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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

RHONDA CLIFFORD,)
) **Case No.:**
 Plaintiff,)
) **4:21-cv-744**
 v.)
) **COMPLAINT AND DEMAND**
 NATIONAL REPUBLICAN) **FOR JURY TRIAL**
 SENATORIAL COMMITTEE,)
)
 Defendant.)

COMPLAINT

RHONDA CLIFFORD (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against NATIONAL REPUBLICAN SENATORIAL COMMITTEE (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant conducts business in the State of Texas and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Conroe, TX 77301.

COUNT I
Defendants Violated the TCPA 47 U.S.C. § 227(b)

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2 20. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at
3 length herein.

4 21. The TCPA prohibits placing calls or text messages using an automatic telephone
5 dialing system or automatically generated or prerecorded voice to a cellular telephone except
6 where the caller has the prior express consent of the called party to make such calls or where the
7 call is made for emergency purposes. 47 U.S.C. § 227(b)(1)(A)(iii).

8 22. Defendant initiated multiple text messages to Plaintiff's cellular telephone
9 number using an automatic telephone dialing system.

10 23. Defendant's texts were not made for "emergency purposes."

11 24. Defendant's texts to Plaintiff's cellular telephones without any prior express
12 consent.

13 23. Defendant contacted Plaintiff despite the fact that Plaintiff has been on the Do
14 Not Call Registry.

15 24. Defendant's acts as described above were done with malicious, intentional,
16 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
17 purpose of harassing Plaintiff.

18 25. The acts and/or omissions of Defendant were done unfairly, unlawfully,
19 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense,
20 legal justification or legal excuse.

21 26. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
22 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles
23 damages.
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COUNT II
Defendant Violated the TCPA 47 U.S.C. § 227(C)

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2 27. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at
3 length herein.

4 28. The TCPA prohibits any person or entity of initiating any telephone solicitation to
5 a residential telephone subscriber who has registered his or her telephone number on the National
6 Do-Not-Call Registry of persons who do not wish to receive telephone solicitations that is
7 maintained by the Federal Government. 47 U.S.C. § 227(c).

8
9 29. Defendant contacted Plaintiff despite the fact that Plaintiff has been on the Do
10 Not Call Registry since June 2004.

11 30. Defendant's acts as described above were done with malicious, intentional,
12 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
13 purpose of harassing Plaintiff.

14 31. The acts and/or omissions of Defendant were done unfairly, unlawfully,
15 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense,
16 legal justification or legal excuse.

17 32. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
18 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles
19 damages.
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RESPECTFULLY SUBMITTED,

DATED: 03/01/2021

By: /s/ Amy L. Bennecoff Ginsburg
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