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

10 **Case No.:**

11 **GEORGE HEAD,**
12 *individually and on behalf of all*
13 *others similarly situated,*

CLASS ACTION

14 Plaintiff,

JURY TRIAL DEMANDED

15 **v.**

16 **NATIONAL BASKETBALL ASSOCIATION INC.**

17 Defendant.
18 _____ /

19 **CLASS ACTION COMPLAINT**

20 Plaintiff George Head (“Plaintiff”) brings this class action against National Basketball
21 Association Inc. (“Defendant”) and alleges as follows upon personal knowledge as to Plaintiff
22 and Plaintiff’s own acts and experiences, and, as to all other matters, upon information and
23 belief, including investigation conducted by Plaintiff’s attorneys.

24 **PRELIMINARY STATEMENT**

25 1. Telemarketing calls are intrusive. A great many people object to these calls, which
26 interfere with their lives, tie up their phone lines, and cause confusion and disruption on phone
27 records. Faced with growing public criticism of abusive telephone marketing practices, Congress
28

1 enacted the Telephone Consumer Protection Act of 1991. Pub. L. No. 102-243, 105 Stat. 2394 (1991)
2 (codified at 47 U.S.C. § 227) (the “TCPA”). As Congress explained, the law was a response to
3 Americans ‘outraged over the proliferation of intrusive, nuisance calls to their homes from
4 telemarketers’ *id.* § 2(6), and sought to strike a balance between ‘[i]ndividuals’ privacy rights, public
5 safety interests, and commercial freedoms’ *id.* § 2(9).
6

7 2. The TCPA affords special protections for people who, like Plaintiff, request to be
8 placed on a company’s internal do not call list. Specifically, the TCPA provides that each person
9 who receives more than one call on their cell phone after requesting to be placed on the company’s
10 internal do not call list is entitled to recover a penalty of up to \$500 per call, and up to \$1,500 per call
11 if the TCPA is willfully or knowingly violated.
12

13 3. The problem with receiving unwanted telemarketing communications is a problem
14 that most people in this country, like Plaintiff, frequently face. For example, in 2024 alone,
15 approximately 52.8 billion robocalls were placed in the United States. RobocallIndex.com, YouMail
16 Robocall Index, <https://robocallindex.com/history/time> (last visited January 6, 2025). The private
17 right of enforcement of the TCPA is critical to stopping the proliferation of these unwanted
18 telemarketing calls. For example, while the Federal Communications Commission levied over \$200
19 million in penalties against telemarketers between 2015 and 2018, it collected less than \$7,000 of
20 that amount. *See Sarah Krouse, The FCC Has Fined Robocallers \$208 Million. It’s Collected \$6,790,*
21 *THE WALL STREET JOURNAL*, March 28, 2019, [https://www.wsj.com/articles/the-fcc-has-fined-](https://www.wsj.com/articles/the-fcc-has-fined-robocallers-208-million-its-collected-6-790)
22 [robocallers-208-million-its-collected-6-790](https://www.wsj.com/articles/the-fcc-has-fined-robocallers-208-million-its-collected-6-790) 11553770803.
23
24

25 NATURE OF THE CLAIM

26 4. This is a putative class action brought pursuant to the TCPA.
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1 5. To promote its goods, services, and/or properties, Defendant engages in unsolicited
2 text messaging and continues to text message consumers after they have opted out of Defendant's
3 solicitations. Defendant also engages in telemarketing without the required policies and procedures,
4 and training of its personnel engaged in telemarketing.
5

6 6. Through this action, Plaintiff seeks injunctive relief to halt Defendant's unlawful
7 conduct, which has resulted in the intrusion upon seclusion, invasion of privacy, harassment,
8 aggravation, and disruption of the daily life of Plaintiff and members of the Class. Plaintiff also seeks
9 statutory damages on behalf of Plaintiff and members of the Class, and any other available legal or
10 equitable remedies.
11

12 **JURISDICTION AND VENUE**

13 7. This Court has federal question subject matter jurisdiction over this action pursuant
14 to 28 U.S.C. § 1331, as the action arises under the TCPA.
15

16 8. The Court has personal jurisdiction over Defendant and venue is proper in this
17 District because Defendant directs, markets, and provides its business activities to this District, and
18 because Defendant's unauthorized marketing scheme was directed by Defendant to consumers in
19 this District. Additionally, Plaintiff's telephone number has an area code that specifically coincides
20 with locations in California.
21

22 **PARTIES**

23 9. Plaintiff is a natural person entitled to bring this action under the TCPA, and a citizen
24 and resident of Orange County, California.

25 10. Defendant is a Corporation with its headquarters located in New York, New York.
26
27
28

1 11. Unless otherwise indicated, the use of Defendant’s name in this Complaint includes
2 all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees,
3 sureties, subrogees, representatives, vendors, and insurers of Defendant.
4

5 **FACTS**

6 12. On or about November 29, 2025, Plaintiff requested to opt-out of Defendant’s text
7 messages by replying with a stop instruction.

8 13. Defendant ignored Plaintiff’s request and continued text messaging Plaintiff,
9 including, but not limited to, on or about December 15, 2025.
10

11 14. Overall, Defendant sent Plaintiff more than one marketing text message after
12 Plaintiff’s initial stop request.

13 15. The purpose of Defendant’s text messages was to solicit the sale of consumer goods,
14 services, and/or properties.
15

16 16. The purpose of Defendant’s text messages was to advertise, promote, and/or market
17 Defendant’s goods, services, and/or properties.

18 17. As demonstrated by Defendant’s failure to honor Plaintiff’s opt-out requests,
19 Defendant does not honor consumer requests to opt-out of text message solicitations. Indeed, Plaintiff
20 attempted to opt-out of Defendant’s text message solicitations by telling Defendant not to contact
21 them anymore, but Defendant continued to text message Plaintiff.
22

23 18. Defendant’s refusal to honor Plaintiff’s opt-out requests demonstrates that Defendant
24 has not instituted procedures for maintaining a list of persons who request not to receive text
25 messages from Defendant. The precise details regarding its lack of requisite policies and procedures
26 are solely within Defendant’s knowledge and control.
27
28

1 19. Defendant's refusal to honor Plaintiff's opt-out requests demonstrates that Defendant
2 does not provide training to its personnel engaged in telemarketing. The precise details regarding its
3 lack of training are solely within Defendant's knowledge and control.
4

5 20. Defendant's refusal to honor Plaintiff's opt-out requests demonstrates that Defendant
6 does not maintain a standalone do-not-call list. The precise details regarding its lack of training are
7 solely within Defendant's knowledge and control.

8 21. Defendant did not maintain the required procedures for handling and processing opt-
9 out requests prior to the initiation of the violative text messages it sent to Plaintiff as reflected by the
10 fact that Plaintiff made multiple opt-out requests and those requests were never processed; the
11 requests were ignored by Defendant and its employees and Defendant continued to send text
12 messages.
13

14 22. Defendant sent at least two solicitations after Plaintiff's first opt-out request.

15 23. Plaintiff is the regular user of the telephone number that received the above text
16 message solicitations.
17

18 24. Plaintiff utilizes the cellular telephone that received Defendant's texts messages for
19 personal purposes and the number is Plaintiff's residential telephone line.

20 25. Upon information and belief, Defendant has access to outbound transmission reports
21 for all text messages sent advertising/promoting its services and goods. These reports show the dates,
22 times, target telephone numbers, and content of each message sent to Plaintiff and the Class
23 members. Defendant also has access to text message logs showing Plaintiff's and the Class members'
24 inbound opt-out requests.
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1 26. Defendant’s text messages caused Plaintiff and the Class members harm, including
2 statutory damages, inconvenience, invasion of privacy, aggravation, annoyance, and violation of
3 their statutory privacy rights.
4

5 **CLASS ALLEGATIONS**

6 **PROPOSED CLASS**

7 27. Plaintiff brings this case as a class action pursuant to Fed. R. Civ. P. 23, on behalf of
8 Plaintiff and all others similarly situated.

9 28. Plaintiff brings this case on behalf of the Class defined as follows:
10

11 **All persons within the United States who, within the four**
12 **years prior to the filing of this lawsuit through the date of**
13 **class certification, received two or more text messages within**
14 **any 12-month period, from or on behalf of Defendant,**
15 **regarding Defendant’s goods, services, or properties, to said**
16 **person’s residential cellular telephone number, *after***
17 **communicating to Defendant that they did not wish to receive**
18 **text messages by replying to the messages with a “stop” or**
19 **similar opt-out instruction.**

20 29. Plaintiff reserves the right to modify the Class definitions as warranted as facts are
21 learned in further investigation and discovery.

22 30. Defendant and its employees or agents are excluded from the Class.

23 **NUMEROSITY**

24 31. Plaintiff does not know the exact number of members of the Class but is informed
25 and believes that there are at least 50 individuals that fall within the class definition given Defendant’s
26 use of automated robotexts to solicit consumers and refusal to honor stop requests. The members of
27 the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.
28

32. The exact number and identities of the members of the Class are unknown at this
time and can only be ascertained through discovery. Identification of the Class members is a matter
capable of ministerial determination from Defendant’s call records.

1 **COMMON QUESTIONS OF LAW AND FACT**

2 33. There are numerous questions of law and fact common to members of the Class
3 which predominate over any questions affecting only individual members of the Class. Among the
4 questions of law and fact common to the members of the Class are:

- 5
- 6 a. Whether Defendant sent text messages to Plaintiff and the Class members;
 - 7 b. Whether Defendant continued to send text message solicitations after opt-out
8 requests;
 - 9 c. Whether Defendant failed to honor Plaintiff's and the Class members' opt-
10 out requests;
 - 11 d. Whether Defendant implemented the requisite training of personnel under
12 section 64.1200;
 - 13 e. Whether Defendant maintains an internal do-not-call list and instructs its
14 employees on how to use the list;
 - 15 f. Whether Defendant maintains the required policies and procedures under
16 section 64.1200; and
 - 17 g. Whether Defendant is liable for damages, and the amount of such damages.

18 34. The common questions in this case are capable of having common answers, and
19 Plaintiff and the Class members will have identical claims capable of being efficiently adjudicated
20 and administered in this case.

21 **TYPICALITY**

22 35. Plaintiff's claims are typical of the claims of the Class members, as they are all
23 based on the same factual and legal theories.

24 **PROTECTING THE INTERESTS OF THE CLASS MEMBERS**

25 36. Plaintiff is a representative who will fully and adequately assert and protect the
26 interests of the Class and has retained competent counsel. Accordingly, Plaintiff is an adequate
27 representative and will fairly and adequately protect the interests of the Class.
28

1 telemarketing purposes must have a written policy, available
2 upon demand, for maintaining a do-not-call list.

3 (2) *Training of personnel engaged in telemarketing.* Personnel
4 engaged in any aspect of telemarketing must be informed and
5 trained in the existence and use of the do-not-call list.

6 (3) Recording, disclosure of do-not-call requests. If a person or entity
7 making an artificial or prerecorded-voice telephone call pursuant to
8 an exemption under paragraphs (a)(3)(ii) through (v) of this section
9 or any call for telemarketing purposes (or on whose behalf such a call
10 is made) receives a request from a residential telephone subscriber
11 not to receive calls from that person or entity, the person or entity
12 must record the request and place the subscriber's name, if provided,
13 and telephone number on the do-not-call list at the time the request
14 is made. Persons or entities making such calls (or on whose behalf
15 such calls are made) must honor a residential subscriber's do-not-call
16 request within a reasonable time from the date such request is made.
17 This period may not exceed ten (10) business days from the receipt
18 of such request. If such requests are recorded or maintained by a
19 party other than the person or entity on whose behalf the call is made,
20 the person or entity on whose behalf the call is made will be liable
21 for any failures to honor the do-not-call request. A person or entity
22 making an artificial or prerecorded-voice telephone call pursuant to
23 an exemption under paragraphs (a)(3)(ii) through (v) or any call for
24 telemarketing purposes must obtain a consumer's prior express
25 permission to share or forward the consumer's request not to be
26 called to a party other than the person or entity on whose behalf a call
27 is made or an affiliated entity.
28

41. Under 47 C.F.R § 64.1200(e), the rules set forth in 47 C.F.R. § 64.1200(d) are
applicable to any person or entity making telephone solicitations or telemarketing calls to wireless
telephone numbers.

42. Plaintiff and the Class Members are residential telephone subscribers who received
more than one text message made for purposes of telemarketing or solicitation purposes from
Defendant, who has failed to implement the requisite procedures and personnel training as
demonstrated by its failure to honor opt-out requests.

1 43. Plaintiff and the Class members made requests to Defendant not to receive texts from
2 Defendant.

3 44. Plaintiff and the Class Members revoked any consent they may have provided
4 Defendant by responding with “stop” or similar opt-out instructions.
5

6 45. Defendant continued to text message Plaintiff and the Class Members to harass them
7 into making purchases from Defendant.

8 46. Defendant failed to honor Plaintiff’s and the Class members’ opt-out requests.

9 47. Defendant’s refusal to honor opt-out requests is indicative of Defendant’s failure to
10 implement a written policy for maintaining a do-not-call list and to train its personnel engaged in
11 telemarketing on the existence and use of the do-not-call-list.
12

13 48. Plaintiff and the Class members are informed and believe that Defendant has not
14 instituted procedures for maintaining a list of persons who request not to receive telemarketing
15 calls or text messages.
16

17 49. Plaintiff and the Class members are informed and believe that Defendant does not
18 have a written policy, available upon demand, for maintaining a do-not-call list.

19 50. Plaintiff and the Class members are informed and believe that Defendant does not
20 train its personnel engaged in any aspect of telemarketing in the existence and use of the do-not-
21 call list.
22

23 51. The details and specific facts regarding Defendant’s failure to maintain the
24 required policies and procedures, as well as personnel training, are solely within Defendant’s
25 knowledge and possession.
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1 52. Defendant has violated 47 C.F.R. § 64.1200(d) by failing to honor opt-out requests,
2 failing to maintain the required policies and procedures, and failing to train its personnel engaged in
3 telemarketing.

4 53. Pursuant to section 227(c)(5) of the TCPA, Plaintiff and the Class members are
5 entitled to an award of \$500.00 in statutory damages for each and every negligent violation.
6

7 54. Pursuant to section 227(c)(5) of the TCPA, Plaintiff and the Class members are
8 entitled to an award of \$1,500.00 in statutory damages for each and every knowing or willful
9 violation.
10

11 **PRAYER FOR RELIEF**

12
13 **WHEREFORE**, Plaintiff, individually and on behalf of the Class, prays for the following
14 relief:

- 15 a) An order certifying this case as a class action on behalf of the Class as defined above,
16 and appointing Plaintiff as the representative of the Class and Plaintiff's counsel as
17 Class Counsel;
18 b) An award of statutory damages for Plaintiff and each member of the Class as
19 applicable under the TCPA;
20 c) An order declaring that Defendant's actions, as set out above, violate the TCPA;
21 d) An injunction requiring Defendant to comply with 47 C.F.R. § 64.1200(d) by (1)
22 maintaining the required written policies; (2) providing training to their personnel
23 engaged in telemarketing; and (3) maintaining a do-not-call list; and
24 e) Such further and other relief as the Court deems necessary.

25 **JURY DEMAND**

26 Plaintiff hereby demands a trial by jury.
27
28

