

1 June D. Coleman (State Bar No. 191890)
2 MESSER STRICKLER BURNETTE, Ltd.
3 5960 S. Land Park Dr. – Suite 1059
4 Sacramento, CA 95822
5 (916) 502-1768
6 (312) 334-3473 Facsimile
7 Attorney for Defendant
8 TRUEACCORD CORP.

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 EASTERN DISTRICT – RIVERSIDE

12 ANDREW TILDEN,
13 Plaintiff,
14 v.
15 TRUEACCORD CORP.,
16 Defendant.

Case No.: 5:23-cv-1004

DEFENDANT’S NOTICE OF REMOVAL
TO FEDERAL COURT

17 Defendant, TRUEACCORD CORP. (“TRUEACCORD” or “Defendant”), hereby
18 files its Notice of Removal for the above-captioned case to this Court, and in support of
19 this removal, respectfully states as follows:

20 1. Defendant TrueAccord Corp. is named as a defendant in Civil Action No.
21 CIVSB2305322 filed in the Superior Court for the State of California, County of San
22 Bernardino, Limited Civil Division, styled *Andrew Tilden v. TrueAccord Corp.*, (“the State
23 Court Action”).

24 2. The Petition in the State Court Action was filed with the Superior Court for
25 the State of California, County of San Bernardino, Limited Civil Division, on or about
26 February 17, 2023. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and
27 orders in the State Court Action are attached hereto as **Exhibit A**.
28

1
2 **PROOF OF SERVICE**

3 I am employed in the County of Cook, Illinois. I am over the age of 18 years
4 and not a party to the above-entitled action. My business address is 142 W. Station
5 Street, Barrington, Illinois 60010.

6 On the date indicated below, I served the attached document entitled:

7
8 **DEFENDANT’S NOTICE OF REMOVAL TO FEDERAL COURT**

9
10 On the following parties:

11 David J. McGlothin
12 Mona Amini
13 Gustavo Ponce
14 KAZEROUNI LAW GROUP, APC
15 245 Fischer Ave., Unit D1
16 Costa Mesa, CA 92626
david@kazlg.com
mona@kazlg.com
gustavo@kazlg.com

17
18 I HEREBY CERTIFY that a true and correct copy of the foregoing was
19 electronically served via email to the parties listed on the service list with the Court, and to
20 the parties authorized to receive via this Court’s CM/ECF system on this June 1, 2023.

21 I declare under penalty of perjury under the laws of the State of California that
22 the foregoing is true and correct. Executed on June 1, 2023, in Barrington, Illinois.

23
24
25 Dated: June 1, 2023

Annie Christenson

Annie Christenson

EXHIBIT

A

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO CIVIL DIVISION

APR 25 2023

By K Frontela Deputy
Khiyara Frontela

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**
TRUEACCORD CORP.

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
ANDREW TILDEN

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court of CA, County of San Bernardino
San Bernardino District - Civil Division, 247 West Third Street, San Bernardino, CA 92415

CASE NUMBER
(Número del Caso)

CV 83 2 0 2023

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

David J. McGlothlin, Mona Amini, Gustavo Ponce:
Kazerouni Law Group, APC, 245 Fischer Avenue, Suite D1, Costa Mesa, CA 92626

DATE:
(Fecha)

APR 25 2023

Clerk, by
(Secretario)

K Frontela

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

Khiyara Frontela

(SEAL)

COPY

NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify): **TrueAccord Corp.**

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
- other (specify):

4. by personal delivery on (date): **5-11-23**

1 **KAZEROUNI LAW GROUP, APC**
David J. McGlothlin, Esq. (SBN: 253265)
2 david@kazlg.com
Mona Amini, Esq. (SBN: 296829)
3 mona@kazlg.com
Gustavo Ponce, Esq. (SBN: 343430)
4 gustavo@kazlg.com
245 Fischer Avenue, Unit D1
5 Costa Mesa, California 92626
Telephone: (800) 400-6808
6 Facsimile: (800) 520-5523

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

FEB 17 2023

Khuyara Frontela
BY: Khuyara Frontela, Deputy

7 *Attorneys for Plaintiff.*
8 *Andrew Tilden*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN BERNARDINO – LIMITED CIVIL**

11 **ANDREW TILDEN,**

12 Plaintiff,

13 vs.

14 **TRUEACCORD CORP.**

15 Defendant.

Case No.: **CN 55 7 20 3 2 2**

COMPLAINT FOR VIOLATIONS OF:

- 16 (1) **THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT, CAL. CIV. CODE §§ 1788, ET SEQ.; AND**
- 17 (2) **THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §§ 1692, ET SEQ.**

JURY TRIAL DEMANDED

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KAZEROUNI
LAW GROUP, APC

CLERK OF SUPERIOR COURT
SAN BERNARDINO COUNTY
FEB 17 2023

FEB 17 2023

BY: Kristina Rodriguez
Clerk of Superior Court

Priscilla Saldana

FEB 17 2023

RECEIVED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

1 **KAZEROUNI LAW GROUP, APC**
 David J. McGlothlin, Esq. (SBN: 253265)
 2 david@kazlg.com
 Mona Amini, Esq. (SBN: 296829)
 3 mona@kazlg.com
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 4 gustavo@kazlg.com
 245 Fischer Avenue, Unit D1
 5 Costa Mesa, California 92626
 Telephone: (800) 400-6808
 6 Facsimile: (800) 520-5523

7 *Attorneys for Plaintiff,*
 8 *Andrew Tilden*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
FOR THE COUNTY OF SAN BERNARDINO – LIMITED CIVIL

10 **ANDREW TILDEN,**

11 Plaintiff,

12 vs.

13 **TRUEACCORD CORP,**

14 Defendant.

Case No.:

COMPLAINT FOR VIOLATIONS OF:

- (1) **THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT, CAL. CIV. CODE §§ 1788, ET SEQ.; AND**
- (2) **THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §§ 1692, ET SEQ.**

JURY TRIAL DEMANDED

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INTRODUCTION

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1. The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, et seq. to eliminate abusive debt collection practices by debt collectors, to ensure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.
2. The California legislature has determined that the banking and credit system and grantors of credit to consumers are dependent upon the collection of just and owing debts and that unfair or deceptive collection practices undermine the public confidence that is essential to the continued functioning of the banking and credit system and sound extensions of credit to consumers. The Legislature has further determined that there is a need to ensure that debt collectors exercise this responsibility with fairness, honesty, and due regard for the debtor's rights and that debt collectors must be prohibited from engaging in unfair or deceptive acts or practices.¹
3. The California legislature has also found that the collection of debt purchased by debt buyers has become a significant focus of public concern due to the adequacy of documentation required to be maintained by the industry in support of collection activities and litigation. In that regard, setting specific documentation and process standards will protect consumers, provide needed clarity to courts, and establish clearer criteria for debt buyers and the collection industry.
4. Plaintiff ANDREW TILDEN ("Plaintiff"), through Plaintiff's attorneys, brings this action to challenge the actions of TRUEACCORD CORP ("Defendant") with regard to attempts by Defendant to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this

¹ Cal. Civ. Code §§ 1788.1 (a)-(b)



- 1 conduct caused Plaintiff damages.
- 2 5. Plaintiff makes these allegations on information and belief, with the exception of those
3 allegations that pertain to a plaintiff, or to a plaintiff's counsel, which Plaintiff alleges on
4 personal knowledge.
- 5 6. While many violations are described below with specificity, this Complaint alleges violations
6 of the statute cited in its entirety.
- 7 7. Unless otherwise stated, all the conduct engaged in by Defendant took place in California.
- 8 8. Any violations by Defendant were knowing, willful, and intentional, and Defendant did not
9 maintain procedures reasonably adapted to avoid any such violation.
- 10 9. Unless otherwise indicated, the use of Defendant's name in this Complaint includes all agents,
11 employees, officers, members, directors, heirs, successors, assigns, principals, trustees,
12 sureties, subrogees, representatives, and insurers of Defendant's named.
- 13 10. All violations alleged regarding the Fair Debt Collection Practices Act and the Rosenthal Act
14 are material violations as these violations would limit the ability of a hypothetical least
15 sophisticated debtor to make an intelligent choice as to the alleged debt and actions that
16 should be taken to resolve the alleged debt.
- 17 11. The "least sophisticated debtor" standard applies to questions of violations of § 1692f. *Wade v.*
18 *Regional Credit Association*, 87 F.3d 1098, 1100 (9th Cir. 1996). "If the least sophisticated
19 debtor would 'likely be misled' by a communication from a debt collector, the debt collector
20 has violated the Act." *Guerrero v. RJM Acquisitions, LLC*, 499 F.3d 926, 934 (9th Cir. 2007).
21 "The 'least sophisticated debtor' standard is lower than simply examining whether particular
22 language would deceive or mislead a reasonable debtor." *Gonzales v. Arrow Fin. Servs., LLC*,
23 660 F.3d 1055, 1061-62 (9th Cir. 2011). This objective standard will ensure that the FDCPA
24 protects all consumers, the gullible as well as the shrewd, the ignorant, the unthinking and the
25 credulous. *Clark v. Capital Credit & Collection Servs.*, 460 F.3d 1162, 1171 (9th Cir. 2006)
26 (citing *Clomon v. Jackson*, 988 F.2d 1314, 1318-19 (2d Cir. 1993)).

27 **JURISDICTION AND VENUE**

- 28 12. Jurisdiction of this Court arises pursuant to general jurisdiction.

KAZEROUNI
LAW GROUP, APC

1 13. This action arises out of Defendant's violations of the Rosenthal Fair Debt Collection Practices
2 Act, California Civil Code §§ 1788, et seq.

3 14. Because Defendant conducts business within the State of California, personal jurisdiction is
4 established.

5 15. Venue is proper under state law according to California Civil Procedure section 395 because
6 this county is where Defendant resides where the conduct giving rise to Plaintiff's injury
7 occurred. Furthermore, Defendant is subject to liabilities in the County of San Bernardino,
8 State of California, where it has a principal place of business and willfully and knowingly
9 engaged in debt collection communications with Plaintiff in violation of the Rosenthal Act.

10 **PARTIES**

11 16. Plaintiff is a natural person who, at all times relevant herein, resided in San Bernardino,
12 California, from whom a debt collector sought to collect a consumer debt which was due and
13 owing or alleged to be due and owing from Plaintiff. In addition, Plaintiff is a "consumer" as
14 that term is defined by 15 U.S.C. § 1692a(3), and is a "debtor" as that term is defined by
15 California Civil Code § 1788.2(h).

16 17. Defendant is, and at all times mentioned herein was, a company registered and formed under
17 the laws of the State of Delaware with a primary place of business and/or headquarters located
18 in Lenexa, Kansas. Plaintiff further alleges, at all relevant times herein, Defendant conducted
19 business and engaged in debt collection activities in the State of California, including the
20 County of San Bernardino.

21 18. Defendant, in the ordinary course of business, regularly, on behalf of themselves or others,
22 engages in debt collection as that term is defined by California Civil Code § 1788.2(b), and is
23 therefore a "debt collector" as that term is defined by California Civil Code § 1788.2(c) and
24 15 U.S.C. § 1692a(6), and uses any instrumentality of interstate commerce or the mails in any
25 business the principal purpose of which is the collection of any debts, or who regularly
26 collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed
27 or due another.

28 19. This case involves money, property or their equivalent, due or owing or alleged to be due or

1 owing from a natural person by reason of a consumer credit transaction. As such, this action
2 arises out of a “consumer debt” and “consumer credit” as those terms are defined by Cal. Civ.
3 Code § 1788.2(f) and a “debt” as that term is defined by 15 U.S.C. 1692a(5).

4 **FACTUAL ALLEGATIONS**

5 20. At all times relevant, Defendant conducted business in the State of California and in the
6 County of San Bernardino, California.

7 21. Sometime before January 2021, Plaintiff allegedly incurred financial obligations to an original
8 creditor, Synchrony Bank (Care Credit), that were money, property, or their equivalent, (the
9 “Debt”) which were due or owing, or alleged to be due or owing, from a natural person to
10 another person and were therefore “debt(s)” as that term is defined by 15 U.S.C. § 1692a(5)
11 and Cal. Civ. Code § 1788.2(d), and a “consumer debt” as that term is defined by Cal. Civ.
12 Code § 1788.2(f).

13 22. Sometime thereafter but before August 2022, Plaintiff allegedly fell behind on the payments
14 owed on the Debt.

15 23. Afterwards, the alleged debt was allegedly assigned, placed, or otherwise transferred, to
16 Defendant for collection. Thereafter, Defendant began contacting Plaintiff in attempt to collect
17 upon the Debt on behalf of the current creditor, LVNV Funding, LLC (“LVNV”).

18 24. On or around August 30, 2022, Defendant sent Plaintiff an email attempting to collect the
19 Debt on behalf of LVNV.

20 25. Concerned by Defendant’s collection email, on or around August 31, 2022, Plaintiff sent a
21 letter to Defendant via email disputing the Debt, demanding validation, verification and proof
22 of the Debt which Defendant claimed was owed by Plaintiff (the “Dispute”), the email was not
23 returned as undeliverable.

24 26. Defendant provided no response to Plaintiff’s Dispute.

25 27. Despite Plaintiff sending the Dispute and Defendant receiving the Dispute, Defendant decided
26 to move forward with its collection attempts against Plaintiff without validating the alleged
27 Debt.

28 28. Specifically, on or around September 1, 2022, without providing Plaintiff with the requested



- 1 validation, verification, and/or proof of the Debt, Defendant sent Plaintiff another email
2 attempting to collect the Debt from Plaintiff on behalf of LVNV.
- 3 29. Additionally, Defendant sent Plaintiff substantially similar debt collection emails on
4 September 4, 2022, September 6, 2022, September 9, 2022, September 13, 2022, September
5 16, 2022, September 18, 2022, September 22, 2022, September 25, 2022, October 14, 2022,
6 October 16, 2022, October 18, 2022, October 23, 2022, October 28, 2022, November 7, 2022,
7 November 14, 2022, November 26, 2022, November 30, 2022, and December 11, 2022.
- 8 30. Defendant sent Plaintiff at least 19 emails without validating the alleged Debt or providing
9 Plaintiff with any response to the Dispute.
- 10 31. Defendant never provided Plaintiff with the requested validation, verification and/or proof of
11 the Debt.
- 12 32. Defendant's debt collection letter and emails to Plaintiff constituted a "communication" as
13 that term is defined by 15 U.S.C. § 1692a(2) and "debt collection" as that phrase is defined by
14 Cal. Civ. Code § 1788.2(b).
- 15 33. Defendant's collection letters misrepresented and deceived Plaintiff regarding Plaintiff's
16 statutory rights under § 1692g(b).
- 17 34. Through the above conduct, Defendant violated 15 U.S.C. § 1692g(b) by continuing with
18 repeated attempts to collect upon the alleged debt from Plaintiff without providing Plaintiff
19 with validation, verification, and/or proof of the Debt and disregarding Plaintiff's Dispute of
20 the Debt.
- 21 35. Through the above conduct, Defendant violated 15 U.S.C § 1692d by engaging in conduct, the
22 natural consequence of which was to harass, oppress or abuse Plaintiff. This section is
23 incorporated into the RFDCPA through Cal. Civ. Code § 1788.17. Thus, Defendant has also
24 violated Cal. Civ. Code § 1788.17.
- 25 36. Through the above conduct, Defendant violated 15 U.S.C §§ 1692e and 1692e(10) by using
26 false representations as well as deceptive means to attempt to collect an alleged debt. This
27 section is incorporated into the RFDCPA through Cal. Civ. Code § 1788.17. Thus, Defendant
28 has also violated Cal. Civ. Code § 1788.17.



1 37. Through the above conduct, Defendant violated 15 U.S.C. § 1692f by using unfair and
2 unconscionable means in connection with the collection of Plaintiff's alleged debt. This
3 section is incorporated into the RFDCPA through Cal. Civ. Code § 1788.17. Thus, Defendant
4 has also violated Cal. Civ. Code § 1788.17.

5 38. Through all the above-described conduct, Defendant took actions against Plaintiff concerning
6 the alleged debt in violation of the statutes discussed above. Specifically, Defendant has
7 violated 15 U.S.C. §§ 1692d, 1692e, 1692e(10), 1692f and 1692g of the FDCPA. Sections 15
8 U.S.C. §§ 1692d, 1692e, 1692e(10), and 1692f are incorporated into the RFDCPA through
9 Cal. Civ. Code § 1788.17; therefore, Defendant has also violated Cal. Civ. Code § 1788.17.

10 39. As a result of Defendant's unfair, oppressive, and abusive conduct in connection with its debt
11 collection activity, Plaintiff has suffered mental anguish by way of stress, frustration,
12 anxiousness, and was misled and confused by Defendant's repeated threats and continued
13 collection communications to Plaintiff.

14 **CAUSES OF ACTION**

15 **COUNT I**

16 **VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

17 **Cal. Civ. Code §§ 1788, et seq. (RFDCPA)**

18 40. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though
19 fully stated herein.

20 41. The foregoing acts and omissions constitute numerous and multiple violations of the
21 RFDCPA.

22 42. As a result of each and every violation of the RFDCPA, Plaintiff is entitled to any actual
23 damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful
24 violation in the amount up to \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and
25 reasonable attorney's fees and costs pursuant to Cal. Civ. Code § 1788.30(c) from Defendant.

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COUNT II

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. §§ 1692, et seq. (FDCPA)

43. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

44. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA.

45. As a result of each and every violation of the FDCPA, Plaintiff is entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages for a knowing or willful violation in the amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and reasonable attorney’s fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

PRAYER FOR RELIEF

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

- an award of actual damages, in an amount to be determined at trial, pursuant to Cal. Civ. Code § 1788.30(a), against Defendant;
- an award of actual damages, in an amount to be determined at trial, pursuant to 15 U.S.C. § 1692k(a)(1), against Defendant;
- an award of statutory damages of \$1,000.00, pursuant to Cal. Civ. Code § 1788.30(b), against Defendant;
- an award of statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k(a)(2)(A), against Defendant;
- an award of costs of litigation and reasonable attorney’s fees, pursuant to Cal. Civ. Code § 1788.30(c), against Defendant;
- an award of costs of litigation and reasonable attorney’s fees, pursuant to 15 U.S.C. § 1692k(a)(3), against Defendant; and
- any and all other relief that this Court deems just and proper.

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DEMAND FOR JURY TRIAL

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46. Plaintiff is entitled to, and demands, a trial by jury on all issues so triable.

Dated: February 16, 2023

Respectfully submitted.

KAZEROUNI LAW GROUP, APC

By: 

DAVID J. MCGLOTHLIN, ESQ.

MONA AMINI, ESQ.

GUSTAVO PONCE, ESQ.

Attorneys for Plaintiff



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David J. McGlothlin, Esq. (SBN: 253265); Mona Amini, Esq. (SBN: 296829); Gustavo Ponce, Esq. (SBN: 343430) Kazerouni Law Group, APC, 245 Fischer Avenue, Suite D1, Costa Mesa, CA 92626 TELEPHONE NO (800) 400-6808 FAX NO (Optional) (800) 520-5523 ATTORNEY FOR (Name) Plaintiff, Andrew Tilden		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO FEB 17 2023 BY: <u>Khiyara Frontela</u> Khiyara Frontela, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO STREET ADDRESS 247 West Third Street MAILING ADDRESS same as above CITY AND ZIP CODE San Bernardino, CA 92415 BRANCH NAME San Bernardino District - Civil Division		CASE NUMBER CVSS 2403722
CASE NAME: Andrew Tilden v. TrueAccord Corp		JUDGE DEPT
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2)

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

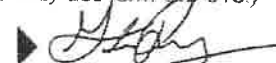
4. Number of causes of action (specify): 2: violations of Cal. Civ. Code §§ 1788, et seq. and 15 U.S.C. §§ 1692, et seq.

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
 Date: 2/16/2023

Gustavo Ponce, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)
Auto (22)-Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) <i>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i>	Breach of Rental/Lease	Construction Defect (10)
	Contract (not unlawful detainer or wrongful eviction)	Claims Involving Mass Tort (40)
	Contract/Warranty Breach-Seller Plaintiff (not fraud or negligence)	Securities Litigation (28)
	Negligent Breach of Contract/Warranty	Environmental/Toxic Tort (30)
	Other Breach of Contract/Warranty	Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Collections (e.g., money owed, open book accounts) (09)	Enforcement of Judgment
Asbestos (04)	Collection Case-Seller Plaintiff	Enforcement of Judgment (20)
Asbestos Property Damage	Other Promissory Note/Collections Case	Abstract of Judgment (Out of County)
Asbestos Personal Injury/Wrongful Death	Insurance Coverage (not provisionally complex) (18)	Confession of Judgment (non-domestic relations)
Product Liability (not asbestos or toxic/environmental) (24)	Auto Subrogation	Sister State Judgment
Medical Malpractice (45)	Other Coverage	Administrative Agency Award (not unpaid taxes)
Medical Malpractice-Physicians & Surgeons	Other Contract (37)	Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Professional Health Care Malpractice	Contractual Fraud	Other Enforcement of Judgment Case
Other PI/PD/WD (23)	Other Contract Dispute	Miscellaneous Civil Complaint
Premises Liability (e.g., slip and fall)	Real Property	RICO (27)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Eminent Domain/Inverse Condemnation (14)	Other Complaint (not specified above) (42)
Intentional Infliction of Emotional Distress	Wrongful Eviction (33)	Declaratory Relief Only
Negligent infliction of Emotional Distress	Other Real Property (e.g., quiet title) (26)	Injunctive Relief Only (non-harassment)
Other PI/PD/WD	Writ of Possession of Real Property	Mechanics Lien
Non-PI/PD/WD (Other) Tort	Mortgage Foreclosure	Other Commercial Complaint Case (non-tort/non-complex)
Business Tort/Unfair Business Practice (07)	Quiet Title	Other Civil Complaint (non-tort/non-complex)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)	Other Real Property (not eminent domain, landlord/tenant, or foreclosure)	Miscellaneous Civil Petition
Defamation (e.g., slander, libel) (13)	Unlawful Detainer	Partnership and Corporate Governance (21)
Fraud (16)	Commercial (31)	Other Petition (not specified above) (43)
Intellectual Property (19)	Residential (32)	Civil Harassment
Professional Negligence (25)	Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise report as Commercial or Residential)</i>	Workplace Violence
Legal Malpractice	Judicial Review	Elder/Dependent Adult Abuse
Other Professional Malpractice (not medical or legal)	Asset Forfeiture (05)	Election Contest
Other Non-PI/PD/WD Tort (35)	Petition Re: Arbitration Award (11)	Petition for Name Change
Employment	Writ of Mandate (02)	Petition for Relief From Late Claim
Wrongful Termination (35)	Writ-Administrative Mandamus	Other Civil Petition
Other Employment (15)	Writ-Mandamus on Limited Court Case Matter	
	Writ-Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal-Labor Commissioner Appeals	



**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO**

San Bernardino District
247 West 3rd St
San Bernardino CA 92415
www.sb-court.org
909-708-8678

Tiiden -v- TrueAccord Corp

NOTICE OF TRIAL SETTING CONFERENCE and NOTICE OF CASE ASSIGNMENT

Case Number
CIVSB2305322

KAZEROUNI LAW GROUP, APC
245 FISCHER AVENUE UNIT D1
COSTA MESA CA 92626

This case has been assigned to: Jeffrey R Erickson in Department S14 - SBJC for all purposes.

Notice is hereby given that the above-entitled case has been set for Trial Setting Conference on:

Hearing Date: 10/25/2023 at 8:30 AM in Department S14 - SBJC

Date: 4/25/2023

By: *K Frontela*
Khiyara Frontela, Deputy Clerk

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San Bernardino at the above-listed address. I am not a party to this action and on the date and place shown below, I served a copy of the above-listed notice by:

- Enclosed in a sealed envelope mailed to the interested party addressed above for collection and mailing this date, following standard Court practices.
- Enclosed in a sealed envelope, first class postage prepaid in the U.S. mail at the location shown above, mailed to the interested party and addressed as shown above or as shown on the attached listing.
- A copy of this notice was given to the filing party at the counter.
- A copy of this notice was placed in the bin located at this office and identified as the location for the above law firm's collection of file-stamped documents.

Date of Mailing: 4/25/2023

I declare under penalty of perjury that the forgoing is true and correct. Executed on 4/25/2023 at San Bernardino, CA.

By: *K Frontela*
Khiyara Frontela, Deputy Clerk

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name): FAX NO. (Optional):	TRIAL SETTING CONFERENCE DATE: _____ UNLIMITED CASE: _____ LIMITED CASE: _____		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
INITIAL TRIAL SETTING CONFERENCE STATEMENT		CASE NUMBER: _____	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided. This document must be filed and served at least 15 days prior to the trial setting conference date.

1. Party or parties (answer one):
 - a. This statement is submitted by party (name):
 - b. This statement is submitted jointly by parties (names):
2. Service of Complaint on all parties has has not been completed.
3. Service of Cross-Complaint on all parties has has not been completed.
4. Description of case in Complaint:
5. Description of case in Cross-Complaint:
6. Has all discovery been completed: Yes No Date discovery anticipated to be completed: _____
7. Do you agree to mediation? Yes No Please check type agreed to: Private: _____ Court-sponsored: _____
8. Related cases, consolidation, and coordination: Please attach a Notice of Related Case.

A motion to consolidate Trial dates requested: Yes No Available dates: _____

 Time estimate: _____
9. Other issues:

The following additional matters are requested to be considered by the Court:
10. Meet and Confer:

The parties represent that they have met and conferred on all subjects required by California Rules of Court, Rule 3.724.

The parties have entered into the following stipulation(s):
11. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the Initial Trial Setting Conference, including the written authority of the party where required.
Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

Andrew Tilden, Plaintiff

Case No.: CV 23-00002

vs.

CERTIFICATE OF ASSIGNMENT

TrueAccord Corp, Defendant

A civil action or proceeding presented for filing must be accompanied by this Certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above-entitled matter is filed for proceedings in the San Bernardino District of the Superior Court under Rule 131 and General Order of this court for the checked reason:

General

Collection

Nature of Action

Ground

- 1. Adoption
- 2. Conservator
- 3. Contract
- 4. Equity
- 5. Eminent Domain
- 6. Family Law
- 7. Guardianship
- 8. Harassment
- 9. Mandate
- 10. Name Change
- 11. Personal Injury
- 12. Personal Property
- 13. Probate
- 14. Prohibition
- 15. Review
- 16. Title to Real Property
- 17. Transferred Action
- 18. Unlawful Detainer
- 19. Domestic Violence
- 20. Other _____
- 21. THIS FILING WOULD NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above-designed district is:

Andrew Tilden, Plaintiff

2326 Sepulveda Avenue

NAME - INDICATE TITLE OR OTHER QUALIFYING FACTOR

ADDRESS

San Bernardino
CITY

CA
STATE

92404
ZIP CODE

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed on February 16, 2023 at Costa Mesa, California.

Signature of Attorney/Party