Class)**

33. Plaintiff repeats and realleges paragraphs 1 through 32 of this Complaint and incorporates them by reference herein.

34. Defendant and/or its agents made unwanted solicitation telephone calls to cellular telephone numbers belonging to Plaintiff and the other members of the Autodialed No Consent Class using an auto-dealer.

35. These solicitation telephone calls were made *en masse* without the consent of the Plaintiff and the other members of the Autodialed No Consent Class to receive such solicitation telephone calls.

36. Defendant did not have consent from the Plaintiff orally or in writing to call her.

37. Defendant has, therefore, violated 47 U.S.C. § 227(b)(1)(A)(iii). As a result of Defendant's conduct, Plaintiff and the other members of the Autodialed No Consent Class are each entitled to between \$500 and \$1,500 for each violation.

**SECOND CAUSE OF ACTION**  
**Telephone Consumer Protection Act**  
**(Violation of 47 U.S.C. § 227)**  
**(On Behalf of Plaintiff and the Autodialed Stop Class)**

38. Plaintiff repeats and realleges paragraphs 1 through 32 of this Complaint and incorporates them by reference herein.

39. Defendant and/or its agents made unwanted solicitation telephone calls to cellular telephone numbers belonging to Plaintiff and the other members of the Autodialed Stop Call Class after being told to stop calling.

40. These solicitation telephone calls were made en masse.

41. Defendant has, therefore, violated 47 U.S.C. § 227(b)(1)(A)(iii). As a result of Defendant's conduct, Plaintiff and the other members of the Autodialed Stop Call Class are each entitled to between \$500 and \$1,500 for each violation.

**THIRD CAUSE OF ACTION**  
**Telephone Consumer Protection Act**  
**(Violation of 47 U.S.C. § 227)**  
**(On Behalf of Plaintiff and the Do Not Call Registry Class)**

42. Plaintiff repeats and realleges the paragraphs 1 through 32 of this Complaint and incorporates them by reference herein.

43. The TCPA's implementing regulation, 47 C.F.R. § 64.1200(c), provides that "[n]o person or entity shall initiate any telephone solicitation" to "[a] residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the federal government."

44. 47 C.F.R. § 64.1200(e), provides that § 64.1200(c) and (d) “are applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers.”<sup>18</sup>

45. 47 C.F.R. § 64.1200(d) further provides that “[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.”

46. 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” 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).

47. Defendant violated 47 C.F.R. § 64.1200(c) by initiating, or causing to be initiated, telephone solicitations to telephone subscribers such as Plaintiff and the Do Not Call Registry Class members who registered their respective telephone numbers on the National Do Not Call Registry, a listing of persons who do not wish to receive telephone solicitations that is maintained by the federal government.

48. Defendant violated 47 U.S.C. § 227(c)(5) because Plaintiff and the Do Not Call Registry Class received more than one telephone call in a 12-month period made by or on behalf of Defendant in violation of 47 C.F.R. § 64.1200, as described above. As a result of Defendant’s conduct as alleged herein, Plaintiff and the Do Not Call Registry Class are entitled to between \$500 and \$1,500 per violation.

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<sup>18</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) Available at [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-03-153A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-03-153A1.pdf)

**FOURTH CAUSE OF ACTION**  
**Telephone Consumer Protection Act**  
**(Violation of 47 U.S.C. § 227)**  
**(On Behalf of Plaintiff and the Do Not Call Registry Stop Class)**

49. Plaintiff incorporates by reference paragraphs 1 through 32 of this Complaint and incorporates them herein by reference.

50. Defendant violated 47 C.F.R. §64.1200 by initiating calls for telemarketing purposes to telephone subscribers such as Plaintiff and the Do Not Call Registry Stop Class who who specifically informed Defendant to stop calling them, and who received two or more additional calls within a 12-month period from Defendant at least thirty (30) days after informing Defendant to stop calling them. Defendant made these calls without instituting procedures that comply with the regulatory minimum standards for maintaining a list of persons who request not to receive telemarketing calls from them.

51. As a result of Defendant's unlawful conduct, Plaintiff and the Do Not Call Registry Stop Class suffered actual damages and, under section 47 U.S.C. § 227(c), Plaintiff and each member of the Do Not Call Registry Stop Class is each entitled to between \$500 and \$1,500 per violation.

**PRAYER FOR RELIEF**

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

- a) An order certifying the Classes as defined above; appointing Plaintiff as the representative of the Classes; and appointing her attorneys as Class Counsel;
- b) An award of actual and/or statutory damages and costs;
- c) An order declaring that Defendant's actions, as set out above, violate the TCPA;
- d) An injunction requiring Defendant to cease all unsolicited calling activity, and to otherwise protect the interests of the Classes; and



e) Such further and other relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff requests a jury trial.

Respectfully Submitted,

**ANN FELLOWS**, individually and on behalf of  
those similarly situated individuals

Dated: October 13, 2018

By: /s/ Ronald Conway

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*Attorneys for Plaintiff and the putative Classes*

*\*Pro Hac Vice motion forthcoming*