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9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11 PETER MORRIS, individually and on  
12 behalf of all others similarly situated,

13 Plaintiff,

14 v.

15 SPORE LIFE SCIENCES US INC., and  
16 DOES 1 through 10, inclusive, and each  
17 of them,

18 Defendant(s).

Case No.: 5:22-cv-00263

**CLASS ACTION**

**COMPLAINT FOR VIOLATIONS  
OF:**

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

**JURY TRIAL DEMANDED**

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1 PETER MORRIS (“Plaintiff”), individually and on behalf of all others similarly  
2 situated, alleges the following upon information and belief based upon personal  
3 knowledge

4 **NATURE OF THE CASE**

5 1. Plaintiff brings this action individually and on behalf of all others  
6 similarly situated seeking damages and any other available legal or equitable remedies  
7 resulting from the illegal actions of SPORE LIFE SCIENCES US INC. (“Defendant”),  
8 in negligently, knowingly, and/or willfully contacting Plaintiff on Plaintiff’s cellular  
9 telephone in violation of the Telephone Consumer Protection Act, 47. U.S.C. § 227 et  
10 seq. (“TCPA”) and related regulations, thereby invading Plaintiff’s privacy.

11 **JURISDICTION AND VENUE**

12 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff, a  
13 resident of California, seeks relief on behalf of a Class, which will result in at least one  
14 class member belonging to a different state than that of Defendant, a company with its  
15 principal place of business in the State of Delaware, and incorporated in the state of  
16 Delaware. Plaintiff also seeks up to \$1,500.00 in damages for each call in violation of  
17 the TCPA, which, when aggregated among a proposed class in the thousands, exceeds  
18 the \$5,000,000.00 threshold for federal court jurisdiction. Therefore, both diversity  
19 jurisdiction and the damages threshold under the Class Action Fairness Act of 2005  
20 (“CAFA”) are present, and this Court has jurisdiction. The Court further has  
21 jurisdiction as Plaintiff seeks redress under Federal Statutes of the United States of  
22 America.

23 3. Venue is proper in the United States District Court for the Central District  
24 of California pursuant to 18 U.S.C. 1391(b) and 18 U.S.C. § 1441(a) because  
25 Defendant does business within the State of California and Plaintiff resides within the  
26 County of Riverside.

27 **PARTIES**

28 4. Plaintiff is a natural person residing in California and is a “person” as

1 defined by 47 U.S.C. § 153 (39).

2 5. Defendant is an herbal medicine company selling and soliciting herbal  
3 medicine aimed at consumers and is a “person” as defined by 47 U.S.C. § 153 (39).

4 6. The named Defendant, and its subsidiaries and agents, are collectively  
5 referred to as “Defendants.” The true names and capacities of the Defendants sued  
6 herein as DOE DEFENDANTS 1 through 10, inclusive, are currently unknown to  
7 Plaintiff, who therefore sues such Defendants by fictitious names. Each of the  
8 Defendants designated herein as a DOE is legally responsible for the unlawful acts  
9 alleged herein. Plaintiff will seek leave of Court to amend the Complaint to reflect the  
10 true names and capacities of the DOE Defendants when such identities become known.

11 7. Plaintiff is informed and believes that at all relevant times, each and every  
12 Defendant was acting as an agent and/or employee of each of the other Defendants and  
13 was acting within the course and scope of said agency and/or employment with the full  
14 knowledge and consent of each of the other Defendants. Plaintiff is informed and  
15 believes that each of the acts and/or omissions complained of herein was made known  
16 to, and ratified by, each of the other Defendants.

17 **FACTUAL ALLEGATIONS**

18 8. Beginning in or around October 2021, Defendant contacted Plaintiff on  
19 Plaintiff’s cellular telephone number ending in 7099, in an attempt to solicit Plaintiff  
20 to purchase Defendant’s service.

21 9. Defendant utilized an “artificial or prerecorded voice” as prohibited by 47  
22 U.S.C. § 227(b)(1)(A) during its solicitation calls to Plaintiff.

23 10. When Plaintiff answered the call, or if Plaintiff did not answer the call and  
24 it went to voicemail, Defendant had various male and female voices, all prerecorded,  
25 say the same exact sales script nearly verbatim, if not verbatim.

26 11. Defendant contacted or attempted to contact Plaintiff from telephone  
27 number (916)-701-2206, and others.

28 12. Defendant’s calls constituted calls that were not for emergency purposes

1 as defined by 47 U.S.C. § 227(b)(1)(A).

2 13. Defendant's calls were placed to telephone number assigned to a cellular  
3 telephone service for which Plaintiff incurs a charge for incoming calls pursuant to 47  
4 U.S.C. § 227(b)(1).

5 14. During all relevant times, Defendant did not possess Plaintiff's "prior  
6 express consent" nor had a prior established business relationship with Plaintiff to  
7 receive calls using an artificial or prerecorded voice on her cellular telephone pursuant  
8 to 47 U.S.C. § 227(b)(1)(A).

9 15. Defendant placed multiple calls soliciting its marketing business to  
10 Plaintiff on her cellular telephone ending in 4541, at least fifteen (15) to twenty (20) in  
11 sum.

12 16. Such calls constitute solicitation calls pursuant to 47 C.F.R. §  
13 64.1200(c)(2) as they were attempts to promote or sell Defendant's services.

14 17. Plaintiff received numerous solicitation calls from Defendant within a 12-  
15 month period.

16 18. During the calls Defendant placed to Plaintiff's cellular phone,  
17 Defendant's agents identified themselves as calling from Defendant's business.

18 19. Plaintiff alleges on information and belief that Defendant employs  
19 scraping technology to collect phone numbers off of publicly listed websites, in an  
20 effort to generate sales leads. However, Defendant uses automated prerecorded voice  
21 technology to place these calls, without obtaining the prior express consent of the  
22 recipient of the call.

23 20. Defendant's automated calls are a widespread public nuisance, and have  
24 been the subject of various complaints on online forums.

25 21. Plaintiff, like the other putative class members whom she seeks to  
26 represent, has no prior established business relationship with Defendant, and has never  
27 provided Defendant with his phone number.

28

1 **CLASS ALLEGATIONS**

2 22. Plaintiff brings this action individually and on behalf of all others  
3 similarly situated, as a member the two proposed classes (hereafter, jointly, “The  
4 Classes”). The class concerning the Prerecorded Voice claims for no prior express  
5 consent (hereafter “The PRV Class”) is defined as follows:

6 All persons within the United States who received any  
7 solicitation/telemarketing telephone calls from Defendant to said  
8 person’s cellular telephone made through the use of any  
9 prerecorded voice and such person had not previously consented  
10 to receiving such calls within the four years prior to the filing of  
11 this Complaint

12 23. Plaintiff represents, and is a member of, The PRV Class, consisting of all  
13 persons within the United States who received any collection telephone calls from  
14 Defendant to said person’s cellular telephone made through the use of any artificial or  
15 prerecorded voice and such person had not previously provided their cellular telephone  
16 number to Defendant within the four years prior to the filing of this Complaint.

17 24. Defendant, its employees and agents are excluded from The Classes.  
18 Plaintiff does not know the number of members in The Classes, but believes the Classes  
19 members number in the thousands, if not more. Thus, this matter should be certified as  
20 a Class Action to assist in the expeditious litigation of the matter.

21 25. The Classes are so numerous that the individual joinder of all of its  
22 members is impractical. While the exact number and identities of The Classes members  
23 are unknown to Plaintiff at this time and can only be ascertained through appropriate  
24 discovery, Plaintiff is informed and believes and thereon alleges that The Classes  
25 includes thousands of members. Plaintiff alleges that The Classes members may be  
26 ascertained by the records maintained by Defendant.

27 26. Plaintiff and members of The PRV Class were harmed by the acts of  
28 Defendant in at least the following ways: Defendant illegally contacted Plaintiff and

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