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8 PAUL SAPAN

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SOUTHERN DIVISION**

12 PAUL SAPAN,

13 Plaintiff,

14 vs.

15 RENAISSANCE DEBT SOLUTIONS,
16 INC., a Maryland Corporation,
17 FREDERICK C. TYSON, an individual,
18 ELAINE CAROL TYSON, an individual,

19 Defendants.

Case No.:

**COMPLAINT FOR DAMAGES,
INCLUDING PUNITIVE
DAMAGES, INTEREST AND
ATTORNEY’S FEES, AND
FOR INJUNCTIVE RELIEF**

**Violation(s) of Telephone
Consumer
Protection Act of 1991
Trespass to Chattel
Unfair Business Practices**

20 COMES NOW Plaintiff PAUL SAPAN (hereinafter referred to as

21 “Plaintiff”) who alleges as follows:

22 ///

23 ///

JURISDICTIONAL ALLEGATIONS

1
2 1. Plaintiff is, and at all times herein mentioned was, a resident of the
3 County of Los Angeles, but has recently moved to the County of Orange, State of
4 California.
5

6 2. Defendant RENAISSANCE DEBT SOLUTIONS, INC.
7 (“Renaissance Debt Solutions”) is, and at all times herein mentioned was, a
8 Maryland corporation, doing business in the County of Los Angeles, State of
9 California.
10
11

12 3. Defendant FREDERICK C. TYSON is, and at all times herein
13 mentioned was, doing business in the County of Los Angeles, State of California.
14

15 4. Defendant ELAINE CAROL TYSON is, and at all times herein
16 mentioned was, doing business in the County of Los Angeles, State of California.
17

18 5. This case is filed pursuant to the Telephone Consumer Protection Act
19 of 1991, 47 U.S.C. §227 et. seq. The U.S. Supreme Court recently decided that
20 federal courts have federal question subject matter jurisdiction over such civil
21 actions under 28 U.S.C. §§ 1331 and 1441. *Mims v. Arrow Fin. Services, LLC*, --
22 U.S. --, 132 S.Ct. 740, 753 (2012). The state law claim herein arises out of a
23 common nucleus of operative facts and is subject to supplemental jurisdiction
24 pursuant to 28 U.S.C. § 1367.
25
26

27 6. At all times herein mentioned each defendant was the partner, agent
28

1 and employee of each co-defendant herein and was at all times acting within the
2 scope of such partnership, agency and employment and each defendant ratified the
3 conduct of each co-defendant herein.
4

5 **FACTUAL SUMMARY**

6 7. Defendants made nine (9) live calls to PAUL SAPAN's home phone
7 number (310-444-1999) wherein they tried to pitch debt modification services on
8 the following dates and times and using the following Caller ID ("CID") numbers:
9

- 10 • January 24, 2012 at 1:56pm, CID 443-541-1241
- 11 • January 24, 2012 at 2:28pm, CID 443-541-1241
- 12 • June 21, 2012 at 11:36am, CID 443-541-1262
- 13 • June 25, 2012 at 10:19am, CID 443-541-1262
- 14 • June 26, 2012 at 1:43pm, CID 443-541-1262
- 15 • June 27, 2012 at 10:25 am, CID 443-541-1262
- 16 • July 2, 2012 at 9:49am, CID 443-541-1262
- 17 • July 3, 2012 at 12:13pm, CID 443-541-1262
- 18 • July 9, 2012 at 2:49pm, CID 443-541-1262

19 8. Mr. Sapan's home phone has been listed on the federal "Do Not Call"
20 registry maintained by the Federal Trade Commission from December 23, 2007 to
21 the present.

22 9. While each of the calls complained of above used the Caller ID
23 number, they did not transmit Caller ID name information as required by law.
24 47 C.F.R. § 64.1601(e).
25

26 10. On January 24, 2012 at 1:56 pm Defendants illegally called Mr.
27 Sapan's home telephone from CID number 443-541-1241.
28

1 11. Mr. Sapan did not answer the January 24, 2012 at 1:56 pm call.

2 12. On January 26, 2012 at 2:28 pm, Defendants called Mr. Sapan from
3 CID number 443-541-1241.
4

5 13. During the call, “Cheryl Soloman” of Renaissance Debt Solutions
6 called Mr. Sapan attempting to pitch him debt modification services.
7

8 14. Mr. Sapan feigned interest in order to discover the identity of the
9 illegal caller, and said he would call back if he was interested.
10

11 15. At the end of this call Mr. Sapan told her not to call him and that he
12 would call back if interested.
13

14 16. The CID number 443-541-1241 used in this second call to Mr. Sapan
15 is the same CID used during the first call, which he did not answer.
16

17 17. On June 21, 2012 at 11:36 am, Defendants called Mr. Sapan from a
18 second CID number 443-541-1241.

19 18. Mr. Sapan did not answer this June 21, 2012 at 11:36 am call.

20 19. However, “Nicole” of Renaissance Debt Solutions did leave a
21 voicemail on Mr. Sapan’s home line attempting to pitch Mr. Sapan debt
22 modification services from the June 21, 2012 at 11:36 am call.
23

24 20. On June 25, 2012 at 11:36 am, Defendants called Mr. Sapan from
25 CID number 443-541-1241.
26

27 21. Mr. Sapan did not answer the June 25, 2012 at 11:36 am call.
28

1 22. The CID number 443-541-1262 used in this fourth call to Mr. Sapan
2 is the same CID used during the third call, where “Nicole” of Renaissance Debt
3 Solutions left a voicemail.
4

5 23. On June 26, 2012 at 10:39 am, Defendants called Mr. Sapan from the
6 same CID number 443-541-1262.
7

8 24. Mr. Sapan did not answer the June 26, 2012 at 10:39 am call.

9 25. For a second time, “Nicole” of Renaissance Debt Solutions left Mr.
10 Sapan a voicemail attempting to pitch debt modification services from the June 26,
11 2012 at 10:39 am call.
12

13 26. CID number 443-541-1262 is the same CID used by Defendants to
14 call Mr. Sapan during the third and fourth alleged calls.
15

16 27. Defendants called Mr. Sapan’s home telephone four (4) subsequent
17 times on: June 27, 2012, July 2, 2012, July 3, 2012, and July 9, 2012.
18

19 28. All four (4) calls made by Defendants were from CID 443-541-1262.
20

21 29. CID number 443-541-1262 is the same CID used by Defendants to
22 call Mr. Sapan during the third, fourth, and fifth alleged calls.
23

24 30. For each call that Mr. Sapan did not answer the calls made on June 27,
25 2012, July 2, 2012, July 3, 2012, and July 9, 2012.
26

27 31. Each of the June 27, 2012, July 2, 2012, July 3, 2012, and July 9,
28 2012 calls was made using the same CID numbers (443-541-1241 and 443-541-

1 1262) as a call Mr. Sapan answered and Renaissance Debt Solutions was identified
2 as the caller.

3 32. Mr. Sapan pleads on information and belief that Defendants made
4 each call he did not answer for the purpose of pitching their debt modification
5 services.
6

7 33. The Maryland Secretary of State Business filings list Defendant
8 RENAISSANCE DEBT SOLUTIONS, INC. as an incorporated business in the
9 State of Maryland.
10

11 34. The Better Business Bureau lists Defendant ELAINE CAROL
12 TYSON as the President of Defendant RENAISSANCE DEBT SOLUTIONS,
13 INC.
14

15 35. The Better Business Bureau lists Defendant FREDERICK C. TYSON
16 as the Chief Financial Officer of Defendant RENAISSANCE DEBT
17 SOLUTIONS, INC.
18

19 36. Plaintiff searched and could not find any online listing showing any
20 other persons as being officers of RENAISSANCE DEBT SOLUTIONS, INC., nor
21 any other person having any managerial or decision-making authority for that
22 corporation.
23

24 37. Plaintiff alleges on information and belief that Defendants ELAINE
25 CAROL TYSON and FREDERICK C. TYSON made the violative calls, ordered
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27
28

1 them made, knew the calls described above were being made and did nothing, or
2 was willfully and recklessly ignorant of the fact his company was making the calls
3 described above.
4

5 38. Mr. Sapan has been harmed by the junk calls complained of herein by
6 the direct waste of his time during the calls themselves, the indirect waste of time
7 in having to break from other important tasks and spend time catching up after
8 these junk calls, the waste of telephone service which he and not Defendants must
9 pay for, the costs of having to pursue legal remedies, and in the aggravation and
10 consequent health effects of stress these illegal intrusions have caused.
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12
13
14

15 **FIRST CAUSE OF ACTION**

16 [Violation of Telephone Consumer Protection
17 Act of 1991- For All Nine (9) calls]

18 39. Plaintiff realleges all paragraphs above and incorporates them herein
19 by reference.

20 40. Plaintiff is bringing this action pursuant to the provisions of the
21 Telephone Consumer Protection Act of 1991 (47 U.S.C. §227 and 47 C.F.R.
22 §64.1200 – “TCPA”).
23

24 41. Subdivision (c) (2) of Section 64.1200 of Title 47 of the Code of
25 Federal Regulations makes it unlawful for any person to “initiate any telephone
26 solicitation” to “A residential telephone subscriber who has registered his or her
27
28

1 telephone number on the national do-not-call registry of persons who do not wish
2 to receive telephone solicitations”.

3 42. At all times relevant to this complaint, Plaintiff had registered his
4 residential telephone number on the national do-not-call registry maintained by the
5 U.S. Government.
6

7 43. Defendants have called Plaintiff’s residential telephone line for
8 solicitation purposes during the statutory period of the last 4 years, pursuant to 28
9 U.S.C. § 1658. These calls are the only calls known to Plaintiff at this time and
10 Plaintiff states on information and belief, without yet having the aid of full
11 discovery, that it is quite likely that Defendant has made many more violative calls
12 to Plaintiff’s residential telephone line. These calls were not made in error, nor did
13 Defendant have express permission from Plaintiff to call, nor did Defendant have a
14 personal relationship with Plaintiff. 37 C.F.R. § 64.1200 (c) (i), (ii), & (iii).
15
16
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19 44. Subdivision (c)(5) of section 227 of title 47 of the United States Code
20 permits a private right of action in state court for violations the national do-not-call
21 registry rules promulgated thereunder. Plaintiff may obtain relief in the form of
22 injunctive relief, or Plaintiff may recover \$500.00 for each violation, or both. If
23 the court finds that defendants' violations were willful or knowing, it may, in its
24 discretion, award up to three times that amount.
25
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1
2 **SECOND CAUSE OF ACTION**

[Trespass to Chattel- For All Nine (9) calls]

3 45. Plaintiff realleges all paragraphs above and incorporates them herein
4
5 by reference.

6 46. The conduct by defendants complained of herein, namely illegally
7
8 calling Plaintiff's phone, constitutes an electronic trespass to chattel.

9 47. At no time did Plaintiff consent to this trespass.

10 48. As a proximate result of these intrusions, Plaintiff suffered damage in
11
12 an amount according to proof, but no less than 7% of his monthly phone bills in
13
14 June and July of 2012 since Defendants calls constituted 7% or more of the total
15 calls to his phone at the height of their junk calling campaign.

16 49. In making the illegal calls described above, defendants were guilty of
17
18 oppression and malice, in that defendants made said calls with the intent to vex,
19
20 injure, or annoy Plaintiff or with a willful and conscious disregard of Plaintiff's
21
22 rights. Plaintiff therefore seeks an award of punitive damages.

23 **THIRD CAUSE OF ACTION**

24 [Engaging in Unfair Business Practices- For All Nine (9) calls]

25 50. Plaintiff realleges all paragraphs above and incorporates them herein
26
27 by reference.

1 On the SECOND CAUSE OF ACTION:

2 3. For compensatory damages according to proof;

3 4. For punitive damages;

4
5 On the THIRD CAUSE OF ACTION:

6 5. For preliminary and permanent injunctions, enjoining Defendants, and
7 each of them, from engaging in unfair or unlawful business practices
8 pursuant to section 17203 of the Business and Professions Code;

9
10 On ALL CAUSES OF ACTION:

11
12 6. For attorney's fees pursuant to California Code of Civil Procedure §
13 1021.5.

14
15 7. For costs of suit herein incurred; and

16 8. For such further relief as the Court deems proper.
17
18

19 DATED: July 29, 2015

PRATO & REICHMAN, APC

20
21
22 /s/Justin Prato, Esq.

23 By: Justin Prato, Esq.

Prato & Reichman, APC

24 Attorneys for Plaintiff

25 PAUL SAPAN
26
27
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