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8 *Attorney for Plaintiff*
9 and the Putative Class

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 ILYA NEPOMNISHY, individually and on
14 behalf of all others similarly situated,

15 Plaintiff,

16 v.

17 EXP REALTY OF CALIFORNIA, INC., and
18 ANGAD BHULLAR,

19 Defendants.

Case No.: _____

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

20 **CLASS ACTION COMPLAINT**

21 1. Plaintiff ILYA NEPOMNISHY (“Plaintiff”) brings this Class Action Complaint and
22 Demand for Jury Trial against Defendant EXP REALTY OF CALIFORNIA, INC., (“Exp Realty”) and
23 ANGAD BHULLAR (“Mr. Bhullar” together, “Defendants”) to stop their illegal practice of sending
24 telemarketing text messages to the telephones of consumers whose phone numbers are registered on the
25 federal Do Not Call registry, and to obtain redress for all persons injured by their conduct.

26 **NATURE OF THE ACTION**

27 2. Defendants are residential real estate brokers and agents. Mr. Bhullar solicited the
28 Plaintiff with illegal text messages on behalf of himself and Exp Realty. With Exp’s knowledge, Mr.

1 Bhullar sent thousands of text messages to phones whose phone numbers were registered on the Federal
2 Do Not Call registry.

3 3. Defendants had not received consent prior to sending these text messages and, therefore,
4 are in violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

5 4. The TCPA is a remedial statute that was passed to protect consumers from unwanted
6 telemarketing. *See* S. Rep. 102-178, at 1, 5 (1991).

7 5. Congress enacted the TCPA in 1991 to restrict telemarketing equipment that could target
8 millions of consumers *en masse*.

9 6. Congress found that these calls were not only a nuisance and an invasion of privacy to
10 consumers specifically but were also a threat to interstate commerce generally. *See* S. Rep. No. 102-
11 178, at 2-3 (1991).

12 7. Despite such strong legislation passed almost 30 years ago, the same problem persists.

13 8. To illustrate the scale of the problem facing America, it is estimated that there were over
14 47 billion robocalls placed in 2018, and 29 billion placed in just the first half of 2019.

15 9. Robocallers repeatedly and blatantly violate federal law with impunity because their calls
16 are made anonymously. They are so hard to track down that they are rarely caught, so robocall volumes
17 have continued to rise.

18 10. The TCPA targets unauthorized telemarketing exactly like that alleged in this case.

19 11. By sending the text messages at issue, Defendants ignored the privacy and statutory
20 rights of Plaintiff and the Class.

21 12. Plaintiff therefore seeks an injunction requiring Defendants to stop illegal telemarketing,
22 as well as an award of actual and statutory damages to the Class members, together with costs and
23 reasonable attorneys’ fees.

PARTIES

13. Plaintiff Ilya Nepomnishy is a natural person and is a citizen of San Jose, California.

14. Defendant exp Realty of California, Inc. is a corporation organized and existing under the laws of the State of Washington with its principal place of business at 2219 Rimland Drive, Ste. 301, Bellingham, WA 98226.

15. This Court has federal subject matter jurisdiction under 28 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C. § 227, which is a federal statute.

16. This Court has personal specific jurisdiction over Defendants because Defendants targeted consumers with their advertisements in California, including to Plaintiff, who resides in Santa Clara County, California. Defendants’ marketing towards residents of California is the subject of this dispute from which this lawsuit arises.

17. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because the conduct giving rise to this case, text messages placed to residents of California, substantially occurred in this District.

DIVISIONAL ASSIGNMENT

18. Pursuant to Civil L.R. 3-2(c) and 3-5(b), this action should be assigned under Civil L.R. 3-2(c) and (d) to the San Jose division because it arose in Santa Clara County, CA.

COMMON FACTUAL ALLEGATIONS

19. Defendant Exp Realty is a retail real estate brokerage.

20. Defendant Bhullar is a real estate agent for Exp Realty.

21. To increase their sales, with Exp Realty’s knowledge, Bhullar amassed a list of thousands of phone numbers said to represent property owners, and then sent text messages to thousands of these phone numbers.

1 22. Defendants did not obtain consent from Plaintiff and the Class as required prior to
2 deploying these prohibited messages.

3 **FACTS SPECIFIC TO PLAINTIFF**

4 23. On September 9, 2025, Plaintiff received two text messages from Bhullar on Plaintiff's
5 cell phone ending in 9409. The texts were soliciting Defendants' services. On September 14, 2025,
6 Plaintiff received another text message from Bhullar on behalf of Exp.
7

8 24. Plaintiff never consented to receive text messages from Defendants. Plaintiff had no
9 relationship with Defendants and had never requested that Defendants contact Plaintiff in any manner.

10 25. Exp Realty knew about Bhullar sending text messages, because of complaints received,
11 and audits performed, and could have objected to them, but failed to do so because they desired the
12 increased business.

13 26. In addition to causing statutory damages, these illegal texts caused annoyance, intrusion
14 on privacy and seclusion, and wasted time to Plaintiff.
15

16 **CLASS ALLEGATIONS**

17 47. **Class Definition:** Plaintiff brings this action pursuant to Federal Rule of Civil Procedure
18 23(b)(2) and/or 23(b)(3) on behalf of Plaintiff and a class and subclass defined as follows:

19 **TCPA Class.** All persons in the United States who: (1) from the last 4 years to
20 the filing of this complaint (2) Defendants sent at least one text message;

21 48. The following people are excluded from the Class: (1) any Judge or Magistrate presiding
22 over this action and members of their families; (2) Defendants, Defendants' subsidiaries, parents,
23 successors, predecessors, and any entity in which the Defendants or their parents have a controlling
24 interest and its current or former employees, officers and directors; (3) persons who properly execute and
25 file a timely request for exclusion from the Class; (4) persons whose claims in this matter have been finally
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1 adjudicated on the merits or otherwise released; (5) Plaintiff’s counsel and Defendants’ counsel; and (6)
2 the legal representatives, successors, and assigns of any such excluded persons.

3 49. **Numerosity:** The exact number of the Class members is unknown and not available to
4 Plaintiff, but it is clear that individual joinder is impracticable. On information and belief, Defendants
5 placed telephone calls to thousands of consumers who fall into the definition of the Class. Members of the
6 Class can be identified through Defendants’ records.

7
8 50. **Typicality:** Plaintiff’s claims are typical of the claims of other members of the Class, in
9 that Plaintiff and the Class members sustained damages arising out of Defendants’ uniform wrongful
10 conduct and unsolicited telephone calls.

11 51. **Adequate Representation:** Plaintiff will fairly and adequately represent and protect the
12 interests of the other members of the Class. Plaintiff’s claims are made in a representative capacity on
13 behalf of the other members of the Class. Plaintiff has no interests antagonistic to the interests of the other
14 members of the proposed Class and is subject to no unique defenses. Plaintiff has retained competent
15 counsel to prosecute the case on behalf of Plaintiff and the proposed Class. Plaintiff and Plaintiff’s counsel
16 are committed to vigorously prosecuting this action on behalf of the members of the Class and have the
17 financial resources to do so.

18
19 52. **Policies Generally Applicable to the Class:** This class action is appropriate for
20 certification because Defendants have acted or refused to act on grounds generally applicable to the Class
21 as a whole, thereby requiring the Court’s imposition of uniform relief to ensure compatible standards of
22 conduct toward the Class members and making final injunctive relief appropriate with respect to the Class
23 as a whole. Defendants’ practices challenged herein apply to and affect the Class members uniformly, and
24 Plaintiff’s challenge of those practices hinge on Defendants’ conduct with respect to the Class as a whole,
25 not on facts or law applicable only to Plaintiff.
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28

1 53. **Commonality and Predominance:** There are many questions of law and fact common to
2 the claims of Plaintiff and the Class, and those questions predominate over any questions that may affect
3 individual members of the Class. Common questions for the Class include, but are not necessarily limited
4 to the following:

- 5 i. Whether Defendants solicited phone numbers registered on the Do Not Call Registry;
- 6 ii. Whether Defendants' conduct was *willing* and/or *knowing*;
- 7 iii. Whether Defendants obtained express written consent prior to contacting Plaintiff and the
8 members of the Class;
- 9 iv. Whether members of the Class are entitled to treble damages based on the knowingness or
10 willfulness of Defendants' conduct.

11 54. **Superiority:** This case is also appropriate for class certification because class proceedings
12 are superior to all other available methods for the fair and efficient adjudication of this controversy as
13 joinder of all parties is impracticable. The damages suffered by the individual members of the Class will
14 likely be relatively small, especially given the burden and expense of individual prosecution of the
15 complex litigation necessitated by Defendants' actions. Thus, it would be virtually impossible for the
16 individual members of the Class to obtain effective relief from Defendants' misconduct. Even if members
17 of the Class could sustain such individual litigation, it would still not be preferable to a class action,
18 because individual litigation would increase the delay and expense to all parties due to the complex legal
19 and factual controversies presented in this Complaint. By contrast, a class action presents far fewer
20 management difficulties and provides the benefits of single adjudication, economy of scale, and
21 comprehensive supervision by a single Court. Economies of time, effort and expense will be fostered, and
22 uniformity of decisions ensured.

CAUSE OF ACTION
Violation of 47 U.S.C. § 227(c)
Do Not Call Provision
(On behalf of Plaintiff and the DNC Class)

55. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

56. The telephone numbers of Plaintiff and the DNC Class are registered on the Do Not Call Registry.

57. Defendants called Plaintiff's and the Class members' DNC-registered telephones without having their prior written consent to do so.

58. The foregoing acts and omissions of Defendant and/or their agents constitute multiple violations of the TCPA, 47 U.S.C. § 227(c), by making telemarketing solicitations to residential and wireless telephone numbers listed on the Federal Government's National Do Not Call Registry. 47 C.F.R. § 64.1200(c)(2).

59. Defendant's texts were made for a commercial purpose.

60. Plaintiff is entitled to an award of at least \$500 in damages for each such violation. 47 U.S.C. § 227(c)(5)(B).

61. Plaintiff is entitled to an award of up to \$1,500 in damages for each such knowing or willful violation. 47 U.S.C. § 227(c)(5).

62. Plaintiff also seeks a permanent injunction prohibiting Defendant and their agents from making telemarketing solicitations to residential and wireless telephone numbers listed on the Federal Do Not Call Registry.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the Class, prays for the following relief:

A. An order certifying the Class as defined above, appointing Plaintiff as the Class representative and appointing Plaintiff's counsel as Class Counsel;

- 1 B. An order declaring that Defendants’ actions, as set out above, violate the 227(c) of the
2 TCPA;
3 C. An injunction requiring Defendants to cease all unlawful calls without first obtaining the
4 call recipient’s express written consent to receive such calls, and otherwise protecting
5 interests of the Class;
6 D. An award of damages, including punitive damages, and costs; and
7 E. Such other and further relief that the Court deems reasonable and just.
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9 **JURY DEMAND**

10 Pursuant to Fed. R. Civ. P. 38(b) and Civil L.R. 3-6(a), Plaintiff requests a trial by jury of all
11 claims that can be so tried.
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13 Dated: October 20, 2025

Respectfully submitted,

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