

1 KENDRA S. CANAPE (SBN: 259641)
kcanape@grsm.com
2 GORDON REES SCULLY MANSUKHANI, LLP
5 Park Plaza, Suite 1100
3 Irvine, CA 92614
Telephone: (949) 290-3253
4 Facsimile: (949) 474-2060

5 Attorneys for Defendant
6 **IQ DATA INTERNATIONAL, INC.**

7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 CARMEN STARKS, INDIVIDUALLY
AND ON BEHALF OF THE
11 GENERAL PUBLIC,

12 Plaintiff,

13 vs.
14

15 I.Q. DATA INTERNATIONAL INC., A
16 WASHINGTON CORPORATION; AND
DOES 1 THROUGH 100, INCLUSIVE,
17

18 Defendants.
19
20
21

Case No.:

**DEFENDANT I.Q. DATA
INTERNATIONAL, INC.'S
NOTICE OF REMOVAL**

[Removal from Superior Court
of California, County of Kern,
Case No. BCV-23-101559]

22 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR**
23 **THE EASTERN DISTRICT OF CALIFORNIA AND THE PLAINTIFF AND**
24 **HER ATTORNEYS OF RECORD:**

25 **PLEASE TAKE NOTICE** that, pursuant to 28 U.S.C. §§ 1332, 1441, and
26 1446, Defendant IQ Data International, Inc. (“Defendant” or “IQ Data”), hereby
27 removes the above-referenced case from the Superior Court for the State of
28

Gordon Rees Scully Mansukhani, LLP
5 Park Plaza, Suite 1100
Irvine, CA 92614

1 California for the County of Kern, to the United States District Court for the Eastern
2 District of California. IQ Data pleads as follows regarding the grounds for removal:

3 **I. THE STATE COURT ACTION**

4 1. On May 18, 2023, Plaintiff Carmen Starks (“Plaintiff”), individually
5 and on behalf of the general public, filed suit against IQ Data in the Superior Court
6 of the State of California for the County of Kern, styled *Carmen Starks, Individually*
7 *And On Behalf Of The General Public v. IQ Data International, Inc., a Washington*
8 *Corporation; and Does 1 through 100, inclusive* (the “State Court Action”). Pursuant
9 to 28 U.S.C. § 1446(a), copies of all summons, process, pleadings, motions, and orders
10 filed in the State Court Action are attached hereto as “Exhibit A.”
11

12 2. IQ Data first received notice of this lawsuit on May 31, 2023, when it
13 was served with a copy of Plaintiff’s summons and Complaint.
14

15 3. Plaintiff claims that IQ Data violated the Fair Debt Collection
16 Practices Act, 15 U.S.C. § 1692 *et seq.* (the “FDCPA”), the California Rosenthal Fair
17 Debt Collection Practices Act, Cal. Civ. Code § 1788, *et seq.* (“RFDCPA”) and the
18 California Unfair Business Practices Act, Business and Professions Code § 17200, *et*
19 *seq.* (“UPA”).
20

21 **II. SUPPLEMENTAL JURISDICTION**

22 4. In addition to original jurisdiction over Plaintiff’s federal question
23 jurisdiction claims arising under the FDCPA, the Court has supplemental
24 jurisdiction over Plaintiff’s RFDCPA and UPA claims pursuant to 28 U.S.C. § 1367
25 because those claims are related to federal questions claims within the original
26
27
28

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Irvine, CA 92614

1 jurisdiction of this Court and form part of the same case or controversy under Article
2 III of the United States Constitution.

3 **II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED**

4 5. IQ Data first received notice of the Complaint on May 31, 2023, upon
5 service of the summons and Complaint. Therefore, its removal of this action is
6 timely in accordance with 28 U.S.C. § 1446(b), because IQ Data’s Notice of Removal
7 was filed within 30 days. See 28 U.S.C. § 1446(b).
8

9 6. Pursuant to 28 U.S.C. § 1446(a), copies of all summons, process,
10 pleadings, motions and orders that have been filed in the State Court Action are
11 attached as “Exhibit A.”
12

13 7. This Court embraces the locality in which the State Court Action is now
14 pending, making this Court a proper forum pursuant to 28 U.S.C. § 1446(a).
15

16 8. No previous application has been made for the relief requested herein.

17 9. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is
18 being served upon Plaintiff, and a copy is being filed with the Superior Court of the
19 State of California for the County of Kern.

20 10. If any questions arise regarding the propriety of the removal of this
21 action, IQ Data respectfully requests the opportunity to present a brief and/or oral
22 argument in support of its position that this case is removable.
23

24 Dated: June 30, 2023

GORDON REES SCULLY MANSUKHANI,
LLP

25
26 By: /s/ Kendra S. Canape
Kendra S. Canape
27 Attorneys for Defendant
28 IQ DATA INTERNATIONAL, INC.

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): JOHN D. GUERRINI (SBN 190972) Law Offices of John D. Guerrini, 74-710 Highway 111, Ste. 102, Palm Desert, CA 92260 TELEPHONE NO.: 626-485-8660 FAX NO. (Optional): E-MAIL ADDRESS: john@johnguerrini.com ATTORNEY FOR (Name): Plaintiff CARMEN SPARKS

FOR COURT USE ONLY

ELECTRONICALLY FILED 5/18/2023 11:59 AM Kern County Superior Court By Marina Mercado, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Avenue MAILING ADDRESS: CITY AND ZIP CODE: Bakersfield, California 93301 BRANCH NAME: Metropolitan Division Justice Building

CASE NAME: STARKS v. I.Q. DATA INTERNATIONAL, INC.

CASE NUMBER: BCV-23-101559

CIVIL CASE COVER SHEET Complex Case Designation [x] Unlimited (Amount demanded exceeds \$25,000) [] Limited (Amount demanded is \$25,000 or less) [] Counter [] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

JUDGE: DEPT.:

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

2. This case [] is [x] 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. [] Large number of separately represented parties b. [] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. [] Substantial amount of documentary evidence d. [] Large number of witnesses e. [] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. [] Substantial postjudgment judicial supervision 3. Remedies sought (check all that apply): a. [x] monetary b. [x] nonmonetary; declaratory or injunctive relief c. [x] punitive 4. Number of causes of action (specify): Three (3) 5. This case [x] 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: May 1, 2023 JOHN D. GUERRINI

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(TYPE OR PRINT NAME)

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

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability *(not asbestos or toxic/environmental)* (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not medical or legal)*
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
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

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

ELECTRONICALLY FILED
5/18/2023 11:59 AM
Kern County Superior Court
By Marina Mercado, Deputy

1 LAW OFFICES OF JOHN D. GUERRINI
2 John D. Guerrini (State Bar No. 190972)
3 74-710 Highway 111 · Suite 102
4 Palm Desert, CA 92260
5 626-485-8660
6 john@johnguerrini.com

7 ATTORNEY FOR PLAINTIFF,
8 CARMEN STARKS

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF KERN
11 UNLIMITED JURISDICTION

12	CARMEN STARKS, INDIVIDUALLY AND ON)	Case No.: BCV-23-101559
13	BEHALF OF THE GENERAL PUBLIC,)	
14	Plaintiff,)	COMPLAINT FOR INJUNCTIVE RELIEF
15	vs.)	AND DAMAGES FOR VIOLATIONS OF
16	I.Q. DATA INTERNATIONAL, INC., A)	THE FAIR DEBT COLLECTION
17	WASHINGTON CORPORATION; AND)	PRACTICES ACT, THE ROSENTHAL
18	DOES 1 THROUGH 100, INCLUSIVE,)	ACT, AND BUSINESS & PROFESSIONS
19	Defendants.)	CODE SECTION 17200
		DEMAND: EXCEEDS \$25,000.00
		JURY TRIAL DEMANDED

20 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

21 Plaintiff CARMEN STARKS ("Plaintiff"), individually and on behalf of herself and all
22 others similarly situated, as well as on behalf of the general public, hereby complains against
23 defendants I.Q. DATA INTERNATIONAL, INC. ("Defendant") and DOES 1 through 100,
24 inclusive, and on information and belief, alleges as follows:

25 OPERATIVE FACTS

26 1. This action concerns Defendants' violations of the federal Fair Debt Collection
27 Practices Act (the "FDCPA"), the California Rosenthal Fair Debt Collection Practices Act (the
28 "Rosenthal Act"), and the California Unfair Business Practices Act also known as Business
& Professions Code section 17200 et seq. (the "UBP Act").

2. Plaintiff is a 67-year-old retiree living in Bakersfield.

1 3. Defendant is a Washington Corporation which regularly engages in debt-
2 collection activity in this Judicial District in Kern County, State of California.

3 4. Defendant planned and carried out a despicable campaign of false, deceptive,
4 misleading, unfair, and unconscionable conduct directed at Plaintiff, a literal "bait and
5 switch," whereby Defendant lied to Plaintiff about the terms of a settlement proposed by the
6 Defendant. It was only after Plaintiff complied with the terms of the settlement exactly as
7 presented that Defendant then showed its true colors and reneged on the terms, refusing to
8 honor the settlement. This despicable conduct crosses the boundaries of civilized behavior
9 and violates a host of consumer protection statutes. One can only wonder how many times
10 Defendant has engaged in the same pattern of conduct with other similarly situated
11 consumers.

12 5. Plaintiff brings this action as a private attorney general and seeks injunctive
13 relief to end this corporate lawbreaking for the benefit of all affected Californians.

14 6. In summer 2022, Plaintiff and her daughter, Lorene Miller, co-signed a lease
15 for an apartment located in Moreno Valley in an apartment building known as Ardella on
16 Chagall (the "Apartment"). Plaintiff and her daughter then occupied the property.

17 7. At the time Plaintiff vacated the Apartment, there remained a balance due to
18 the owner of the Apartment. The owner then hired Defendant to attempt to collect the
19 balance from Plaintiff and her daughter.

20 8. In early January 2023, Defendant made demand upon both Plaintiff and her
21 daughter for the balance due on the Apartment. The demand was made upon Plaintiff and
22 her daughter in the city of Bakersfield. Each demand was nearly identical, and critically, each
23 demand bore the same account number: 0008880875.

24 9. On or about January 20, 2023, Plaintiff spoke by telephone with Tyler
25 Tabarejo-Ishikuro, an employee of Defendant. In this telephone call, Plaintiff told Tyler that
26 she did not have enough money to pay the entire balance. At that time, Tyler refused to
27 discount the balance.

28

1 10. Subsequently, on January 31, 2023, Tyler made an oral offer via telephone to
2 Plaintiff to settle the entire balance on the account 0008880875 if Plaintiff were to
3 immediately pay 50% of the then-outstanding balance of \$6238.90. Plaintiff asked Tyler to
4 confirm the settlement offer in writing, and that same day, Tyler sent by email written
5 confirmation of the offer to settle in full the entire account 0008880875 in exchange for 50%
6 of the then-outstanding balance of \$6238.90. In other words, in exchange for Plaintiff paying
7 \$3119.45, the account would be settled in full with no further liability to either Plaintiff or her
8 daughter. A true copy of said written offer is attached hereto as Exhibit 1 and incorporated
9 herein by this reference as though set out in full.

10 11. Specifically, Defendant stated in writing: "We at I.Q. Data International have
11 reviewed your file and agree to accept \$3119.45 as settlement in full regarding the above-
12 mentioned account. Payment must be received in our office not later than 01/31/23."

13 12. Defendant also stated in writing: "I.Q. Data International, Inc., further agrees
14 to request deletion of any negative information supplied to any credit bureaus regarding this
15 account."

16 13. Plaintiff complied the very same day with the terms of the offer by Plaintiff
17 promptly paying \$3119.45 by credit card over the phone to Defendant, based upon
18 Defendant's telephone and emailed offer.

19 14. Later the same day, January 31, 2023, Defendant stated in writing: "We at I.Q.
20 Data International, Inc., acknowledge receipt of your payment in the amount of \$3119.45 on
21 the date of 01/31/23 and hereby release you, and you alone, from any further liability related
22 to the above mentioned debt to the original creditor and I.Q. International, Inc. [sic]." A true
23 copy of this written statement is attached hereto as Exhibit 2 and incorporated herein by this
24 reference as though set out in full.

25 15. In other words, Defendant was now attempting to change the terms of the
26 settlement offer that it had made to Plaintiff. Defendant now took the position that only
27 Plaintiff – and not her daughter – was released by the settlement, and not the entire account.
28 This position directly contradicts the terms of the proposal made by the Defendant's agent

1 on the telephone as well as the express terms of the Exhibit 1 written offer. Plaintiff
2 demanded that Defendant comply with the terms of the offer that Plaintiff had accepted;
3 however, Defendant refused, insisting that there remained a balance due on the account in
4 the sum of \$3119.45.

5 16. Despite Plaintiff's reminder to the Defendant that by her payment, the entire
6 debt was settled, the Defendant ignored its agreement and continued its attempts to collect
7 the debt. Plaintiff's and her daughter's credit reports by the three major credit reporting
8 agencies thus contained derogatory information because of Defendant's refusal to correct
9 the reporting to credit bureaus, even though Plaintiff fully satisfied the terms of the settlement
10 offer made by Defendant.

11 **PARTIES**

12 17. Plaintiff is an individual over the age of 18 years, who resides in the city of
13 Bakersfield, California.

14 18. Defendant is a Washington corporation which, at all times relevant herein, was
15 licensed to do business and was conducting business in the State of California and in Kern
16 County. Defendant is a debt collector and engaged in the business of attempting to collect
17 consumer debt.

18 19. Defendants Does 1 through 100 are persons or entities whose true names and
19 capacities are presently unknown to Plaintiff, and who therefore are sued by such fictitious
20 names. Plaintiff is informed and believes and thereon alleges that each of the fictitiously
21 named defendants perpetrated some or all of the wrongful acts alleged herein, is responsible
22 in some manner for the matters alleged herein and is jointly and severally liable to plaintiff.
23 Plaintiff will seek leave of court to amend this complaint to state the true names and
24 capacities of such fictitiously named defendants when ascertained.

25 20. At all times mentioned herein, each defendant was the agent or employee of
26 each of the other defendants and was acting within the course and scope of such agency or
27 employment. The defendants are jointly and severally liable to plaintiff.

28

CLASS ALLEGATIONS

1
2 21. This action is brought as a class action. Plaintiff tentatively defines the class
3 as all California consumers to whom, during the one year prior to the filing of this Complaint,
4 Defendants sent letters similar to Exhibit 1, i.e., letters to a co-debtor on one single account,
5 purporting to accept payment as settlement in full of the account. Plaintiff may subsequently
6 refine the class definition in light of discovery.

7 22. The class is so numerous that joinder of all members is impractical. On
8 information and belief, letters similar to Exhibit 1 have been sent to hundreds of consumers
9 who were jointly liable with one or more co-debtors on a single account.

10 23. There are questions of law and fact common to the class, which predominate
11 over any questions affecting only individual class members. The principal question is
12 whether Defendants' conduct in connection with the mailing of Exhibit 1 and similar letters
13 to consumers, and subsequently accepting money from consumers in response to said
14 letters without honoring the terms of the letter, violates the FDCPA and the Rosenthal Act.

15 24. There are no individual questions, other than whether a class member
16 received one of the offending letters, which can be determined by ministerial inspection of
17 defendants' records.

18 25. Plaintiff will fairly and adequately protect the interests of the class. She is
19 committed to vigorously litigating this matter. She is greatly annoyed at being the victim of
20 Defendants' illegal practices and wishes to see that the wrong is remedied for her and others
21 similarly situated. To that end, she has retained counsel to represent her and the class
22 claims, and neither Plaintiff nor her counsel have any interests which might cause them not
23 to vigorously pursue this claim.

24 26. Plaintiff's claim is typical of the claims of the class, which all arise from the
25 same operative facts and are based on the same legal theories.

26 27. A class action is a superior method for the fair and efficient adjudication of this
27 controversy. Most of the consumers who receive a letter identical or similar to Exhibit 1
28 undoubtedly believe that they and their co-debtor(s) will be released upon payment of the

1 monies pursuant to the settlement terms in the letter. They would have no way to know that
2 illegal collection practices are violating their rights. The interest of class members in
3 individually controlling the prosecution of separate claims against Defendants is small
4 because the maximum damages allowable under the FDCPA in an individual action are
5 \$1,000 per violation. Management of this class claim is likely to present significantly fewer
6 difficulties than those presented in many class claims.

7 **JURISDICTION AND VENUE**

8 28. The Superior Court has jurisdiction over this matter since Plaintiff seeks
9 injunctive relief and the amount in controversy exceeds \$25,000.

10 29. Venue is proper in Kern County pursuant to Business & Professions Code
11 § 17203, which allows any person who has engaged in unfair competition to be enjoined in
12 "any court of competent jurisdiction." Defendants do not maintain their residence in any
13 particular county in the State of California. Plaintiff resides in this Judicial District.

14 30. Venue is also proper in Kern County pursuant to Code of Civil Procedure
15 § 395.

16 **FIRST CAUSE OF ACTION**

17 **VIOLATION OF THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT,**

18 **15 U.S.C. § 1692 ET SEQ.**

19 (By Plaintiff as to All Defendants)

20 31. Plaintiff incorporates by reference paragraphs 1 through 30, inclusive, as
21 though set forth in full herein.

22 32. The Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.
23 ("FDCPA") became effective in March 1978 and was and is designed to eliminate abuse,
24 deceptive, and unfair debt collection practices. It also protects reputable debt collectors from
25 unfair competition and encourages consistent state action to protect consumers from abuses
26 in debt collection.

27 33. The FDCPA applies only to the collection of debt incurred by a consumer
28 primarily for personal, family, or household purposes. It does not apply to the collection of

1 corporate debt or debt owed for business or agricultural purposes. The debt herein is for
2 outstanding rent due from a tenant to a landlord – a consumer debt – and is thus covered
3 under the FDCPA.

4 34. The FDCPA defines a debt collector as any person who regularly collects, or
5 attempts to collect, consumer debts for another person or institution or uses some name
6 other than its own when collecting its own consumer debts. The definition includes
7 businesses that regularly collect debts for an unrelated institution. Defendant is a business
8 that is regularly hired to collect debts for others and as such, is subject to the FDCPA.

9 35. The FDCPA at 15 U.S.C. section 1692e provides, among other things, that “[a]
10 debt collector may not use any false, deceptive, or misleading representation or means in
11 connection with the collection of any debt.” By lying to Plaintiff to convince her to pay money
12 to Defendant purportedly to settle the debt owed by both Plaintiff and her daughter,
13 Defendants used a false representation or deceptive means to collect or attempt to collect
14 any debt and thus violated the FDCPA.

15 36. The FDCPA at 15 U.S.C. section 1692f provides, among other things, that “[a]
16 debt collector may not use unfair or unconscionable means to collect or attempt to collect
17 any debt.” By lying to Plaintiff to convince her to pay money to Defendant purportedly to
18 settle the debt owed by both Plaintiff and her daughter, Defendants engaged in an unfair
19 practice to collect or attempt to collect any debt and thus violated the FDCPA.

20 37. As a result of the foregoing violations of the FDCPA, Defendants are liable to
21 Plaintiff for a declaratory judgment that the Defendants’ conduct violated the FDCPA, and
22 for actual damages, statutory damages, costs, and attorney’s fees.

23 **SECOND CAUSE OF ACTION**

24 **VIOLATION OF THE CALIFORNIA ROSENTHAL FAIR DEBT COLLECTION**

25 **PRACTICES ACT, CIVIL CODE § 1788 et seq.**

26 (By Plaintiff as to All Defendants)

27 38. Plaintiff incorporates by reference paragraphs 1 through 30 inclusive, as
28 though set forth in full herein.

1 39. The Rosenthal Act at California Civil Code § 1788 *et seq.* was enacted in 1976
2 to protect consumers from the oppressive and overreaching debt collection practices of
3 creditors and professional debt collectors. The State Legislature found that unfair or
4 deceptive debt collection practices undermine the public confidence that is essential to the
5 continued functioning of the banking and credit system and sound extensions of credit to
6 consumers. As originally passed, The Rosenthal Act set forth a list of proscribed collection
7 practices. It was amended with Civil Code § 1788.17, which incorporates many provisions
8 of the FDCPA into the law.

9 40. At all times relevant herein, Defendants were “debt collectors” within the
10 meaning of Civil Code § 1788.2(d), in that they regularly and in the ordinary course of
11 business, on behalf of themselves or others, engaged in acts and practices in connection
12 with the collection of consumer debt. Plaintiff is a “debtor” within the meaning of Civil Code
13 § 1788.2(h) in that she is a natural person from whom Defendants sought to collect a
14 consumer debt alleged to be due and owing.

15 41. The purported debt that Defendants attempted to collect from Plaintiff was a
16 “consumer debt” within the meaning of Civil Code § 1788.2(f).

17 42. Defendants violated the provisions of Civil Code § 1788.17 by:

18 a. engaging in conduct the natural consequence of which was to harass,
19 oppress, or abuse Plaintiff and other parties in connection with collection of a debt, in
20 violation of 15 U.S.C. § 1692d;

21 b. using false, deceptive, or misleading misrepresentations or means in
22 connection with the collection of a debt, in violation of 15 U.S.C. § 1692e; and

23 c. using unfair or unconscionable means to collect or attempt to collect a debt,
24 in violation of 15 U.S.C. § 1692f.

25 43. Defendants violated the provisions of Civil Code § 1788.10 by threatening to
26 take action in violation of other provisions of the Rosenthal Act.

27 44. As a direct and proximate result of Defendants’ violations enumerated above,
28 Plaintiff has been damaged in amounts that are subject to proof.

1 45. Defendants' violations of the Rosenthal Act were willful and knowing, thereby
2 entitling Plaintiff to statutory damages pursuant to Civil Code § 1788.30(b). Plaintiff is also
3 entitled to the remedies set forth at 15 U.S.C. § 1692k., pursuant to Civil Code § 1788.17.

4 46. Plaintiff is entitled to recover her reasonable attorney's fees and costs pursuant
5 to Civil Code §1788.30(c) and 15 U.S.C. § 1692k.

6 47. Any communications or communicative acts by Defendants herein in
7 connection with their attempts to collect on alleged debts were not made to achieve the
8 objects of, and had no connection or logical relation to, any judicial proceeding or anticipated
9 judicial proceeding. At the time of making any such communications or performing any such
10 communicative acts, a lawsuit was not imminent, and Defendants did not seriously
11 contemplate a lawsuit in good faith as a means of resolving any dispute.

12 48. At all times herein, Defendants acted with malice, and with a state of mind
13 arising from hatred or ill will, evidencing a willingness to vex, annoy and/or injure Plaintiff
14 and members of the general public.

15 **THIRD CAUSE OF ACTION**

16 **Violation of California's Unfair Business Practices Act also known as Business and**
17 **Professions Code § 17200 et seq.**

18 (By Plaintiff as to All Defendants)

19 49. Plaintiff incorporates by reference paragraphs 1 through 30 and 39 through
20 48 inclusive, as though set forth in full herein.

21 50. Plaintiff brings this action as a private attorney general acting on behalf of the
22 general public, pursuant to the California Unfair Business Practices Act, Business &
23 Professions Code § 17200 *et seq.* (the "UBP Act"). Plaintiff is acting in a representative
24 capacity to remedy the ongoing unlawful, unfair, and fraudulent business practices alleged
25 herein, and to seek injunctive relief and restitution on behalf of all those persons who have
26 been and are being affected thereby. The UBP Act is often referred to as the "Unfair
27 Competition Law" and it defines unfair competition to include any unlawful, unfair, or
28 fraudulent business act or practice. The UBP Act provides that a court may order injunctive

1 relief and restitution to affected members of the general public as remedies for any violations
2 of the UBP Act.

3 51. Beginning on an exact date unknown to Plaintiff, but at all times relevant
4 herein, Defendant and the DOE defendants have committed acts of unfair competition
5 proscribed by the UBP Act., including the practices alleged herein. Plaintiff alleges on
6 information and belief that numerous California consumers are debtors being chased by
7 Defendant and the DOE defendants who have been subject to these unlawful, unfair, and
8 fraudulent practices. Defendants committed each of the violations enumerated above
9 against members of the general public in addition to Plaintiff.

10 52. Beginning on or about four years prior to the filing of the Complaint in this
11 action, and continuing thereafter, Defendants have been systematically violating the
12 provisions of the Rosenthal Fair Debt Collection Practices Act, Civil Code § 1788 *et seq.*
13 These violations are and were a matter of corporate policy, and they constitute a consistent
14 pattern and practice of unlawful corporate behavior.

15 53. Plaintiff is informed and believes and on that basis alleges that, since four
16 years prior to the filing of the complaint, Defendants have been and are violating the
17 Rosenthal Fair Debt Collection Practices Act, and therefore the UBP Act, through the
18 following unlawful practices:

19 a. Violating the provisions of Civil Code § 1788.17 by: (i) using false,
20 deceptive, or misleading misrepresentations or means in connection with the
21 collection of a debt, in violation of 15 U.S.C. § 1692d; and (ii) using unfair or
22 unconscionable methods in collecting debts, in violation of 15 U.S.C. § 1692f.

23 54. Plaintiff is further informed and believes and on that basis alleges that, since
24 four years prior to the filing of the Complaint, Defendants have been and are violating the
25 Consumer Credit Reporting Agencies Act, Civil Code § 1785.1 *et seq.*, and therefore the
26 UBP Act, through the following unlawful practices:

27 a. Violating the provisions of Civil Code § 1785.25(a) by furnishing incomplete
28 and inaccurate information to consumer credit reporting agencies on the specific

1 transactions or experiences of consumers' disputed debts, to wit, by failing to note
2 those debts as "disputed";

3 b. Defendants have violated the provisions of Civil Code § 1785.25(c) by
4 furnishing information to consumer credit reporting agencies about consumer debts
5 that were subject to a continuing dispute, without also including a notice that the
6 consumer disputed the information.

7 55. The business acts and practices of Defendants, as hereinabove alleged,
8 constitute "unlawful" business practices under the UBP Act in that, for the reasons set forth
9 above, said acts and practices violate the provisions of the Rosenthal Fair Debt Collection
10 Practices Act, Civil Code § 1788 *et seq.* and the Consumer Credit Reporting Agencies Act,
11 Civil Code § 1785.1 *et seq.*

12 56. The business acts and practices of Defendants, as hereinabove alleged,
13 constitute "unfair" business practices under the UBP Act in that said acts and practices
14 offend public policy and are substantially injurious to consumers. Said acts and practices
15 have no utility that outweighs their substantial harm to consumers.

16 57. The business acts and practices of Defendants, as hereinabove alleged,
17 constitute "fraudulent" business practices under the UBP Act in that said acts and practices
18 are likely to deceive the public and affected consumers as to their legal rights and
19 obligations, and by use of such deception, may preclude consumers from exercising legal
20 rights to which they are entitled.

21 58. The unlawful, unfair, and fraudulent business acts and practices of Defendants
22 described herein present a continuing threat to members of the general public in that
23 Defendants are currently engaging in such acts and practices, and will persist and continue
24 to do so unless and until this Court issues an injunction.

25 59. Pursuant to Business & Professions Code § 17203, Plaintiff seeks an order
26 enjoining Defendants from engaging in the acts and practices as hereinabove alleged, and
27 ordering that Defendants disgorge all ill-gotten gains and provide appropriate restitution to
28 all affected consumers.

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Plaintiff hereby demands a trial by jury.

Dated: May 9, 2023

LAW OFFICES OF JOHN D. GUERRINI

By: _____


JOHN D. GUERRINI
ATTORNEY FOR PLAINTIFF
CARMEN STARKS

EXHIBIT 1

I.Q. DATA INTERNATIONAL, INC.
21222 30TH DRIVE SE #120 BOTHELL, WA 98021
PO BOX 340, BOTHELL, WA 98041
HOURS: MONDAY-FRIDAY 8AM TO 5PM PST
TOLL FREE: 888-248-2509 OR (425)-609-2150 FAX: (425)-609-2104

JANUARY 31, 2023

SOD
CARMEN STARKS
408 TAYLOR ST APT 24
BAKERSFIELD CA 93309-3051

Account# 0008880875

Creditor: ARDELLA ON CHAGALL (CA)

Principal Due: \$6146.95
Interest Due: \$91.95
Total Due: \$6238.90

Dear CARMEN STARKS

We at I.Q. Data International have reviewed your file and agree to accept \$3119.45 as settlement in full regarding the above-mentioned account. Payment must be received in our office not later than 01/31/23. If you need additional time to respond to this offer, please contact us. This agreement depends on funds clearing your account. I.Q. Data International, Inc., further agrees to request deletion of any negative information supplied to any credit bureaus regarding this account. We are not obligated to renew this offer. Please contact our office if you have any questions regarding your file.

Sincerely,

Account Representative
888-248-2509

This communication is from a debt collector and is an attempt to collect a debt and any information obtained will be used for that purpose. Your outstanding principal balance will accrue interest at a rate of 007.00 percent per annum. As of the date of this letter, you owe \$6238.90. Because of interest, late charges and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your payment, in which event we will inform you before depositing the payment for collection. For further information, write the undersigned or call 1-888-248-2509.

EXHIBIT 2

I.Q. DATA INTERNATIONAL, INC.
21222 30TH DRIVE SE #120 BOTHELL, WA 98021
PO BOX 340, BOTHELL, WA 98041
HOURS: MONDAY-FRIDAY 8AM TO 5PM PST
TOLL FREE: 888-248-2509 OR (425)-609-2150 FAX: (425)-609-2104

JANUARY 31, 2023

RDR
CARMEN STARKS
408 TAYLOR ST APT 24
BAKERSFIELD CA 93309-3051

Account#: 0008880875

Creditor: ARDELLA ON CHAGALL (CA)

Principal Due:	\$3027.50
Interest Due:	\$91.95
Total Due:	\$3119.45

Dear CARMEN STARKS

We at I.Q. Data International, Inc., acknowledge receipt of your payment in the amount of \$3119.45 on the date of 01/31/23 and hereby release you, and you alone, from any further liability related to the above mentioned debt to the original creditor and I.Q. International, Inc. I.Q. Data International, Inc. further agrees to request deletion of any negative information supplied to the credit bureaus regarding the above debt. Please contact the below account representative question regarding your file.

Sincerely,

TYLER TABAREJO-ISHIKURO
Account Representative
888-248-2509

This communication is from a debt collector.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): JOHN D. GUERRINI (SBN 190972) Law Offices of John D. Guerrini, 74-710 Highway 111, Ste. 102, Palm Desert, CA 92260 TELEPHONE NO.: 626-485-8660 FAX NO. (Optional): E-MAIL ADDRESS: john@johnguerrini.com ATTORNEY FOR (Name): Plaintiff CARMEN SPARKS	FOR COURT USE ONLY ELECTRONICALLY FILED 5/18/2023 11:59 AM Kern County Superior Court By Marina Mercado, Deputy			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Avenue MAILING ADDRESS: CITY AND ZIP CODE: Bakersfield, California 93301 BRANCH NAME: Metropolitan Division Justice Building				
CASE NAME: STARKS v. I.Q. DATA INTERNATIONAL, INC.				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 5px;"> CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) </td> <td style="width:33%; padding: 5px;"> <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) </td> <td style="width:33%; padding: 5px;"> Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) </td> </tr> </table>	CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: BCV-23-101559 JUDGE: DEPT.:
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	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 PI/PD/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 checked="" 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 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 (39) 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 b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses 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 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): Three (3)

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: May 1, 2023
 JOHN D. GUERRINI
 (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

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (not provisionally complex) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
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

Provisionally Complex Civil Litigation (Cal.

Rules of Court Rules 3.400–3.403)
Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (non-domestic relations)
Sister State Judgment
Administrative Agency Award (not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-harassment)
Mechanics Lien
Other Commercial Complaint Case (non-tort/non-complex)
Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

ELECTRONICALLY FILED

5/18/2023 11:59 AM

Kern County Superior Court

By Marina Mercado, Deputy

SUPERIOR COURT - COUNTY OF KERN
STATE OF CALIFORNIA

BCV-23-101559

STATEMENT OF CLASSIFICATION AND LOCATION

CASE NAME: Starks v. I.Q. Data International, et al.

- CLASSIFICATION
- General Civil
 - Civil Collections
 - Unlawful Detainer

Please check ONE of the following statements to indicate the basis for your filing of the Complaint in this Judicial District and fill in the address:

1. Cause of action arose in this Judicial District. Address of cause of action:

480 Taylor Street, Apt. 24	Bakersfield	93309-3051
<small>STREET</small>	<small>CITY</small>	<small>ZIP CODE</small>

2. Property located in this Judicial District. Address of the property is:

<small>STREET</small>	<small>CITY</small>	<small>ZIP CODE</small>
-----------------------	---------------------	-------------------------

3. Tort occurred in this Judicial District. Address of tort is:

<small>STREET</small>	<small>CITY</small>	<small>ZIP CODE</small>
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(or nearest major intersection)

4. Contract entered into or to be performed in this Judicial District. Address where contract entered into or to be performed:

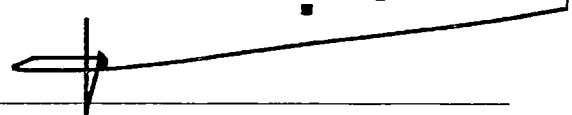
<small>STREET</small>	<small>CITY</small>	<small>ZIP CODE</small>
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5. Defendant resides in this Judicial District. Address of defendant is:

<small>STREET</small>	<small>CITY</small>	<small>ZIP CODE</small>
-----------------------	---------------------	-------------------------

6. This action falls within the provisions of local case management rule found in the Local Rules of Court.

DATE May 9, 2023



 SIGNATURE OF PARTY OR ATTORNEY

Kern County Superior Court

By Marina Mercado, Deputy

SUPERIOR COURT - COUNTY OF KERN
STATE OF CALIFORNIA

BCV-23-101559

STATEMENT OF CLASSIFICATION AND LOCATION

CASE NAME: Starks v. I.Q. Data International, et al.

CLASSIFICATION

- General Civil
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480 Taylor Street, Apt. 24	Bakersfield	93309-3051
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STREET	CITY	ZIP CODE
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3. Tort occurred in this Judicial District. Address of tort is:

STREET	CITY	ZIP CODE
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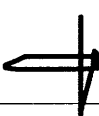
STREET	CITY	ZIP CODE
--------	------	----------

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STREET	CITY	ZIP CODE
--------	------	----------

6. This action falls within the provisions of local case management rule found in the Local Rules of Court.

DATE May 9, 2023



 SIGNATURE OF PARTY OR ATTORNEY

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

**NOTICE TO DEFENDANT: I.Q. DATA INTERNATIONAL, INC., A
(AVISO AL DEMANDADO): WASHINGTON CORPORATION; AND DOES 1
THROUGH 100, INCLUSIVE,**

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

ELECTRONICALLY FILED

5/22/2023

Kern County Superior Court

By Marina Mercado, Deputy

**YOU ARE BEING SUED BY PLAINTIFF: CARMEN STARKS,
(LO ESTÁ DEMANDANDO EL DEMANDANTE): INDIVIDUALLY AND ON
BEHALF OF THE GENERAL PUBLIC**

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 CALIFORNIA, COUNTY OF KERN
1215 Truxtun Avenue
Bakersfield, California 93301**

CASE NUMBER:
(Número del Caso): **BCV-23-101559**

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):
**JOHN D. GUERRINI (SBN 190972) 626-485-8660
LAW OFFICES OF JOHN D. GUERRINI
74-710 Highway 111 · Suite 102
Palm Desert, CA 92260**

DATE: **5/22/2023** TAMARAH HARBER-PICKENS Clerk, by _____, Deputy
(Fecha) (Secretario) (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)).

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):
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):



PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon Rees Scully Mansukhani, LLP, 5 Park Plaza, Suite 1100, Irvine, CA 92614. On June 30, 2023, I served the within document(s) as follows:

DEFENDANT I.Q. DATA INTERNATIONAL, INC.’S NOTICE OF REMOVAL

- BY U.S. MAIL.** By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at Irvine, addressed as set forth below.
- BY OVERNIGHT SERVICE.** By placing a true copy thereof enclosed in a sealed envelope, at a station designated for collection and processing of envelopes and packages for overnight delivery by FedEx as part of the ordinary business practices of Gordon & Rees LLP described below, addressed as follows:
- BY ELECTRONIC.** By transmitting via **ELECTRONIC MAIL** the document(s) listed above to the electronic mail (e-mail) addresses as follows:

John D. Guerrini, Esq. LAW OFFICES OF JOHN D. GUERRINI 74-710 Highway 111, Suite 102 Palm Desert, CA 92260 Tel.: 626-485-8660 john@johnguerrini.com	Attorneys for plaintiff Carmen Starks
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 30, 2023 at Chino Hills, California.



Evangelina Andrews

Gordon Rees Scully Mansukhani, LLP
5 Park Plaza, Suite 1100
Irvine, CA 92614

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