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

JACOB LOWRY,

Plaintiff,

vs.

BETTER DEBT SOLUTIONS, LLC;
and LENDVIA, LLC; and DOES 1
through 10, inclusive, and each of
them,

Defendant.

) Case No.

)

) **COMPLAINT FOR DAMAGES**

)

-) 1. NEGLIGENCE
) VIOLATIONS OF THE
) TELEPHONE CONSUMER
) PROTECTION ACT [47
) U.S.C. §227(b)]
) 2. WILLFUL VIOLATIONS
) OF THE TELEPHONE
) CONSUMER
) PROTECTION ACT [47
) U.S.C. §227(b)]
) 3. NEGLIGENCE
) VIOLATIONS OF THE
) TELEPHONE CONSUMER
) PROTECTION ACT [47
) U.S.C. §227(c)]
) 4. WILLFUL VIOLATIONS
) OF THE TELEPHONE
) CONSUMER
) PROTECTION ACT [47
) U.S.C. §227(c)]

DEMAND FOR JURY TRIAL

NATURE OF THE CASE

1. This is an action for damages brought by an individual consumer for
Defendants' violations of the Telephone Consumer Protection Act., 47 U.S.C.

1 §227, *et seq.* (hereinafter “TCPA”). Plaintiff brings this action as a result of the
2 illegal actions of LENDVIA, LLC and BETTER DEBT SOLUTIONS, LLC
3 (collectively, “Defendants”), who negligently, knowingly, and/or willfully placed
4 sales, solicitations and/or other telemarketing calls to Plaintiff’s cellular telephone
5 in violation of the TCPA.
6
7

8 **JURISDICTION & VENUE**

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10 2. Jurisdiction is proper under 28 U.S.C. § 1331 because this action
11 arises under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*
12 (“TCPA”), a federal statute. The TCPA provides for private rights of action, and
13 this Court has original jurisdiction over Plaintiff’s claims.
14

15 3. Venue is proper in the United States District Court for the Central
16 District of California pursuant to 28 U.S.C. § 1391(b) because Defendants
17 conduct business within the State of California, and a substantial part of the
18 events giving rise to the claims occurred within the County of Orange, where
19 Plaintiff resides.
20
21

22 **PARTIES**

23
24 4. Plaintiff, JACOB LOWRY (“Plaintiff”), is a natural person residing
25 in Orange County in the state of California and is a “person” as defined by 47
26 U.S.C. § 153 (10).
27
28

1 5. Plaintiff is informed and believes, and thereon alleges, that
2 Defendants, and all times mentioned herein were, a national limited liability
3 company whose State of Incorporation is California. Defendants, are and at all
4 times mentioned herein were, each a “person” as defined by 47 U.S.C. § 153 (10).
5 Plaintiff alleges that at all times relevant herein, Defendants conducted business
6 in the State of California, in the County of Orange, and within this judicial
7 district.
8
9
10

11 6. The above-named Defendants, and its subsidiaries and agents, are
12 collectively referred to as “Defendants.” The true names and capacities of the
13 Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are
14 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious
15 names. Each of the Defendants designated herein as a DOE is legally responsible
16 for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend
17 the Complaint to reflect the true names and capacities of the DOE Defendants
18 when such identities become known.
19
20
21

22 7. Plaintiff is informed and believes that at all relevant times, each and
23 every Defendant was acting as an agent and/or employee of each of the other
24 Defendant(s) and was acting within the course and scope of said agency and/or
25 employment with the full knowledge and consent of each of the other
26 Defendant(s). Plaintiff is informed and believes that each of the acts and/or
27
28

1 omissions complained of herein was made known to, and ratified by, each of the
2 other Defendant(s).
3

4 **FACTUAL ALLEGATIONS**

5 8. Defendant Better Debt Solutions, through its marketing branch
6 Defendant LendVia, placed numerous calls to Plaintiff's cellular telephone for the
7 purposes of promoting debt settlement services provided by Better Debt
8 Solutions.
9
10

11 9. The calls placed by Defendants to Plaintiff's cellular telephone were
12 placed via an "automatic telephone dialing system," ("ATDS") as defined by 47
13 U.S.C. § 227 (a)(1) as prohibited by 47 U.S.C. § 227 (b)(1)(A). These calls
14 included robocalls and pre-recorded voicemails.
15
16

17 10. This ATDS has the capacity to store or produce telephone numbers
18 to be dialed, using a random or sequential number generator.
19

20 11. The telephone number that Defendants, or their agents, called was
21 assigned to a cellular telephone service for which Plaintiff incurs a charge for
22 incoming calls pursuant to 47 U.S.C. § 227 (b)(1).
23

24 12. These calls constituted calls that were not for emergency purposes as
25 defined by 47 U.S.C. § 227 (b)(1)(A)(i).
26

27 13. Plaintiff never provided Defendants or their agents with prior
28 express consent to contact Plaintiff's cellular telephone and leave voicemails,

1 pursuant to pursuant to 47 U.S.C. § 227 (b)(1)(A).

2
3 14. Plaintiff further advised Defendants that he no longer wished to
4 receive calls, requesting that his number be removed from Defendant's list and
5 that the calls stop.

6
7 15. Despite Plaintiff's request to be added to Defendants' do-not-call
8 list, Defendants' continued to place unsolicited calls to Plaintiff's cellular
9 telephone without his consent, including multiple calls in one day from numbers
10 with different area codes.

11
12 16. Defendants' agents either hung up on Plaintiff or falsely assured
13 Plaintiff that Plaintiff's number would be removed.

14
15 17. During all relevant times, Plaintiff's cellular telephone number was
16 registered on the National Do Not Call Registry. Defendants' actions therefore
17 violated both internal and external do-not-call restrictions under the TCPA.

18
19 18. Plaintiff has documented numerous instances of Defendants'
20 unlawful conduct, including:

21
22 a. Multiple robocall voicemails left by Defendants' agents in
23 November 2024;

24
25 b. Receiving several calls labeled as "potential scam" within a 24-hour
26 period in December 2024;

1 c. Screenshots of approximately fifty unsolicited calls from Defendants
2 using various area codes and originating from different states.
3

4 19. Such calls constitute solicitation calls pursuant to 47 C.F.R. §
5 64.1200(c)(2) as they were attempts to promote or sell Defendants' products.
6

7 20. Plaintiff received numerous solicitation calls from Defendants within
8 a 12-month period.

9 21. Defendants continued to call Plaintiff in an attempt to solicit their
10 products and in violation of the Do-Not-Call provisions of the TCPA.

11 22. Defendants' conduct violated the TCPA by:

- 12 a) Defendants' failure to establish and implement reasonable practices
13 and procedures, based on Plaintiff's experiences of being called by
14 Defendants after being on the National Do-Not-Call list for several
15 years prior to Defendants' initial call, to effectively prevent
16 telephone solicitations in violation of the regulations prescribed
under 47 U.S.C. § 227(c)(5).
17 b) Defendants' failure to establish and implement reasonable
18 practices and procedures, based on Plaintiff's experiences of
19 being called by Defendants after requesting to be placed on
20 Defendants' internal Do-Not-Call list, to effectively prevent
21 telephone solicitations in violation of the regulations
22 prescribed under 47 U.S.C. § 227(c)(5).
23 c) Restricted use of Automated Telephone equipment to make
24 any call (other than a call made for emergency purposes or
25 made with the prior consent of the called party) using any
26 automatic telephone dialing system or an artificial or pre-
27 recorded voice to any telephone number assigned to a paging
28 service, cellular telephone service, specialized mobile radio
service, or other radio common carrier service, or any service
for which the called party is charged for the call (47 U.S.C.
§227 (b)(A)(iii)).

FIRST CAUSE OF ACTION

**Negligent Violations of the Telephone Consumer Protection Act
47 U.S.C. §227(b).
On Behalf of Plaintiff**

23. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-21.

24. The foregoing acts and omissions of Defendants constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227(b)*, and in particular *47 U.S.C. § 227 (b)(1)(A)*.

25. As a result of Defendants' negligent violations of *47 U.S.C. § 227(b)*, Plaintiff is entitled an award of \$500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

26. Plaintiff is also entitled to and seeks injunctive relief prohibiting such conduct in the future.

SECOND CAUSE OF ACTION

**Knowing and/or Willful Violations of the Telephone Consumer Protection Act
47 U.S.C. §227(b)
On Behalf of Plaintiff**

27. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-21.

28. The foregoing acts and omissions of Defendants constitute numerous and multiple knowing and/or willful violations of the TCPA, including

1 but not limited to each and every one of the above cited provisions of *47 U.S.C.*
2 *§ 227(b)*, and in particular *47 U.S.C. § 227 (b)(1)(A)*.
3

4 29. As a result of Defendants' knowing and/or willful violations of *47*
5 *U.S.C. § 227(b)*, Plaintiff is entitled to an award of \$1,500.00 in statutory
6 damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and
7 *47 U.S.C. § 227(b)(3)(C)*.
8

9 30. Plaintiff is also entitled to and seeks injunctive relief prohibiting
10 such conduct in the future.
11

12 **THIRD CAUSE OF ACTION**
13 **Negligent Violations of the Telephone Consumer Protection Act**
14 **47 U.S.C. §227(c)**
15 **On Behalf of Plaintiff**

16 31. Plaintiff repeats and incorporates by reference into this cause of
17 action the allegations set forth above at Paragraphs 1-21.

18 32. The foregoing acts and omissions of Defendants constitute numerous
19 and multiple negligent violations of the TCPA, including but not limited to each
20 and every one of the above cited provisions of *47 U.S.C. § 227(c)*, and in
21 particular *47 U.S.C. § 227 (c)(5)*.
22

23 33. As a result of Defendant's negligent violations of *47 U.S.C. § 227(c)*,
24 Plaintiff is entitled an award of \$500.00 in statutory damages, for each and every
25 violation, pursuant to *47 U.S.C. § 227(c)(5)(B)*.
26
27

28 34. Plaintiff is also entitled to and seeks injunctive relief prohibiting such

1 conduct in the future.

2
3 **FOURTH CAUSE OF ACTION**

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

5 **47 U.S.C. §227 et seq.**

6 **On Behalf of Plaintiff**

7 35. Plaintiff repeats and incorporates by reference into this cause of action
8 the allegations set forth above at Paragraphs 1-21.

9 36. The foregoing acts and omissions of Defendants constitute numerous
10 and multiple knowing and/or willful violations of the TCPA, including but not
11 limited to each and every one of the above cited provisions of *47 U.S.C. § 227(c)*,
12 in particular *47 U.S.C. § 227 (c)(5)*.

13 37. As a result of Defendants' knowing and/or willful violations of *47*
14 *U.S.C. § 227(c)*, Plaintiff is entitled an award of \$1,500.00 in statutory damages,
15 for each and every violation, pursuant to *47 U.S.C. § 227(c)(5)*.

16 38. Plaintiff is also entitled to and seeks injunctive relief prohibiting such
17 conduct in the future.

18
19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff respectfully prays that judgment be entered
21 against the Defendants for the following:

22
23 **FIRST CAUSE OF ACTION**

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

25 **47 U.S.C. §227(b)**

- 26
27
28
 - As a result of Defendant's negligent violations of *47 U.S.C.*

§227(b)(1), Plaintiff is entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B).

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

SECOND CAUSE OF ACTION

Knowing and/or Willful Violations of the Telephone Consumer Protection Act 47 U.S.C. §227(b)

- As a result of Defendants' willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff is entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).
- Any and all other relief that the Court deems just and proper.

THIRD CAUSE OF ACTION

Negligent Violations of the Telephone Consumer Protection Act 47 U.S.C. §227(c)

- As a result of Defendants' negligent violations of 47 U.S.C. §227(c)(5), Plaintiff is entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(c)(5).
- Any and all other relief that the Court deems just and proper.

FOURTH CAUSE OF ACTION

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

47 U.S.C. §227(c)

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(c)(5), Plaintiff is entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(c)(5).
- Any and all other relief that the Court deems just and proper.

39. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully submitted this 30th Day of January, 2025.

By: s/Todd M. Friedman
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