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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 EASTERN DIVISION

11 VANESSA CAMACHO, individually and on behalf of all others similarly situated,	}	<b>CASE NO.</b>	
12 Plaintiff,		}	<b><u>CLASS ACTION COMPLAINT</u></b>
13 v.	}		<b><u>JURY TRIAL DEMANDED</u></b>
14 HYDROPONICS, INC.,			
15 Defendant.	}		
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17			

18 Plaintiff, Vanessa Camacho (hereinafter “Plaintiff”), brings this class action  
19 under Rule 23 of the Federal Rules of Civil Procedure against Hydroponics, Inc.  
20 (“Hydroponics” or “Defendant”) for its violations of the Telephone Consumer  
21 Protection Act, 47 U.S.C. § 227 (hereinafter “the TCPA”), and the regulations  
22 promulgated thereunder. In support, Plaintiff alleges as follows:

23 **PRELIMINARY STATEMENT**

24 1. Plaintiff brings this Class Action Complaint for damages, injunctive relief,  
25 and any other available legal or equitable remedies, resulting from the illegal actions  
26 of Defendant in negligently or willfully contacting Plaintiff on Plaintiff’s cellular  
27 telephone, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227  
28

1 (“TCPA”), thereby invading Plaintiff’s privacy. Plaintiff alleges as follows upon  
2 personal knowledge as to herself and her own acts and experiences, and, as to all  
3 other matters, upon information and belief, including investigation conducted by her  
4 attorneys.

5 2. “Month after month, unwanted robocalls and texts, both telemarketing and  
6 informational, top the list of consumer complaints received by the [FCC].”<sup>1</sup> The  
7 TCPA is designed to protect consumer privacy by, among other things, prohibiting  
8 the making of autodialed or prerecorded-voice calls to cell phone numbers and  
9 failing to institute appropriate do-not-call procedures. 47 U.S.C. § 227(b)(1)(A)(iii);  
10 47 C.F.R. § 64.1200(d).

11 3. The TCPA was designed to prevent calls like the ones described within  
12 this complaint, and to protect the privacy of citizens like Plaintiff. “Voluminous  
13 consumer complaints about abuses of telephone technology – for example,  
14 computerized calls dispatched to private homes – prompted Congress to pass the  
15 TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).

16 4. Additionally, the FCC has explicitly stated that the TCPA’s prohibition on  
17 automatic telephone dialing systems “encompasses both voice calls and text calls to  
18 wireless numbers including, for example, short message service (SMS) calls.”  
19 U.S.C.A. Const. Amend. 5; Telephone Consumer Protection Act of 1991, § 3(a), 47  
20 U.S.C. § 227(b)(1)(A)(iii). *Kramer v. Autobyte, Inc.*, 759 F. Supp. 2d 1165 (N.D.  
21 Cal. 2010).

22 5. In enacting the TCPA, Congress intended to give consumers a choice as to  
23 how creditors and telemarketers may call them and made specific findings that  
24 “[t]echnologies that might allow consumers to avoid receiving such calls are not  
25 universally available, are costly, are unlikely to be enforced, or place an inordinate  
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27  
28 <sup>1</sup> *In re Rules & Regs. Implementing the TCPA*, 30 FCC Rcd. 7961, ¶ 1 (2015).

1 burden on the consumer. TCPA, Pub.L. No. 102–243, § 11. Toward this end,  
2 Congress found that:

3 [b]anning such automated or prerecorded telephone calls to the home,  
4 except when the receiving party consents to receiving the call or when  
5 such calls are necessary in an emergency situation affecting the health  
6 and safety of the consumer, is the only effective means of protecting  
telephone consumers from this nuisance and privacy invasion.

7 *Id.* at § 12; *see also Martin v. Leading Edge Recovery Solutions, LLC*, 2012  
8 WL 3292838, at \*4 (N.D. Ill. Aug. 10, 2012) (citing Congressional findings on  
9 TCPA’s purpose).

10 6. In an action under the TCPA, a plaintiff must only show that the defendant  
11 “called a number assigned to a cellular telephone service using an automatic dialing  
12 system or prerecorded voice.” *Breslow v. Wells Fargo Bank, N.A.*, 857 F. Supp. 2d  
13 1316, 1319 (S.D. Fla. 2012), *aff’d*, 755 F.3d 1265 (11th Cir. 2014).

#### 14 **JURISDICTION AND VENUE**

15 7. This Court has federal question subject matter jurisdiction pursuant to 28  
16 U.S.C. § 1331 and 47 U.S.C. § 227.

17 8. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2),  
18 because a substantial part of the events or omissions giving rise to the claims in this  
19 case occurred in this District, including Defendant’s transmission of the unlawful  
20 and unwanted calls to Plaintiff.

21 9. The Court has personal jurisdiction over Defendant because it conducts  
22 business in this state, markets its services within this state, and has availed itself to  
23 the jurisdiction of this state by placing calls to Plaintiff and Class Members in and  
24 from this state.

#### 25 **PARTIES**

26 10. Plaintiff’s domicile is in Riverside, California.  
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11. Defendant is a California Profit Corporation and citizen of the state of California, listing its principal address at 17 Corporate Plaza, Newport Beach, CA 92660. Hydroponics is also registered in the state of California.

12. Defendant promotes and markets its services by calling wireless telephone users in violation of the TPCA.

13. Defendant, directly or through other persons, entities or agents acting on its behalf, conspired to, agreed to, contributed to, authorized, assisted with, and/or otherwise caused all of the wrongful acts and omissions, including the dissemination of the unsolicited calls that are the subject matter of this Complaint.

**FACTUAL ALLEGATIONS**

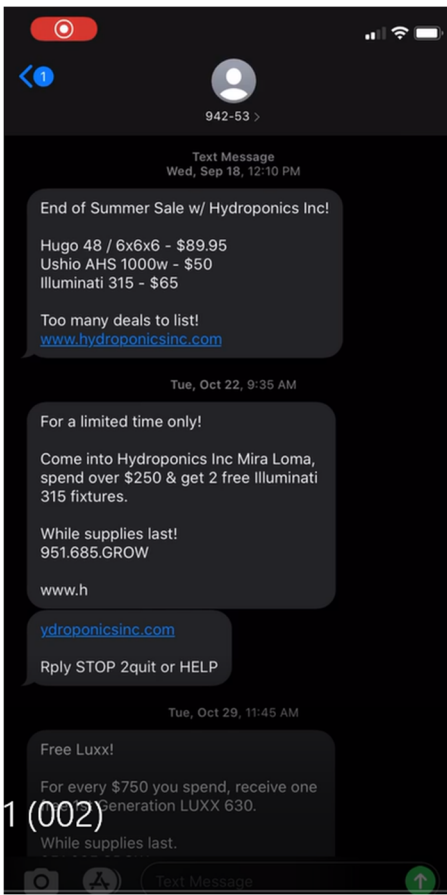
14. At all times relevant, Plaintiff, and at all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153 (39).

15. Defendant is a citizen of the State of California, and at all times mentioned herein was, a corporation and “persons,” as defined by 47 U.S.C. § 153(39).

16. At all times relevant Defendant conducted business in the State of California in Orange County, within this judicial district.

17. Defendant utilizes automated telemarketing text messages to market and advertise Defendant’s business and services, including at least three (3) messages to Plaintiff, from September 18, 2019 to October 29, 2019, attached below:

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18. The text messages were transmitted to Plaintiff’s 3760 Number, and within the time period that is relevant to this action.

19. At no time did Plaintiff provide Plaintiff’s cellular number to Defendant through any medium, nor did Plaintiff consent to receive such unsolicited text messages.

20. Plaintiff has never signed-up for, and has never used, Defendant’s services, and has never had any form of business relationship with Defendant.

21. Plaintiff is the subscriber and sole user of the 3760 Number and is financially responsible for phone service to the 3760 Number, including the cellular costs and data usage incurred as a result of the unlawful text messages made to Plaintiff by Defendant.

22. Through the unsolicited messages, Defendant contacted Plaintiff on Plaintiff’s cellular telephone regarding an unsolicited service via an “automatic

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