

1 Todd M. Friedman (SBN 216752)  
 2 Adrian R. Bacon (SBN 280332)  
 3 Meghan E. George (SBN 274525)  
 4 LAW OFFICES OF TODD M. FRIEDMAN, P.C.  
 5 21550 Oxnard St., Suite 780  
 6 Woodland Hills, CA 91367  
 7 Phone: 877-206-4741  
 8 Fax: 866-633-0228  
 9 tfriedman@toddfllaw.com  
 abacon@toddfllaw.com  
 mgeorge@toddfllaw.com  
**Attorneys for Plaintiff**

10 **UNITED STATES DISTRICT COURT**  
 11 **CENTRAL DISTRICT OF CALIFORNIA**

12 CORTNEY PEREZ, individually and ) Case No.  
 13 on behalf of all others similarly situated,) )

14 Plaintiff, )

15 vs. )

17 CREDENCE RESOURCE )  
 18 MANAGEMENT LLC, )

19 Defendant. )

**CLASS ACTION**

**COMPLAINT FOR VIOLATIONS OF:**

1. NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227 ET SEQ.]
2. WILLFUL VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. §227 ET SEQ.]
3. FAIR DEBT COLLECTION Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*]
4. VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT [CAL. CIV. CODE §1788 ET SEQ.]

**DEMAND FOR JURY TRIAL**

1  
2 Plaintiff CORTNEY PEREZ (“Plaintiff”), individually and on behalf of all  
3 others similarly situated, alleges the following against Defendant CREDENCE  
4 RESOURCE MANAGEMENT LLC upon information and belief based upon  
5 personal knowledge:

6 **INTRODUCTION**

7 1. Plaintiff’s Class Action Complaint is brought pursuant to the  
8 Telephone Consumer Protection Act, 47 U.S.C. 227 et seq. (“TCPA”).

9 2. Plaintiff, individually, and on behalf of all others similarly situated,  
10 brings this Complaint for damages, injunctive relief, and any other available legal  
11 or equitable remedies, resulting from the illegal actions of Defendant in  
12 negligently, knowingly, and/or willfully contacting Plaintiff no Plaintiff’s cellular  
13 telephone, thereby the TCPA, 47 U.S.C. § 227. Plaintiff alleges as follows upon  
14 personal knowledge as to himself and his own acts and experiences, and, as to all  
15 other matters, upon information and belief, including investigation conducted by  
16 his attorneys.

17 3. In addition to Plaintiff’s Class Claims, Plaintiff also brings an action  
18 for damages as an individual consumer for Defendant’s violations of the federal  
19 Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter  
20 “FDCPA”) and the Rosenthal Fair Debt Collection Practices Act, Cal Civ. Code  
21 §1788, et seq. (hereinafter “RFDCPA”) which prohibit debt collectors from  
22 engaging in abusive, deceptive, and unfair practices.

23 **JURISDICTION AND VENUE**

24  
25  
26 4. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff,  
27 a resident of California, seeks relief on behalf of a Class, which will result in at  
28 least one class member belonging to a different state than that of Defendant, a

1 company that does business in the state of Georgia. Plaintiff also seeks up to  
2 \$1,500.00 in damages for each call in violation of the TCPA, which, when  
3 aggregated among a proposed class in the thousands, exceeds the \$5,000,000.00  
4 threshold for federal court jurisdiction. Therefore, both diversity jurisdiction and  
5 the damages threshold under the Class Action Fairness Act of 2005 (“CAFA”) are  
6 present, and this Court has jurisdiction.

7 5. Venue is proper in the United States District Court for the Central  
8 District of California pursuant to *18 U.S.C. 1391(b)* and *18 U.S.C. § 1441(a)*  
9 because Defendant does business within the State of California and Plaintiff resides  
10 within this District.

### 11 **PARTIES**

12 6. Plaintiff, Cortney Perez (“PLAINTIFF”), is a natural person  
13 residing in Ventura County in the state of California, and is a “consumer” as  
14 defined by the FDCPA, 15 U.S.C. §1692a(3).

15 7. At all relevant times herein, DEFENDANT, CREDENCE  
16 RESOURCE MANAGEMENT LLC (“DEFENDANT”), was a company engaged,  
17 by use of the mails and telephone, in the business of collecting a debt from  
18 PLAINTIFF which qualifies as a “debt,” as defined by 15 U.S.C. §1692a(5).  
19 DEFENDANT regularly attempts to collect debts alleged to be due another, and  
20 therefore is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

21 8. Defendants acted through their agents, employees, officers,  
22 members, directors, heirs, successors, assigns, principals, trustees, sureties,  
23 subrogees, representatives, and insurers.

### 24 **FACTUAL ALLEGATIONS – TCPA**

25 9. Beginning in or around March of 2016, Defendant contacted Plaintiff  
26  
27 on her cellular telephone number ending in -9499, in an effort to collect an alleged  
28

1 debt owed from Plaintiff.

2 10. In its efforts to collect the alleged debt owed from Plaintiff, Defendant  
3 used an “automatic telephone dialing system”, as defined by *47 U.S.C. § 227(a)(1)*  
4 to place its daily calls to Plaintiff seeking to collect an alleged debt owed.

5 11. Defendant’s calls constituted calls that were not for emergency  
6 purposes as defined by *47 U.S.C. § 227(b)(1)(A)*.

7 12. Defendant’s calls were placed to telephone number assigned to a  
8 cellular telephone service for which Plaintiff incurs a charge for incoming calls  
9 pursuant to *47 U.S.C. § 227(b)(1)*.

10 13. During all relevant times, Defendant did not possess Plaintiff’s “prior  
11 express consent” to receive calls using an automatic telephone dialing system or an  
12 artificial or prerecorded voice on his cellular telephone pursuant to *47 U.S.C. §*  
13 *227(b)(1)(A)*. Furthermore, Plaintiff orally revoked any and all consent to be  
14 contacted using an automated telephone dialing system, to the extent any ever  
15 existed.  
16

17 **FACTUAL ALLEGATIONS – FDCPA**

18 14. In addition to the facts pled above, at various times prior to the  
19 filing of the instant complaint, including within one year preceding the filing of  
20 this complaint, DEFENDANT contacted PLAINTIFF in an attempt to collect an  
21 alleged outstanding debt.

22 15. On or about March of 2016, Plaintiff began receiving numerous  
23 calls from Defendant. Defendant would often call before 8:00 am and after 9:00  
24 pm.

25 16. On several occasions, Plaintiff told Defendant to stop calling her.

26 17. Furthermore, Plaintiff sent Defendant a Cease and Desist Letter on  
27 March 8, 2016, requesting a validation, disputing the debt and informing  
28

1 Defendant to stop contacting her.

2 18. Despite this, Defendant continued to call Plaintiff multiple times.

3 19. DEFENDANT’S conduct violated the FDCPA and RFDCPA in  
4 multiple ways, including but not limited to:

5  
6 a) Causing a telephone to ring repeatedly or continuously to annoy  
7 Plaintiff (Cal Civ Code § 1788.11(d));

8 b) Communicating, by telephone or in person, with Plaintiff with such  
9 frequency as to be unreasonable and to constitute an harassment to  
10 Plaintiff under the circumstances (Cal Civ Code § 1788.11(e));

11 c) Causing Plaintiffs telephone to ring repeatedly or continuously with  
12 intent to harass, annoy or abuse Plaintiff (§ 1692d(5));

13 d) Communicating with Plaintiff at times or places which were known  
14 or should have been known to be inconvenient for Plaintiff  
15 (§1692c(a)(1)); and

16 e) Engaging in conduct the natural consequence of which is to harass,  
17 oppress, or abuse Plaintiff (§ 1692d)).

18 20. As a result of the above violations of the FDCPA and RFDCPA,  
19 Plaintiff suffered and continues to suffer injury to PLAINTIFF’S feelings, personal  
20 humiliation, embarrassment, mental anguish and emotional distress, and  
21 DEFENDANT is liable to PLAINTIFF for PLAINTIFF’S actual damages,  
22 statutory damages, and costs and attorney’s fees.

23 **CLASS ACTION ALLEGATIONS**

24 21. Plaintiff brings this action individually and on behalf of all others  
25 similarly situated, as a member of the proposed class (hereafter “The Class”)  
26 defined as follows:  
27  
28

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

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

13 22. Defendant, its employees and agents are excluded from The Class.  
14 Plaintiff does not know the number of members in The Class, but believes the Class  
15 members number in the thousands, if not more. Thus, this matter should be  
16 certified as a Class Action to assist in the expeditious litigation of the matter.

17 23. The Class is so numerous that the individual joinder of all of its  
18 members is impractical. While the exact number and identities of The Class  
19 members are unknown to Plaintiff at this time and can only be ascertained through  
20 appropriate discovery, Plaintiff is informed and believes and thereon alleges that  
21 The Class includes thousands of members. Plaintiff alleges that The Class  
22 members may be ascertained by the records maintained by Defendant.

23 24. Plaintiff and members of The Class were harmed by the acts of  
24 Defendant in at least the following ways: Defendant illegally contacted Plaintiff  
25 and Class members via their cellular telephones thereby causing Plaintiff and Class  
26 members to incur certain charges or reduced telephone time for which Plaintiff and  
27 Class members had previously paid by having to retrieve or administer messages  
28 left by Defendant during those illegal calls, and invading the privacy of said  
Plaintiff and Class members.

1           25. Common questions of fact and law exist as to all members of The  
2 Class which predominate over any questions affecting only individual members of  
3 The Class. These common legal and factual questions, which do not vary between  
4 Class members, and which may be determined without reference to the individual  
5 circumstances of any Class members, include, but are not limited to, the following:

- 6           a. Whether, within the four years prior to the filing of this  
7 Complaint, Defendant made any collection call (other than a  
8 call made for emergency purposes or made with the prior  
9 express consent of the called party) to a Class member using  
10 any automatic telephone dialing system or any artificial or  
11 prerecorded voice to any telephone number assigned to a  
12 cellular telephone service;
- 13           b. Whether Plaintiff and the Class members were damages  
14 thereby, and the extent of damages for such violation; and
- 15           c. Whether Defendant should be enjoined from engaging in such  
16 conduct in the future.

17           26. As a person that received numerous collection calls from Defendant  
18 using an automatic telephone dialing system or an artificial or prerecorded voice,  
19 without Plaintiff's prior express consent, Plaintiff is asserting claims that are  
20 typical of The Class.

21           27. Plaintiff will fairly and adequately protect the interests of the members  
22 of The Class. Plaintiff has retained attorneys experienced in the prosecution of  
23 class actions.

24           28. A class action is superior to other available methods of fair and  
25 efficient adjudication of this controversy, since individual litigation of the claims  
26 of all Class members is impracticable. Even if every Class member could afford  
27 individual litigation, the court system could not. It would be unduly burdensome  
28 to the courts in which individual litigation of numerous issues would proceed.

1 Individualized litigation would also present the potential for varying, inconsistent,  
2 or contradictory judgments and would magnify the delay and expense to all parties  
3 and to the court system resulting from multiple trials of the same complex factual  
4 issues. By contrast, the conduct of this action as a class action presents fewer  
5 management difficulties, conserves the resources of the parties and of the court  
6 system, and protects the rights of each Class member.

7 29. The prosecution of separate actions by individual Class members  
8 would create a risk of adjudications with respect to them that would, as a practical  
9 matter, be dispositive of the interests of the other Class members not parties to such  
10 adjudications or that would substantially impair or impede the ability of such non-  
11 party Class members to protect their interests.

12 30. Defendant has acted or refused to act in respects generally applicable  
13 to The Class, thereby making appropriate final and injunctive relief with regard to  
14 the members of The Class as a whole.

15 **FIRST CAUSE OF ACTION**

16 **Negligent Violations of the Telephone Consumer Protection Act**

17 **47 U.S.C. §227 et seq.**

18 31. Plaintiff repeats and incorporates by reference into this cause of  
19 action the allegations set forth above at Paragraphs 1-30.

20 32. The foregoing acts and omissions of Defendant constitute numerous  
21 and multiple negligent violations of the TCPA, including but not limited to each  
22 and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

23 33. As a result of Defendant's negligent violations of *47 U.S.C. § 227 et*  
24 *seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in statutory  
25 damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

26 34. Plaintiff and the Class members are also entitled to and seek  
27 injunctive relief prohibiting such conduct in the future.

28 ///



**SECOND CAUSE OF ACTION**

**Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

**47 U.S.C. §227 et seq.**

35. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-34.

36. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

37. As a result of Defendant’s knowing and/or willful violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

38. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

**THIRD CAUSE OF ACTION**

**Violations of the Federal Fair Debt Collection Practices Act**

**15 U.S.C. § 1692 et seq.**

39. Plaintiff repeats and reincorporates by reference into this cause of action allegations set forth above at paragraphs 1-38.

40. To the extent that Defendant’s actions, counted above, violated the RFDCPA, those actions were done knowingly and willfully.

///  
///  
///  
///



- Any and all other relief that the Court deems just and proper.

**THIRD CAUSE OF ACTION**

**Violations of the Federal Fair Debt Collection Practices Act**

**15 U.S.C. § 1692 et seq.**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant for the following:

- A. Actual damages;
- B. Statutory damages for willful and negligent violations;
- C. Costs and reasonable attorney’s fees,
- D. For such other and further relief as may be just and proper.

**FOURTH CAUSE OF ACTION**

**Violations of the Rosenthal Fair Debt Collection Practices Act**

**Cal. Civ. Code § 1788 et seq.**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant for the following:

- A. Actual damages;
- B. Statutory damages for willful and negligent violations;
- C. Costs and reasonable attorney’s fees,
- D. For such other and further relief as may be just and proper.

///

///

///

///

**TRIAL BY JURY**

Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully submitted this 24<sup>th</sup> day of August, 2016.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman  
Todd M. Friedman  
Law Offices of Todd M. Friedman  
Attorney for Plaintiff