

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ASHA BINBEK, individually, and on behalf
of all others similarly situated,

Plaintiff,

v.

DOORDASH, INC., a Delaware corporation,

Defendant.

Case No.: 1:22-cv-3729

Jury Trial Demanded

CLASS ACTION COMPLAINT

Plaintiff ASHA BINBEK (“Plaintiff”), individually, and on behalf of two classes of similarly situated individuals (the “Classes”), brings this Class Action Complaint against Defendant DOORDASH, INC. (“Defendant” or “DoorDash”), for money damages and injunctive relief arising out of Defendant’s knowing, willful, and unceasing robocalls to Plaintiff’s and members of the Classes’ wireless telephones in violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*, and Plaintiff’s and members of the Classes’ right to privacy, as follows:

NATURE OF THE ACTION

1. This is a nationwide consumer class action against DoorDash for sending unsolicited robocalls to consumers’ cellular telephone lines using prerecorded or artificial voices in violation of the TCPA, 47 U.S.C. § 227(b), and causing unwanted telephone calls to Plaintiff’s and members of the Classes’ personal telephones in violation of their right to privacy.

2. DoorDash did not obtain the prior express consent of Plaintiff or members of the Classes before sending the unsolicited robocalls that form the basis of their claims. In addition,

DoorDash repeatedly ignores and disregards requests from Plaintiff and members of the Classes to stop calling their phone numbers.

3. Plaintiff brings this lawsuit to recover damages, equitable relief—including injunctive relief—and to obtain redress on behalf of herself and members of the Classes who were and are beset by DoorDash’s unauthorized, negligent, knowing, and willful automated robocalling campaigns causing actual harm to consumers.

PARTIES, JURISDICTION, AND VENUE

4. Plaintiff is a citizen of Illinois. Plaintiff’s primary phone number is xxx-xxx-8700 (“Plaintiff’s phone number”).

5. Defendant is a Delaware corporation with its principal place of business in California.

6. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 because the action arises under the TCPA, 47 U.S.C. § 227, *et seq.* The Court has supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367.

7. The Court has specific personal jurisdiction over Defendant because Defendant directed and sent the telephone calls that form the basis of Plaintiff’s claims to Plaintiff in Illinois. Defendant does business in this District, and Defendant’s contacts with this District are sufficient to subject it to personal jurisdiction.

8. Venue is proper because a substantial part of the events and omissions underlying Plaintiff’s claims occurred in this District.

FACTUAL BACKGROUND

9. DoorDash is a food delivery service that permits individuals to order food from local restaurants and have it delivered to them by a DoorDash-affiliated courier (known as a “Dasher”).

10. As part of its business operations, DoorDash places telephone calls to restaurants that are listed as vendors on DoorDash’s website or mobile app, as well as DoorDash’s customers (the “Telephone Calls”)

11. Although these Telephone Calls may be appropriate with respect to restaurants who have an existing business relationship with DoorDash, as well as DoorDash patrons who have placed orders using DoorDash—at least insofar as the Telephone Calls relate to those restaurants’ and patrons’ relationship with DoorDash—DoorDash has a pattern and practice of placing Telephone Calls to individuals (such as Plaintiff and members of the Classes) who do not have any relationship with DoorDash, and/or that do not relate in any way whatsoever to their relationship with DoorDash (if one exists).

12. Many of DoorDash’s Telephone Calls are robocalls using prerecorded or artificial voices (the “Robocalls”).

13. Accordingly, DoorDash frequently places Telephone Calls and Robocalls to persons when DoorDash did not obtain their prior express consent to do so.

14. Moreover, even when recipients of DoorDash’s Telephone Calls and Robocalls inform DoorDash that those Telephone Calls and Robocalls are unwanted and request that DoorDash cease making Telephone Calls and Robocalls to their phones, DoorDash continues to place unwanted and unsolicited Telephone Calls and Robocalls to these persons.

15. In fact, many complaints about DoorDash's unwanted Telephone Calls and Robocalls are publicly available online:

*From ShouldIAnswer.com*¹

- “Every time I answer it’s trying to confirm an order from doordash for a different name. If you answer they’ll call you back 5+ times with more names.”
- “These people don’t let up—mostly silent buy catch a few word from automated recording sometimes.”
- “Will call all hours of the night back to back and bright and early the next day. I haven’t used DD since January been getting calls for 4 days straight.”
- “Left several pre recorded messages. Something about door dash.”

*From FindWhoCallsYou.com*²

- “CALLS 10 TIMES A DAY SCAMMER”
- “Calls restaurant client of mine 30 times a day, we finally blocked it at the pbx”
- “Calls my restaurant 20 to 30 times a day and no one is ever on the line”
- “THIS CALL IS A SPAM, IMAKE MORE THAN 12 DAILY CALLS, ENOUGH! NO MORE CALLED”
- “calls three times continuously didn’t pick, gets automated voice message which just says, press 3 something something”
- “Calls my pizza place like 20 times a day and no one is ever on the line”

¹ <https://www.shouldianswer.com/phone-number/6504504940>

² <https://findwhocallsyou.com/6504504940?CallerInfo>

- “Scammer called without leaving a message”
- “18+ calls to confirm an order. Never used DoorDash a day in my life”
- “Wont’ stop calling.”
- “Hey a**holes, quit calling people and interrupting their lives with your stupid scams. Nobody believes in your bullsh*t.”
- “Numerous calls received on regular basis..”

From directory.youmail.com³

- “an automated message telling me to push 1 to confirm order. I don’t even use door dash”
- “calls 10 times a day need them to stop”
- “18+ calls to confirm an order. Never used DoorDash a day in my life”

FACTS RELEVANT TO PLAINTIFF

16. Beginning in February 2022, DoorDash has been placing Telephone Calls and Robocalls to Plaintiff’s personal phone number.

17. Plaintiff estimates that between February 2022 and the date this Complaint is filed, DoorDash has caused to be placed at least 242 Telephone Calls to Plaintiff’s telephone number, approximately 203 of which are prerecorded/artificial voice Robocalls to Plaintiff from 650-450-4940. Typically, a voicemail is left each time.

18. At this time, Plaintiff can identify the following unwanted and unsolicited Telephone Calls and Robocalls that DoorDash has placed to Plaintiff’s phone number:

DATE	PHONE NUMBER	QUANTITY
2/28/22	650-450-4940	9
3/1/22	650-450-4940	9

³ <https://directory.youmail.com/directory/phone/6504504940>

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